

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: A63-00279A
Date Received: 9/18/1996
Receipt No: W021506
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ADA COUNTY PARKS & WATERWAYS
Address: 4049 S ECKERT
BOISE ID 83706

2. Date of Priority: APR 1, 1870

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	03E	29		NW	SW		ADA

5. Description of diverting works:
HEADGATE IN RIVER, DELIVERED VIA RIDENBAUGH CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.084		

7. Total Quantity Appropriated is:
0.084 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	03E	30	NE	SE		IRR	4.2

Section Acres 4.2

10. Place of Use: Continued

Total Acres 4.2

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
63-11195

14. Remarks:

THIS CLAIM REPRESENTS A PORTION OF 63-00279. THIS PORTION WAS
VERIFIED BY THE REVIEW PROCESS FOR TRANSFER NO. 4286. PLEASE SEE
FILE FOR DETAILED EXPLANATION. 04/10/1996 MM.
CFS AMT BASED ON .02 CFS/ACRE. "A" SPLIT IN ALLOCATIONS' RECORD
IS FOR A LARGER TOTAL CFS SINCE IT REPRESENTS THE REMAINDER OF
THE DECREED RIGHT AFTER TRANS. 4286. ACRES ARE ALSO IRRIGATED
WITH GROUNDWATER RIGHT 63-11195. APPARENTLY NO SURFACE WATER IS
USED ON THE ACRES COVERED BY GROUNDWATER RIGHT (A) 63-08181.
02/11/1998 MM.
ADDRESS CHANGE PER CLAIMANT REQUEST 2/20/98 BY DB.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.

Decree Plaintiff

RIVERSIDE IRR. DIST.

vs Decree Defendant

RECEIVED

FEB 19 1998

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

☒ Water Right Number (s): (A) 63-00279A

63-11195

(A) 63-08181

Ada County

☒ Old Mailing Address: 650 Main St.

Boise, Idaho 83702

☒ New Mailing Address: 4049 S. Eckert

Boise, Idaho 83706

New Telephone Number: () -

[] Signature of Claimant: *Dina M. Galt*

Date: 2/17/98

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

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

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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ADA COUNTY PARKS & WATERWAYS
Address: 650 MAIN ST
BOISE ID 83702

2. Date of Priority: APR 1, 1870

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	03E	29	NW	SW			ADA

5. Description of diverting works:
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0.084 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03E	30	NE	SE		IRR	4.2
Section Acres							4.2

10. Place of Use: Continued

Total Acres 4.2

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

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63-11195

14. Remarks:

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CFS AMT BASED ON .02 CFS/ACRE. "A" SPLIT IN ALLOCATIONS' RECORD
IS FOR A LARGER TOTAL CFS SINCE IT REPRESENTS THE REMAINDER OF
THE DECREED RIGHT AFTER TRANS. 4286. ACRES ARE ALSO IRRIGATED
WITH GROUNDWATER RIGHT 63-11195. APPARENTLY NO SURFACE WATER IS
USED ON THE ACRES COVERED BY GROUNDWATER RIGHT (A) 63-08181.
02/11/1998 MM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.

Decree Plaintiff

RIVERSIDE IRR. DIST.

vs Decree Defendant

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: **A63-00279A**

Date Received: ~~2/22/1990~~

Receipt No: W021506 09/17/1996

Received By: RT

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

1. Name: ADA COUNTY PARKS & WATERWAYS
Address: 650 MAIN ST
BOISE ID 83702

2. Date of Priority: APR 1, 1870

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
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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03E	30	NE	SE		IRR	4.2

Section Acres 4.2

Total Acres 4.2

MICROFILMED

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
63-11195

14. Remarks:

THIS CLAIM REPRESENTS AN UNCLAIMED PORTION OF 63-00279. THIS
PORTION WAS VERIFIED BY THE REVIEW PROCESS FOR TRANSFER NO. 4286.
PLEASE SEE FILE FOR DETAILED EXPLANATION. 04/10/1996 MM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.
Decree Plaintiff

RIVERSIDE IRR. DIST.
vs 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 Organizations:

I do solemnly swear or affirm that I am Commission Chairman of
Title
Ada County, that I have signed the foregoing
Organization
document in the space below as Commission Chairman of
Title
Ada County and that the statements contained in the
Organization
foregoing document are true and correct.

Shannon L. Bisterfeldt
Signature of Authorized Agent

Commissioner of Ada County
Title and Organization

8/30/96
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 30 day
of August 19 96

Linda M. Fischer
Notary Public

Seal

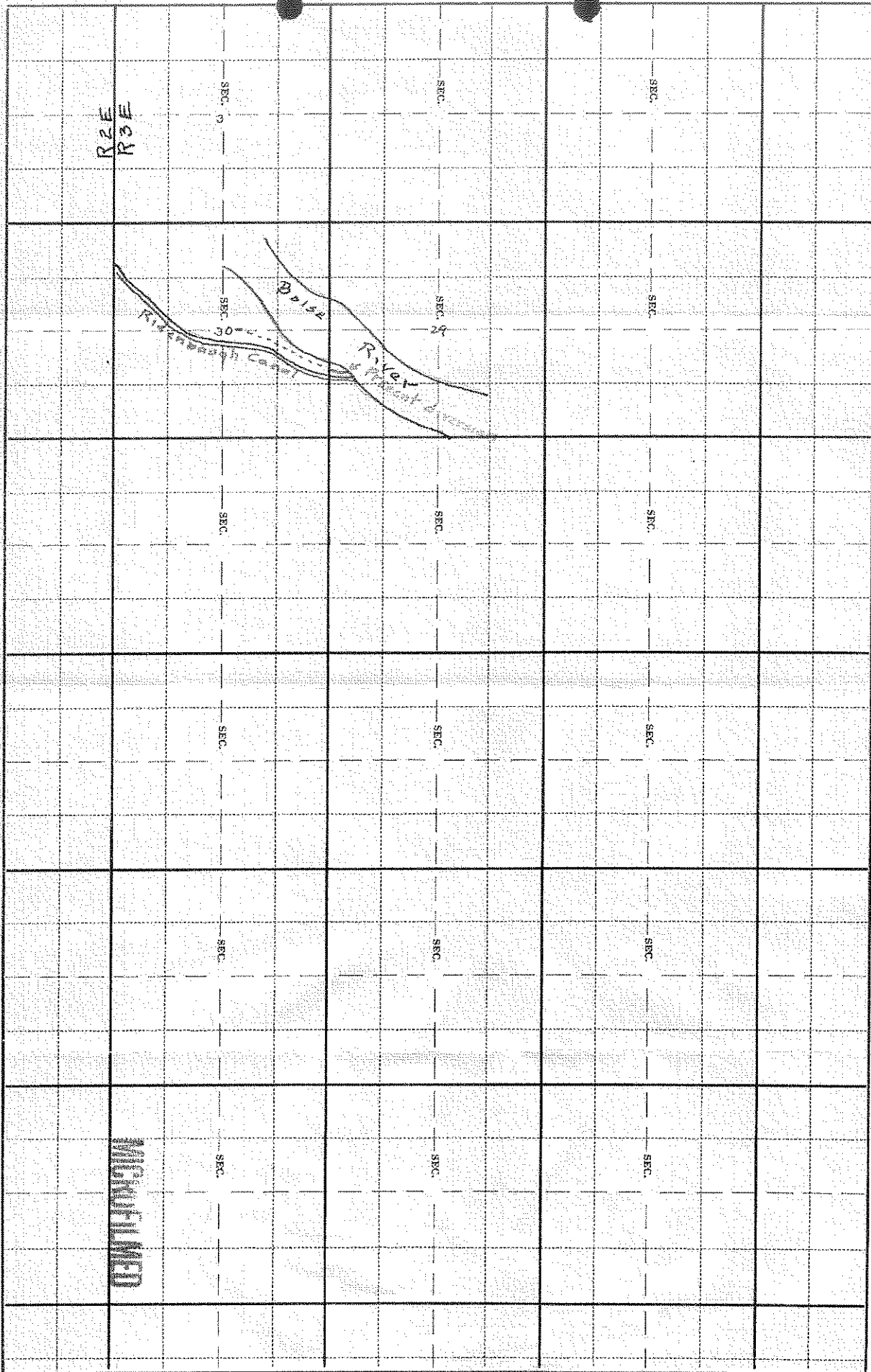
Residing at Boise, Id.

