

**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**

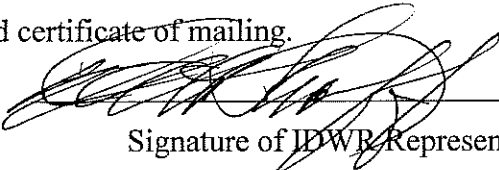
IDWR has completed the following administrative proceeding:

- ☒ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
- ☐ Other:

IDWR certifies that it has completed its investigation into the changes to the elements of the water right(s) 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 right(s) 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: Jan 5, 2007


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 8, 2007, 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

2. Copies to:

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

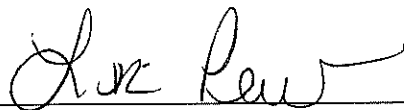
United States Dept of Justice
Environment & Natural Resource Div
550 W. Fort St. MSC 033
Boise, ID 83724

3. Copies to all parties to the subcase:

United States of America Acting Through
USDI Bureau of Land Management
Idaho State Office
1387 S. Vinnell Way
Boise, ID 83709-1657

Warm Springs Ditch Co.
c/o Brian Hoff
1840 N. Lakes Ave.
Meridian, ID 83646

Boise Project Board of Control
c/o Albert P. Barker
Barker Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139



Signature of person mailing this document

01/05/2007

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

RIGHT NUMBER: 63-192

NAME AND ADDRESS: WARM SPRINGS DITCH CO
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN ID 83646

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 in 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.

01/05/2007

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

RIGHT NUMBER: 63-216C

NAME AND ADDRESS: WARM SPRINGS DITCH CO
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN ID 83646

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.400 CFS

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 acres and diversion to aesthetic storage.

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 ponds established under Right 63-31690.

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.

PRIORITY DATE: 06/01/1889

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>
IRRIGATION	03/01 11/15	0.390 CFS
AESTHETIC STORAGE	01/01 12/31	2.00 AFY
DIVERSION TO STORAGE	03/01 11/15	0.010 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 in 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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-192, 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

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

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

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.

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

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: 63-192, 63-19425

THIS RIGHT IS DESIGNATED AS NO 116 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

01/05/2007

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

RIGHT NUMBER: 63-19425

NAME AND ADDRESS: WARM SPRINGS DITCH CO
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN ID 83646

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 5.060 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.

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 449 acres and diversion to aesthetic storage.

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.

PRIORITY DATE: 06/01/1982

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	24.60 AFY
DIVERSION TO STORAGE	03/01 11/15	0.140 CFS
IRRIGATION	03/01 11/15	4.920 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 in 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

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.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-216C, 63-192

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-217, 63-218, 63-220 AND PARTS OF 63-214 AND 63-219

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

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

THIS RIGHT IS DESIGNATED AS NOS 81, 82, 83, 84 & 85 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, 63-192, 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131, 63-31936

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.

01/05/2007

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

RIGHT NUMBER: 63-31728

NAME AND ADDRESS: WARM SPRINGS DITCH CO
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN ID 83646

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 2.550 CFS

PRIORITY DATE: 08/13/1925

POINT OF
DIVERSION:

T04N R01E S22 SENW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

2.550 CFS

PLACE OF USE:

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

Recommended as Right No. 63-31936, DRAINAGE DISTRICT NO. 4.

RECOMMENDED AS RIGHT NO. 63-31936, DRAINAGE DISTRICT NO. 4:
This is included for a claim that is PROPOSED to be disallowed because
the right claimed is recommended pursuant to another right. The remark
indicates the water right number of the OTHER right that is proposed to
be recommended. If you are not mailed a notice of the recommendation
of the OTHER right, then the OTHER right is recommended in another
claimant s name.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use