My Commission Expires 10/18/2000

NAME OF APPLICANT

Adolph Bahler

FORM NO. 0



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Decree	63-00279	Adolph Bahler	0.80

SPLIT INTO PARTS A & B BY TRANSFER #4286

Partial Assignment	63-00279A	Adolph Bahler	0.48
Partial Assignment	63-00279B	Riverview Ventures	0.32

RECEIVED
FEB 23 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4286
WATER RIGHT NO(S). 63-00278/63-00279B

This is to certify that: **RIVERVIEW VENTURES**
PO BOX 9294
BOISE ID 83707

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-00278 :			
WILDLIFE	03/15 to 11/15	0.80 CFS	180.0 AF
AESTHETIC	03/15 to 11/15	0.80 CFS	180.0 AF
Priority: 04/01/1865			

Right No. 63-00279B :			
WILDLIFE	03/15 to 11/15	0.32 CFS	72.0 AF
AESTHETIC	03/15 to 11/15	0.32 CFS	72.0 AF
Priority: 04/01/1870			

SOURCE

TRIBUTARY OF

BOISE RIVER

SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 29, Township 03N, Range 03E
ADA County

PLACE OF USE: WILDLIFE

TWN RGE SEC

03N 03E 30	Lot 6 (SWNE)	Lot 5 (NENW)	Lot 4 (NWNW)
	Lot 3 (SWNW)	SENE	NESW

PLACE OF USE: AESTHETIC, same as WILDLIFE use

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. The water right holder shall install and maintain a measuring device and lockable controlling works at the point where water is diverted from the Ridenbaugh Canal.

APPROVED
FEB 23 1994

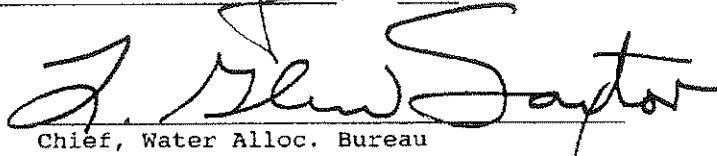
PAGE 2

TRANSFER NO. 4286
WATER RIGHT NO(S). 63-00278/63-00279B

CONDITIONS/REMARKS:

3. The period of use of the water rights represented herein is limited to the period of irrigation diversions via the Ridenbaugh Canal.

Dated this 15th day of February, 1994.


Chief, Water Alloc. Bureau

RECEIVED

FEB 23 1994

RECEIVED

OCT 25 1937

Affidavit for Change of Point of Diversion of Decreed Water Right

63-6279

STATE OF IDAHO,

County of _____

ss.

Adolph Bahler, being first duly sworn, deposes and says: That his postoffice address is Boise, Idaho; That he is the owner of and using a certain water right, bearing date of priority of April 1, 1870, for 0.80 cubic feet per second of the waters of Boise River, County of Ada, State of Idaho, decreed to Adolph Bahler, by decree of Judge Ed L. Bryan, of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, in the case of Farmers Co-op. Ditch Co. vs. Riverside Irrig. Dist. Ltd. et al. said decree bearing date of March 25, 1925, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 12A, in the County of Ada, and State of Idaho, to-wit: S.E. 1/4 NW 1/4 and Lots 5 and 6 Sec 30
T. 3 N. R. 3 E. B. M.

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: _____

That said waters are now diverted from said stream in the NW 1/4 SW 1/4 of Sec. 29, Twp. 3 N., Range 3 E., and conducted to the above described lands through the Bahler ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in NW 1/4 of SW 1/4, Sec. 29, Twp. 3 N., Range 3 E., and thereafter conduct same to the above described land through the Ridenbaugh ditch, as per map above referred to:

That his reasons for desiring to make such change are as follows: To avoid trouble with river sand

That no one will be injured by such change and that such change will be made at affiant's own risk.

Adolph Bahler
Affiant.

Subscribed and sworn to before me this 15th day of May, 1937.

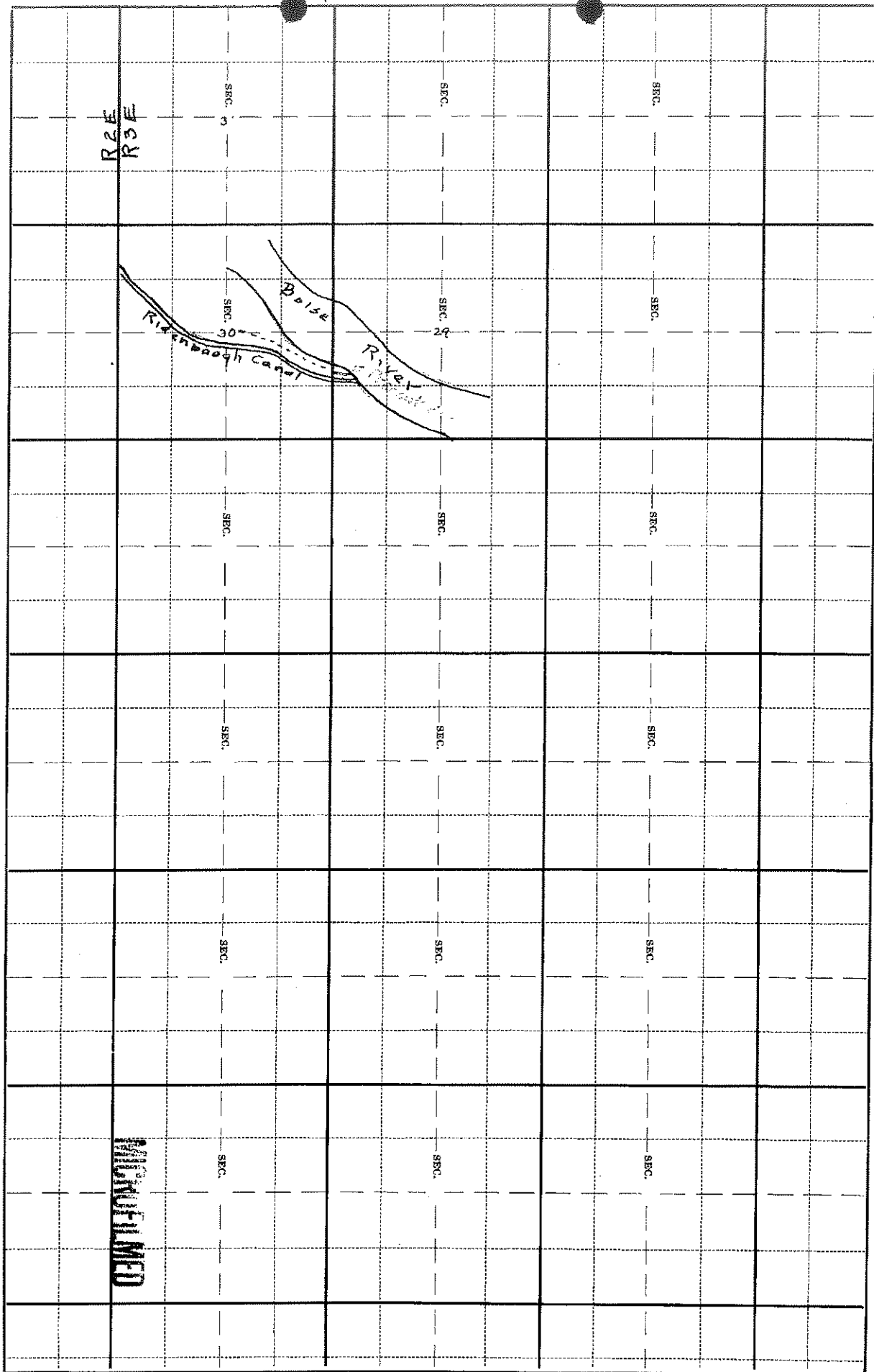
Frank W. Johnson
Notary Public for the State of Idaho
Residing at Boise, Idaho

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

NOT RECORDED

NAME OF APPLICANT Adolph Bahler

FORM NO. 0



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK

In the matter of the application of
Adolph Bahler for an order to change
the point of diversion of his water
on Boise River.

63-0279
ORDER

Upon the written application of Adolph Bahler,
filed herein, and it satisfactory appearing therefrom that
an order should be made granting to him permission to change
the point of diversion of 80 inches of water from Boise
River to be used upon: The Southeast Quarter (SE $\frac{1}{4}$) of the
Northwest Quarter (NW $\frac{1}{4}$) and Lots 5 and 6; and all that por-
tion of Lot 3 lying North of what is known as the Ridenbaugh
Canal, being about five and one-half acres, all situated in
Section 30, Township 3 North of Range 3 East, Boise Meridian,
situated in Ada County, Idaho.

It is therefore ordered that the point of diversion
of said water of said Adolph Bahler on Boise River be, and
the same is, hereby changed to be diverted at a point on the
Southerly bank of Boise River, being about 20 feet North of
the Southeast corner of Lot 6 in Section 30, Township 3, North
of Range 3 East, Boise Meridian, Ada County, Idaho.

And it is further ordered that the Water Master on
Boise River do supervise the making of such change and have
constructed all necessary measuring devices at said point to
measure out from said River said water to said Adolph Bahler,
and that all costs and expenses incurred in the making of
such change and the construction of such measuring devices
are to be paid by the said Adolph Bahler, and such change
shall be made at the sole risk of the said Adolph Bahler.

Dated March _____, 1925.

STATE OF IDAHO,)
COUNTY OF ADA.) ss.

Adolph Bahler, being first duly sworn, upon his oath, deposes and says:

That he is the owner of a decreed water right appurtenant to the following described land, to wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) and Lots 5 and 6; and all that portion of Lot 3 lying North of what is known as the Ridenbaugh Canal, being about five and one-half acres, all situated in Section 30, Township 3 North of Range 3 East, Boise Meridian, as evidenced by the decree dated the 25th day of March, 1925, in the cause entitled, "Farmers Co-operative Ditch Company, a corporation, v. Riverside Irrigation District, Limited, et al., (said action being commonly known as the Boise River Priority Suit), Defendants, and Adolph Bahler, Intervenor, brought in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon.

That he intends to change the point of diversion, as described in said decree, to the following described point:

At a point on the Southerly bank of Boise River and being about 20 feet North of the Southeast corner of Lot 6 in Section 30, Township 3 North of Range 3 East, Boise Meridian, in Ada County, State of Idaho.

That such change will be made for the following reasons, to wit:

That the course of said River, where said water is now being taken out through what is known as the "Bubb Canal", has changed, making it too high and difficult to practically convey and deliver said water upon the said land of affiant, and that the change of the said point of diversion from said "Bubb Canal" to the above described

changed point of diversion will make it possible for affiant's
said water to be diverted to him and upon his said land from
said river.

That no one will be injured by such change, and that
deponent will make such change at his own risk.

And further deponent saith not.

Adolph B. Byles

Subscribed and sworn to before me this 26th day
of March, 1925.

Wm. C. Dunbar
Notary Public for Idaho,
Residence: Boise, Idaho.

My commission expires Dec. 13, 1926

MEMORANDUM

TO: FILE 63-00279

FROM: PAM SKAGGS CS

RE: TRANSFER # 4286

DATE: 02-02-94

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 63-00278.

RECEIVED

FEB 23 1994

DATE: 02/04/94
PAGE: 1

Comments: Date: 02/03/1994 User-ID: SKAGGS Subject: TRANSFER NO. 4286
Transfer No. 4286 was originally filed reflecting Right Nos.

WR0749NP
No. T63-00279B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/04/94
PAGE: 2

Comments: Date: 02/03/1994 User-ID: SKAGGS Subject: TRANSFER NO. 4286
63-00249/00278 and 00279, but after thorough review 63-00249 was
removed from the approval. All of Right 63-00278 and part of
63-00279 were found available to be transferred. See file for
full explanation.

Audit: 02/03/94 SKAGGS 02/04/94 SKAGGS



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 15, 1998

RECEIVED

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JUN 17 1998

DONNA M GRIFFIN
DIRECTOR ADA COUNTY PARKS & WATERWAYS
4049 S ECKERT
BOISE ID 83706

Department of Water Resources

RE: SHALLOW WELL FOR BARBER PARK

Dear Director Griffin:

Your letter of May 5 in which you outlined the problems for surface water use at Barber Park has been reviewed and discussed at this office. Please be advised of the following options to alleviate the unfortunate situation that you presented.

1. File an *Application for Transfer* to move the current point of diversion from surface water via the Ridenbaugh Canal to ground water via a shallow well.

2. File an *Application for Transfer* to relocate the current point of diversion from the canal to a more usable spot on the river, perhaps at or near Barber Park. Options 1 and 2 involve all or part of right no. 63-00279A and would probably retain the old priority date of that right. The filing fee for a transfer is \$100.

3. File an *Application for Permit* to establish a new right from ground water. This would include a new priority date from ground water versus an old priority date from the river. Such an application must include a mitigation plan to show that any adverse impacts of new ground water use would be mitigated. Most likely this could be achieved by "trading in" the surface water for the shallow ground water due to the obvious connection between shallow ground water and the river. The filing fee for up to .20 cfs (or 90 gpm) is \$50.

Upon approval of either a transfer or a new permit, a \$200 *Well Drilling Permit* could be issued to allow well construction to start.

Typically, an *Application for Permit* is more straight forward and quicker than a transfer filing. Each option has its pluses and minuses, of course. Perhaps you would like to discuss this in more detail. If so, please call me at your earliest convenience.

Sincerely,

Steve Lester
Water Rights Supervisor

INTER-DEPARTMENT MEMO--1

FROM

Stam

TO

Gary

SUBJECT

Shallow Well for Beaver Park ("ple charge" from
Ridgely's Canal)
Want's new well to replace canal water per ATTORNEY
no mitigation plan included.

DATE

5/7/98

For Main - park has some land not served by ground water
but can't get use of park's surf. water per AMIO
(new?) restrictions. So concern is how to re-route it.

A good word for Main is included in this letter.

Only surf. water = 63-00279A split per T. 4288 - original split had
ple charge to R. canal 100% ago.

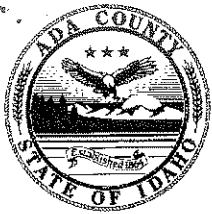
SIGNATURE

See 1993 analysis memo in file for interesting history →

I don't see how we can expect to okay
a well as proposed w/o a solid mitigation plan
exchange plan, do you?

-JZ

P.S. 63-00279A is not NMID water - is water
simply conveyed via "canal."



ADA COUNTY

PARKS
AND
WATERWAYS

4049 S. Eckert
Boise, Idaho 83706
Phone (208) 343-1328
Fax (208) 385-9935

May 5, 1998

Steve Lester, ^{SL}Water Rights Supervisor
Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

MAY 07 1998

WATER RESOURCES
WESTERN REGION

RE: Request to drill a shallow well in Barber Park to divert our water - simply changing the point of diversion from the Boise River or the Ridenbaugh Canal.

Dear Steve:

Barber Park is located between the Ridenbaugh Canal and the Boise River, just west of the Ridenbaugh Canal's point of diversion from the Boise River. We pay \$ 54.00 per year to the Department of Water Resources for water right # 63-00279A (.084 cfs for the irrigation of 4.2 acres).

pay to
NMIID, not
Tampa

In the past, we placed hoses across the ditch road and pumped water directly out of the Ridenbaugh Canal to water our field. Nampa Meridian Irrigation District will not allow us to do that anymore because they can't meter the amount of water we pump and the hoses inhibit access to the canal road.

After several conversations with Nampa Meridian Irrigation District, we decided to place a headgate to divert our water out of the Ridenbaugh Canal to a sump on our property. In addition, we planned to place a pump at the sump to push water through the irrigation system. We intended to place this system prior to the current irrigation season. Upon deciding to proceed with this option, we were told that the Nampa Meridian Board recently decided not to allow installation of a headgate or sump for irrigating less than 40 acres. We only need to water 4 acres, maybe as many as 7.5 acres.

Balance in
Excess of
\$ 4 AC.
not yet
forfeited in
T. 4286

Nampa Meridian Irrigation District offered to place the headgate and sump for us if we purchased the additional water for Barber Park and were annexed into the Nampa Meridian Irrigation District. The additional water will cost us up to \$ 2,600.00 per year, whether we use it or not. We can't afford the additional cost every year for something we weren't going to use.

Nampa Meridian said we could take the water out of the Bahler Ditch which is used at Wood Duck subdivision for aesthetic purposes. We would have to install a ditch to divert water over 2000 feet, the opposite direction that it currently flows - upstream, away from

notes
- SL 5/17/98

Wood Duck Island Subdivision. Taking our water out of the Bahler Ditch will be very expensive, waste a lot of water in the diverting process due to seepage, and seems unreasonable.

We spoke to Maria Minicucci, Sr. Water Agent at the Department of Water Resources, several times about our water issues and this latest development. She has been extremely helpful, assisting us in sorting this out. Idaho Code Chapter 42, Section 901-915, states that Nampa Meridian will provide a point of diversion and a meter for the water.

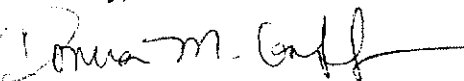
We continue to work with the Nampa Meridian Irrigation District to explore our options. We are down to one - place a pump in the Canal and store the water in a sump - on our side of the ditch road. Then we need to place another pump in the sump to push water through our irrigation system. After offering that option they backed away telling us they will think about it and get back to us. It would be easier and less expensive to place a headgate and a sump, then pump out of the sump for irrigation. But they won't allow us to do that unless we purchase the additional water to irrigate 40 acres.

We considered placing a headgate and sump to divert our water out of the Boise River. However the distance and hurdles prohibit us from doing so.

Not Attached
The attached map and conversations with the Department of Water Resources confirm that we own the water right described above. We are simply requesting an exception to the well drilling moratorium. We propose to drill a shallow well to divert our water, rather than diverting it out of the Ridenbaugh or the Boise River. Actually, while irrigating this field we will directly recharge the aquifer.

If you have any questions or need additional information, please feel free to call me or talk with Maria in your office. Thank you very much for considering this request.

Sincerely,



Donna M. Griffin
Director

cc: Board of Ada County Commissioners

WR0749P
No. 163-00279A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/04/94
PAGE: 2

Comments: Date: 02/03/1994 User-ID: SKAGGS Subject: TRANSFER NO. 4286
63-00279 were found available to be transferred. See file for
full explanation.
Field exam and review at the time of transfer identified 20 total
acres actively irrigated under Right No. 63-00279, 16 acres were
applied to Part B under the transfer, leaving 4 verified acres
remaining under Part A. Forfeiture of the remaining portion of
Part A will be determined by the SRBA Adjudication.

Audit: 02/03/94 SKAGGS 02/04/94 SKAGGS 02/04/94 SKAGGS

March 27, 1925

Re: District 12-A

Mr. C. C. Cavanaugh
Attorney at Law
Boise, Idaho

Dear Sir:

I have the affidavit of Adolph Bahler, relative to change of point of diversion of decreed water as evidenced by the Stewart Decree, together with the order you have prepared which I assume you desire this office to sign.

So far as I am aware the statutes make no provision for the approval or disapproval of affidavits of this nature. In the case of a permit right this office does approve such requests. However, to my knowledge it never has been done in the case of decreed water rights.

Inasmuch as the statutes provide no procedure for securing permission to change point of diversion such as is provided for transfer of place of use of decreed water and neither do they require approval of this department, I take it that such action would be unwarranted and possibly exceed the departmental authority.

Ordinary procedure is that the water master of the district be notified of such notice of intention to change point of diversion and he acts accordingly. Mr. Welch, the water master for the Boise River, will be notified of this affidavit and I take it that he will take such action as seems appropriate in the matter.

Very truly yours,

Director of Water Resources.

GNC:EK

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-279A

WATER RIGHT NUMBER: 63-279A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	COUNTY OF ADA PARKS & WATERWAYS 4049 S ECKERT RD BOISE, ID 83716-8814 (208)343-1328
Original Owner	ADOLPH BAHLER BOISE, ID

Priority Date: 04/01/1870 ✓

Basis: Decreed ✓

Status: Active

Source

BOISE RIVER ✓

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION ✓

3/11

From To

3/15 to 11/15

Diversion Rate

0.084 CFS ✓

Annual VolumeTotal Diversion: 0.084 CFSLocation of Point(s) of Diversion

BOISE RIVER

NW1/4SW1/4 ✓

Sec. 29, Twp 03N, Rge 03E, B.M.

ADA County

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	
03N	03E	30													4.2				4.2

Total Acres: 4.2

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-279A

1. General THIS CLAIM REPRESENTS A PORTION OF 63-00279. THIS PORTION WAS VERIFIED BY THE REVIEW PROCESS FOR TRNASFER NO 4286. PLEASE SEE FILE FOR DETAILED EXPLANATION. 4/10/1996 MM
CFS AMT BASED ON .02 CFS/ACRE. "A" SPLIT IN ALLOCATIONS RECORD IS FOR A LARGER TOTAL CFS SINCE IT REPRESENTS THE REMAINDER OF THE DECREEED RIGHT AFTER TRANS. 4286. ACRES ARE ALSO IRRIGATED WITH GROUNDWATER RIGHT 63-11195. APPARENTLY NO SURFACE WATER IS USED ON THE ACRES COVERED BY GROUNDWATER RIGHT (A) 63-08181. 2/11/1998 MM
ADDRESS CHANGED PER CLAIMANT REQUEST 2/29/1998 BY DB

Comments:Dates and Other Information:

Claim Received Date: 9/18/1996
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 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

Combined Use Limits: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>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-279A

WATER RIGHT NUMBER: 63-279A

Owner Type Name and Address
Current Owner ADOLPH BAHLER
 BOISE, ID

Priority Date: 04/01/1870
Basis: Decreed
Status: Active

Source Tributary
BOISE RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.480 CFS	
	<u>Total Diversion:</u>	0.480 CFS	

Location of Point(s) of Diversion
BOISE RIVER NW1/4SW1/4 Sec. 29, Twp 03N, Rge 03E, B.M.
 ADA County

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	
03N	03E	30			X		X			X									
					L 6		L 5												

Conditions of Approval:

Remarks:

- General TRANS. 77 & 152.
 FROM BAHLER CANAL TO RIDENBAUGH CANAL. CHANGE IN P/D ONLY.

Comments:

1. SKAGGS 2/3/1994 TRANSFER NO. 4286
Comment: Transfer No. 4286 was originally filed reflecting Right Nos. 63-00249/00278 and 00279, but after thorough review 63-00249 was removed from the approval. All of Right 63-00278 and part of 63-00279 were found available to be transferred. See file for full explanation. Field exam and review at the time of transfer identified 20 total acres actively irrigated under Right No. 63-00279, 16 acres were applied to Part B under the transfer, leaving 4 verified acres remaining under Part A. Forfeiture of the remaining portion of Part A will be determined by the SRBA Adjudication.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-279A

03/18/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
279A	Claim	03N	03E	30	NE	SE		IRRIGATION	4.2/4.2	COUNTY OF ADA
-249	Claim	03N	03E	30	NE	SE	7	IRRIGATION	1/4	RIVERVIEW VENTURES
8181	Claim	03N	03E	30	NE	SE	7	IRRIGATION	5/6	COUNTY OF ADA
-249	Water Right	03N	03E	30	NE	SE	7	IRRIGATION		ADOLPH BAHLER
8181	Water Right	03N	03E	30	NE	SE	7	IRRIGATION	5/6	COUNTY OF ADA

06/28/2005

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

RIGHT NUMBER: 63-279A

NAME AND ADDRESS: COUNTY OF ADA
PARKS & WATERWAYS
4049 S ECKERT RD
BOISE ID 83716-8814

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.084 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.

PRIORITY DATE: 04/01/1870

POINT OF DIVERSION:
T03N R03E S29 NWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.084 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 Reservoirs 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: IRRIGATION Within ADA County

T03N R03E S30 NESE 4.2

4.2 ACRES TOTAL

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

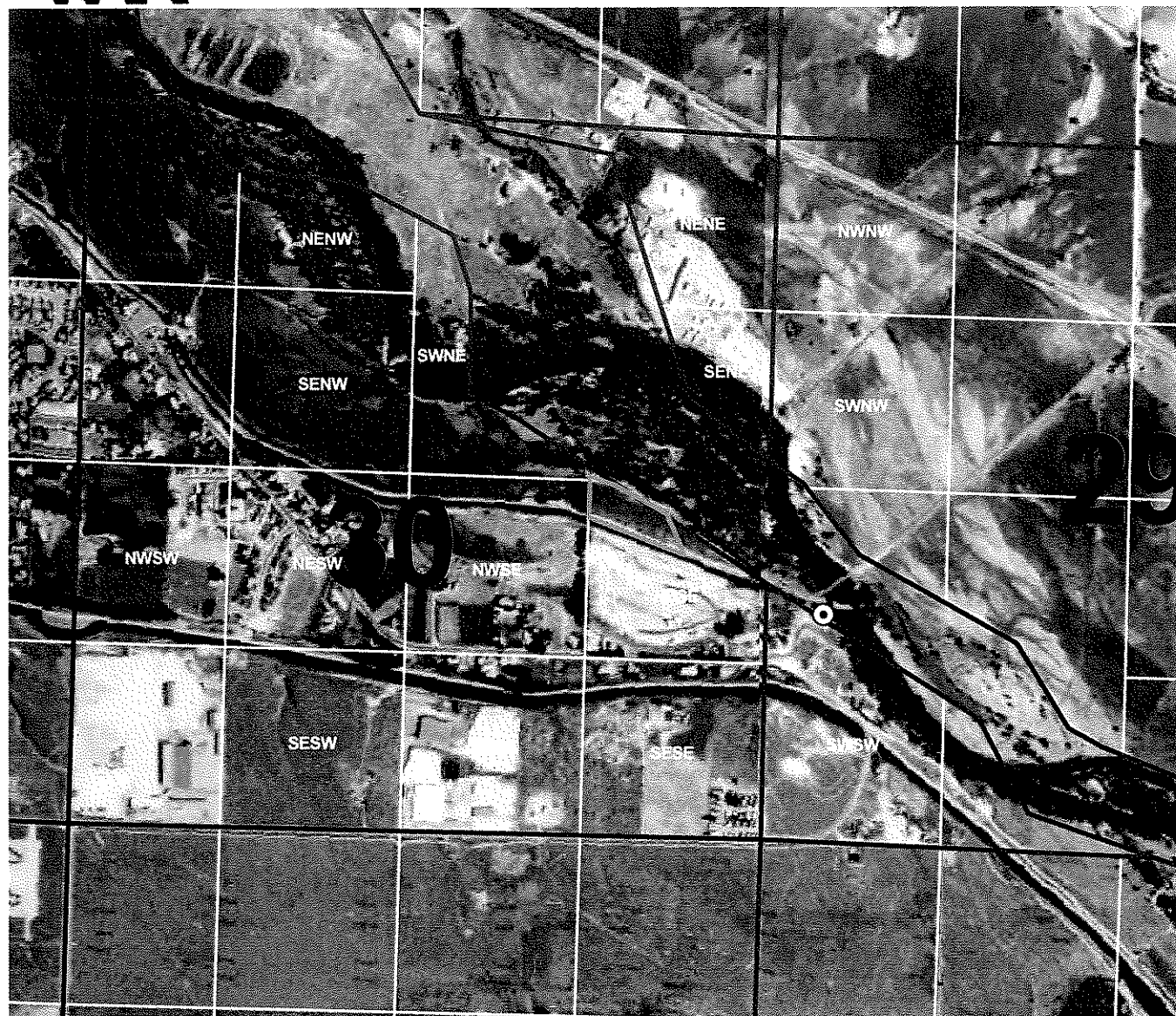
This right is also designated as Right No. 47-A in the Boise River Stewart Decree and Boise River Water Distribution Report.

Place of use also known as Barber Park.



State of Idaho
Idaho Department of Water Resources
Western Region

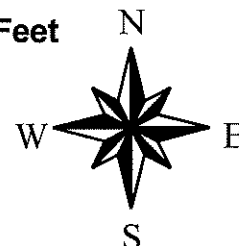
T3N R3E SECTION 30
Water Right (s): 63-279A



1320 0 1320 2640 3960 Feet



TOTAL IRRIGATED ACRES = 4.2



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: May 2005

Desktop Review/VLM

**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) 03-279A

Owner: _____ Phone No. _____

Current Address: _____

- ☒ 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: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☐ 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? _____

(1927 transfer changed decreed POD) # 773152
from Bahar → Ridenbaugh Canals

~~Direct Diversion~~ not

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

Description of diverting works

*see claim and transfer***OVERLAP REVIEW**Other water rights with the same point of diversion: *63-*

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

WATER USES*transfer in purpose from irr ⇒ wildlife/agriculture in 1994.*☒ No change☐ Different Uses

Use *wildlife* From *3/1* To *11/15* Amount *.084* CFS *AFA*

Use *agg.* From *3/1* To *11/15* Amount *.084* CFS *AFA*

Use _____ From _____ To _____ Amount _____ CFS *.084* AFA

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount *NA* 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☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: see claim and transfer # 4206.

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

155 ✓ ~~see remark 15.2.2012~~ (not a direct diversion)
~~transfer conditions~~
 (see overlap: 63-1125 (w) - different acres)
 app at Barber Park
 see # 47-A in the Stuart Dec 2013 water rights book.

~~recommended per transfer 4286~~

AFTER EXAM THE FILE SHOULD CONTAIN:

- NA ☒ 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:

5-2-05

FIELD EXAMINER:

Wally WMLC

CONCLUSIONS OF LAW.

AS conclusions of law from the foregoing facts, the Court finds:

I.

63 0278 That the intervenor, Adolph Bahler, is entitled to a decree of this Court awarding to him the use of the waters of the Boise River and the tributaries thereof, subject to such modifications as may be made in the final decree, with priority as to 40 inches of said water of April 1st, 1865, 63 0279 and also with priority as to 40 inches more of said water of April 1st, 1870, to be carried through what is known as the "Bubb Canal", and measured at the point of diversion of said Bubb Canal on Boise River, to be used upon the lands set forth and described in the answer and cross-complaint of said intervenor, Adolph Bahler.

Let judgement and decree be entered accordingly.

Done in open Court this

25 day of March, A.D. 1925.

Ed L. Bryan
District Judge.

Receipt Details for ID W015021

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/7/1992 7:47:15 AM	7/7/1992	Western	\$359.00	Check
Payer		WOOD DUCK ISLAND		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1547			
Card Expiration Date	Credit Card Transaction #		

Comment LATE FEES

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$209.00	ADJUDICATION CLAIM FEE	41503	337	0	0	1155
\$150.00	LATE FEES	41503	337	0	0	1155

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	249		\$54.00	Claim
63	279		\$105.00	Claim
63	278		\$50.00	Claim

Print Report

6-11-04 : It appears TR Split right allowing 63-002790
with 0.32 ac. However only 0.284 was claimed.
I can't find record of where the 0.236 ac's went.
It doesn't appear to be claimed

: As far as POW - Notes in the WR indicate
that 20 acres was originally irrigated. That would
be 2" to the acre Doesn't seem right.

: Right is still undeclaimed. I don't see a problem
recommending this.

Tom Harmon

From: Saxton, Craig [csaxton@idwr.state.id.us]
Sent: Tuesday, May 18, 2004 9:18 AM
To: Parks
Subject: Attn: Tom Harmon: Questions Regarding SRBA claims 63-08181 and 63-00279A



63-08181 &
63-00279a.jpg

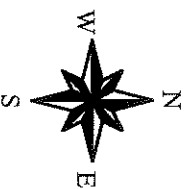
I forgot to send the map. Sorry <<63-08181 & 63-00279a.jpg>>

> -----Original Message-----
> From: Saxton, Craig
> Sent: Tuesday, May 18, 2004 9:17 AM
> To: 'parks@adaweb.net'
> Subject: Attn: Tom Harmon: Questions Regarding SRBA claims 63-08181
> and 63-00279A
>
> Dear Mr. Harmon,
>
> I spoke with you on the phone on May 17, 2004 regarding SRBA claims
> 63-08181 and 63-00297A. My concern is that I am not exactly sure where
> the water is used and where the respective points of diversion are
> located.
>
> I am attaching a map showing what I think is the place of use under each
> right, and where I think the points of diversion are located. If all
> looks well, could you just drop me an E-mail and let me know. If not,
> could you print off a copy of the map and draw in the place of use and
> point of diversions, and send a copy of that map back to me.
>
> Sorry about the inconvenience, but this will help ensure that each of the
> water rights are described as accurately as possible when recommended to
> the SRBA court.
>
> Please let me know if you have any questions.
>
> Respectively submitted,
>
>
> Craig L. Saxton
> Sr. Water Resource Agent
> csaxton@idwr.state.id.us
>
> Idaho Department of Water Resources
> 2735 Airport Way
> Boise Id, 83705-5082
> Ph: (208) 334-2190
> Fax: (208) 334-2348

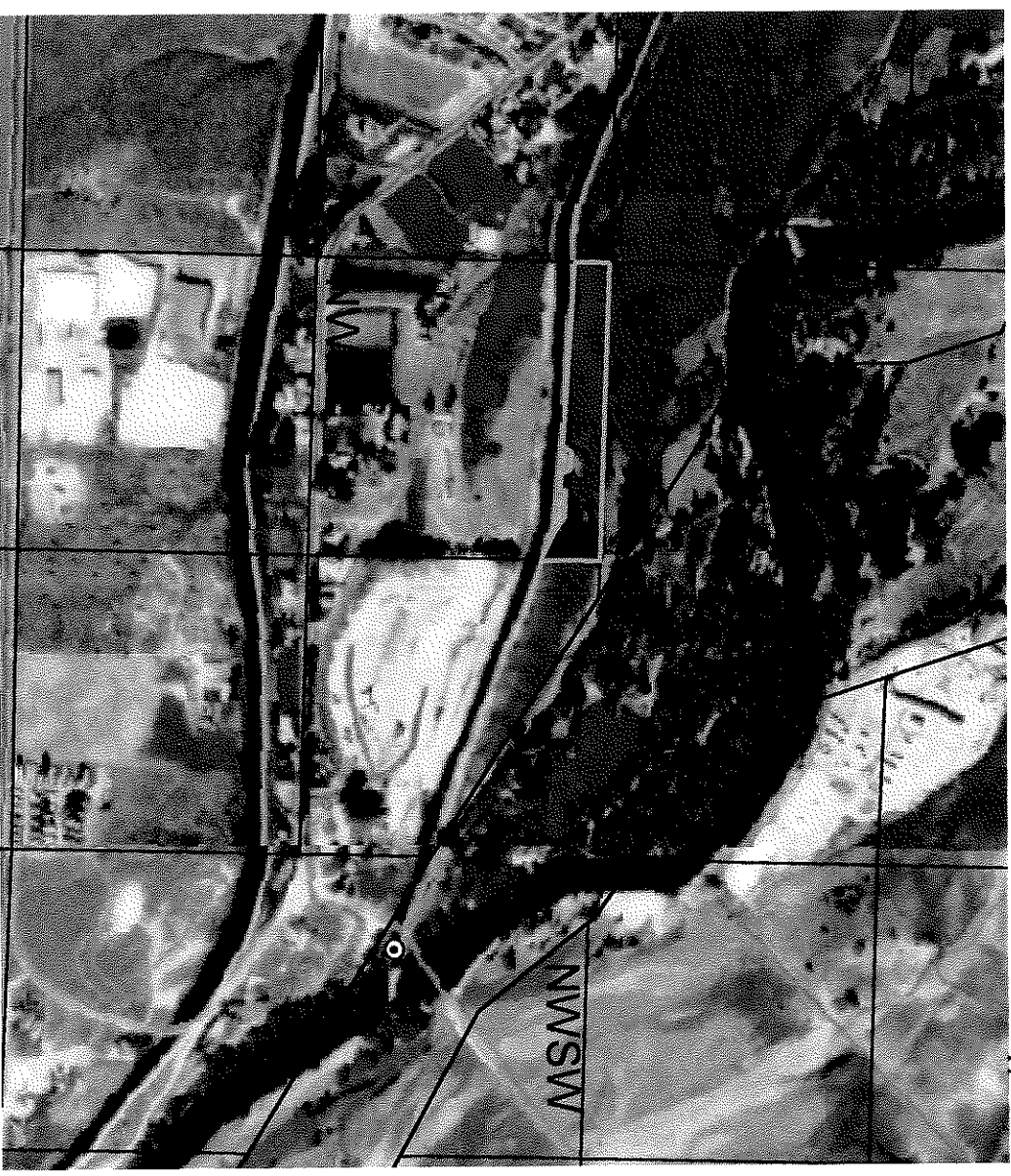
Idaho Department of Water Resources

Claim Number: 63-00279A
Legal: T03N, R03E, S30
Reviewed By:

- ☐ Point of Diversion
- ☐ Place of Use
- ☐ Section Lines
- ☐ Quarter Quarter Lines
- ☐ Township/Range Lines



0 0.25 0.5 Miles



1987 Napp Photo

RECEIVED

JUN 04 2004

WATER RESOURCES
WESTERN REGION

RIESENBAUGH CANAL

NEIGHBORHOOD

SHEET A11

SHEET A10



63-002394

63-08181

ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
W021506	54.00	63	279 A		Claim

5-14-04: I called Ada County Parks + Waterways Department
in search for a contact. I gave the name
of the director Pat Beale @ 343-1322. He was out
today but will be back Monday. His Email is:
1 to
pbeale@adaweb.net

I'll drop him a line

I also spoke to Tom Harmon = 208-222-4142
tharmon@adaweb.net

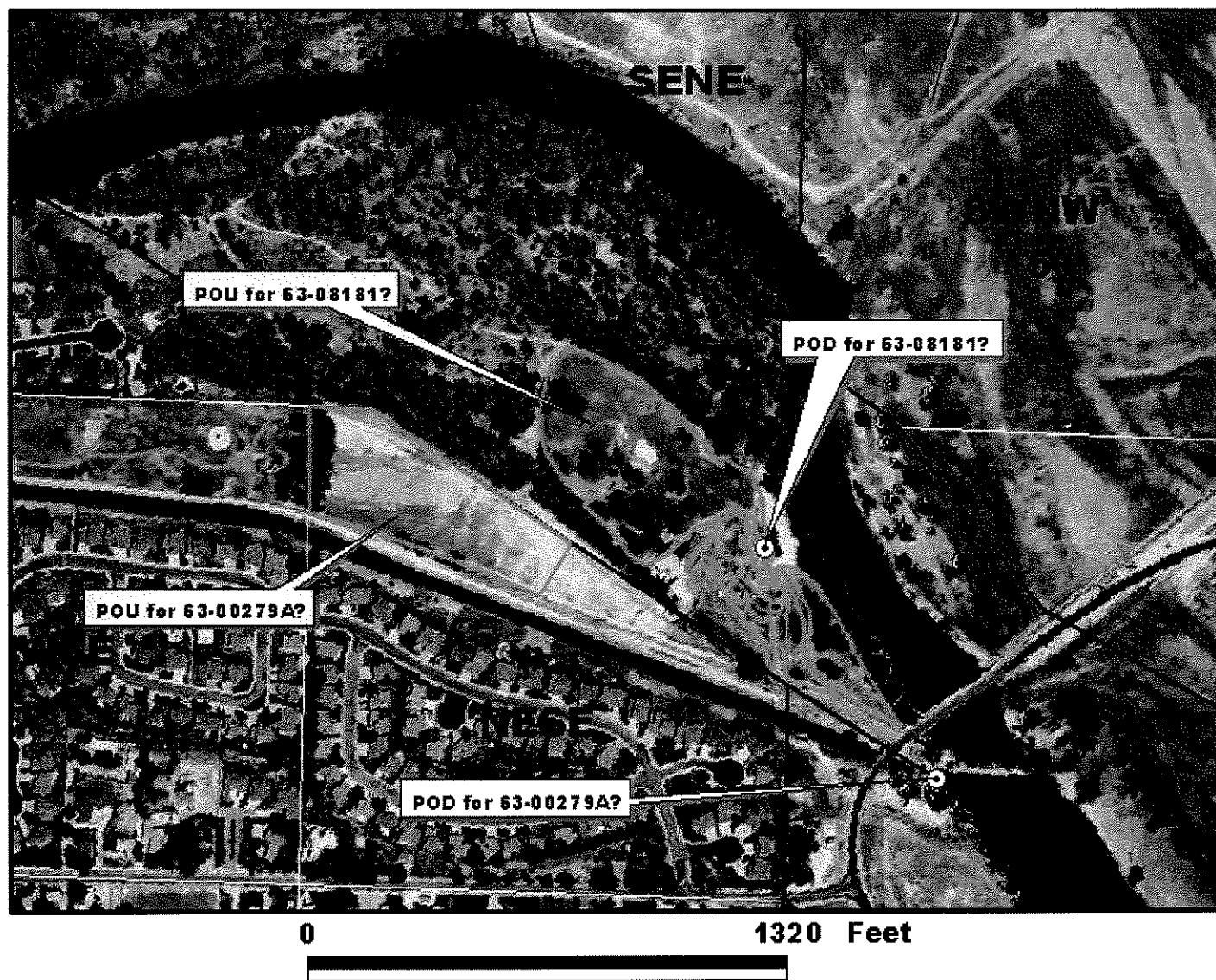
Parks @ Ada Web. Net

5-17-04: Called Tom Harmon and he said I could Email
him stuff and He would help confirm POU, POD
locations. Sent to parks@adaweb.net

5-21-04: Spoke with Tom and he will bring maps by and
drop off at office



POU & POD Location Map 2000 NAPP 63-08181 & 63-00279A



⊙ Point of Diversion

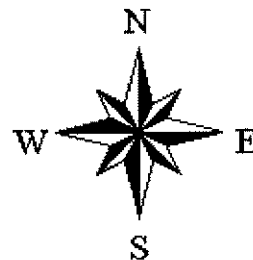
▭ Claimed Place of Use

▭ Ada County Tax Lot Data

▭ Quarter Quarter Lines

▭ Section Lines

Total Claimed Acres: 6.0



Prepared by: C. Saxton
Date: May 2004

Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, May 18, 2004 9:18 AM
To: 'parks@adaweb.net'
Subject: Attn: Tom Harmon: Questions Regarding SRBA claims 63-08181 and 63-00279A



63-08181 &
63-00279a.jpg

I forgot to send the map. Sorry

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Subject: Attn: Tom Harmon: Questions Regarding SRBA claims 63-08181 and 63-00279A

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I am attaching a map showing what I think is the place of use under each right, and where I think the points of diversion are located. If all looks well, could you just drop me an E-mail and let me know. If not, could you print off a copy of the map and draw in the place of use and point of diversions, and send a copy of that map back to me.

Sorry about the inconvenience, but this will help ensure that each of the water rights are described as accurately as possible when recommended to the SRBA court.

Please let me know if you have any questions.

Respectively submitted,

Craig L. Saxton
Sr. Water Resource Agent
csaxton@idwr.state.id.us

Idaho Department of Water Resources
2735 Airport Way
Boise Id, 83705-5082
Ph: (208) 334-2190
Fax: (208) 334-2348



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

5/9/02

DONNA: INFO re BARBER PARK AS REQUESTED

2 Wells

1) older 63-8181

6 ACRES in main area of park,
portions of sections 29 & 30.

2) newer 63-11195

4.2 ACRES north of canal but
west of overflow parking field.
This right state NWSE section 30.

canal water

3) 63-279A

4.2 ACRES north of canal & overflow
parking field NESE section 30.

63-279A & 63-11195 ... previous F.R. history suggests are
SAME ACRES & overflow parking field.

... but records state ARE NOT the same
4.2 ACRES.

... probably ARE the same but 1 record
might be recorded incorrectly?

Attached map ... 63-8181 computer generated
others hand drawn.

Hope this helps.

-Steve Carter

Idaho Department of Water Resources

older well

Claim Number: 63-08181
Legal: T3N, R3E, S29, 30
Reviewed By:

NEWSE Well → 63-11195
4.2 ACRES

☉ Point of Diversion

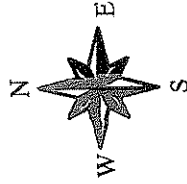
Place of Use

Section Lines

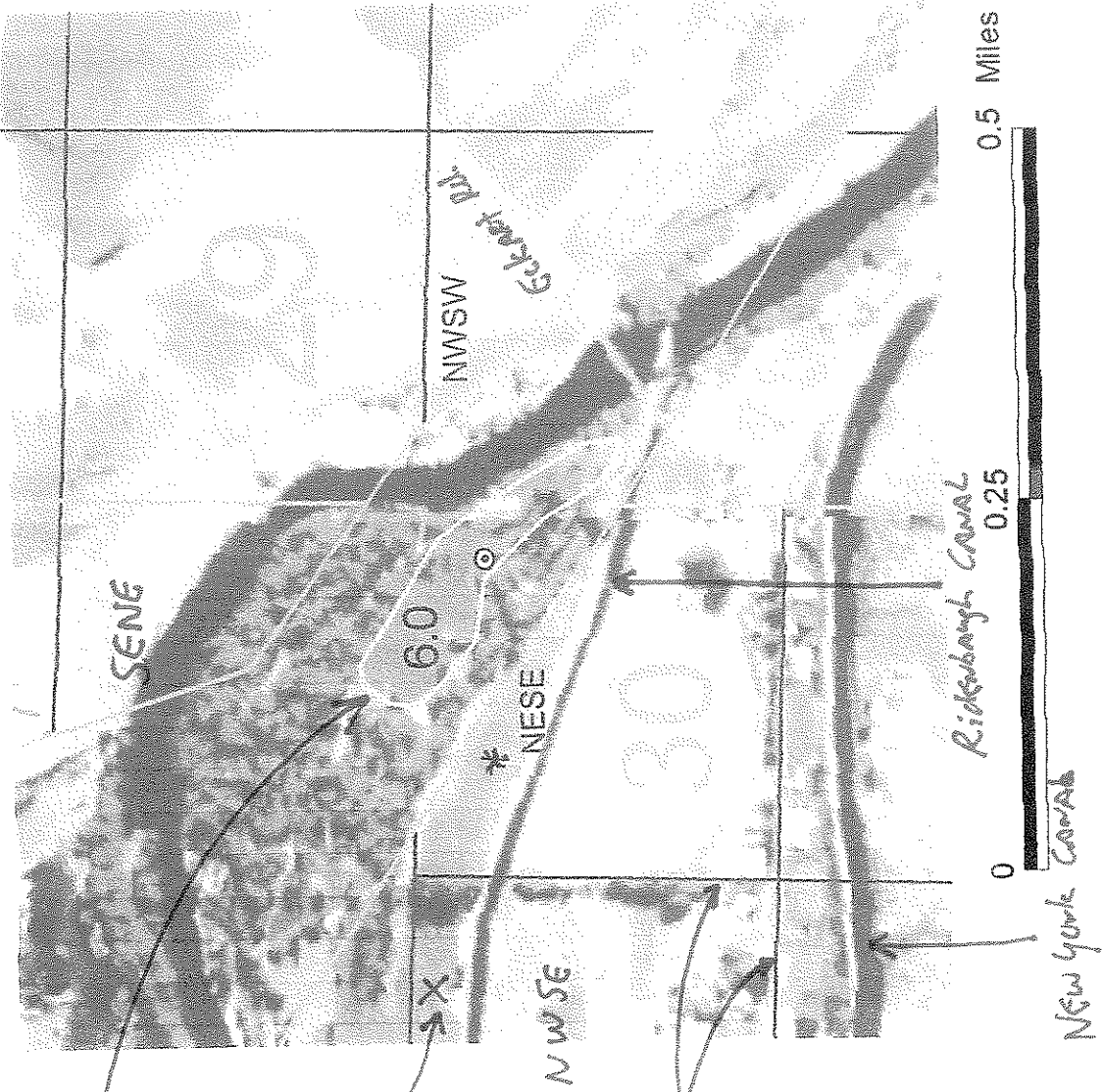
Quarter Quarter Lines



Should 63-279A & 63-11195
describe same 4.2 acres?
Currently do not.



1987 Napp Photo



* Overton property site NWSE presumed to be
covered by canal water claim A63-279A

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-8181

WATER RIGHT NUMBER: 63-8181

Owner Type Name and Address
 Current Owner COUNTY OF ADA
 650 MAIN ST
 BOISE, ID 83702

Priority Date: 07/24/1975

Basis: License

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.020 CFS	14.50 AF
IRRIGATION	3/15 to 11/15	0.120 CFS	27.00 AF
<u>Total Diversion:</u>		0.140 CFS	41.50 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4SE1/4

Sec. 30, Twp 03N, Rge 03E, B.M.

ADA County

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	
03N	03E	29											1.0						1.0
													L 4						
03N	03E	30															5.0		5.0
																	L 7		

Total Acres: 6

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

1. General P/U KNOWN AS BARBER PARK - DOMESTIC IS PARK FACILITIES.

Comments:Dates and Other Information:

*portion of this looks like
 actually is SE1/4 Section 30*

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-11195

WATER RIGHT NUMBER: 63-11195

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	COUNTY OF ADA PARKS DEPT 650 MAIN ST BOISE, ID 83702 (208)343-1328
Original Owner	STEVE RYALS 2350 HILL RD BOISE, ID 83702 (208)343-2545
Original Owner	DENNIS M BAKER 1523 E BOISE AVE BOISE, ID 83706 (208)345-1656

Priority Date: 03/06/1990

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.130 CFS	18.90 AF
	<u>Total Diversion:</u>	0.130 CFS	18.90 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 30, Twp 03N, Rge 03E, B.M.
ADA County		

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	
03N	03E	30														4.2			4.2

Total Acres: 4.2

Conditions of Approval:

1. R52 This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Remarks:

1. General The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
Place of use is located within Barber Park.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-279A

WATER RIGHT NUMBER: 63-279A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	COUNTY OF ADA PARKS DEPT 650 MAIN ST BOISE, ID 83702 (208)343-1328
Original Owner	ADOLPH BAHLER BOISE, ID

Priority Date: 04/01/1870

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	3/15 to 11/15	0.084 CFS	
<u>Total Diversion:</u>		0.084 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NW1/4SW1/4	Sec. 29, Twp 03N, Rge 03E, B.M.
ADA County		

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		
03N	03E	30																	4.2	4.2

Total Acres: 4.2

Conditions of Approval:Remarks:

1. General

THIS CLAIM REPRESENTS A PORTION OF 63-00279. THIS PORTION WAS VERIFIED BY THE REVIEW PROCESS FOR TRNASFER NO 4286. PLEASE SEE FILE FOR DETAILED EXPLANATION. 4/10/1996 MM

CFS AMT BASED ON .02 CFS/ACRE. "A" SPLIT IN ALLOCATIONS RECORD IS FOR A LARGER TOTAL CFS SINCE IT REPRESENTS THE REMAINDER OF THE DECREEED RIGHT AFTER TRANS. 4286. ACRES ARE ALSO IRRIGATED WITH GROUNDWATER RIGHT 63-11195. APPARENTLY NO SURFACE WATER IS USED ON THE ACRES COVERED BY GROUNDWATER RIGHT (A) 63-08181. 2/11/1998 MM

ADDRESS CHANGED PER CLAIMANT REQUEST 2/29/1998 BY DB

NGSE

?

WR5809NP
No. 63-00279A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/11/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ADOLPH BAHLER	04/01/1870	IRRIGATION	00/00 00/00	0.480 CFS	
TOTAL DIVERSION:					0.480 CFS	

Water Source: BOISE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T03N R03E S29

NWSW

ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
03N	03E	30	:			06-I		:	05-I		I		:					:					:	

Pou County: ADA

Remarks: GEN TRANS. 77 & 152.
FROM BAHLER CANAL TO RIDENBAUGH CANAL. CHANGE IN P/D ONLY.

Dates:	App. Received:	Priority Date:	04/01/1870
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc:	Water District Number: 63	Field Exam Fee:
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CONVERSATION MEMORANDUM

DATE 5/16/02

FILE A63.279A

NAME OF PARTY DONNA Griffin Ada Co. Parks + Waterways

EMPLOYEE R

RE: 4.2 acres @ Barber Park

Called in response to my 5/9/02 notes + map.

CONFIRMED park has 2 irrigated parcels, each 4.2 acres:

Site #1 NWSE via canal water, the overflow
parking field (63-279A)

Site #2 NWSE via well 63-11195, west of the
trees between 2 sites.

There ARE not overlapping acres.

cc: 63-11195



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 11, 1998

KATHRYN
ADA COUNTY PARKS AND WATERWAYS
4049 S ECKERT RD
BOISE ID 83706

RE: Water Rights for Barber Park

Dear Kathryn:

Research of IDWR records has found three water rights associated with Barber Park. One right is for water from the Boise River delivered via the Ridenbaugh Canal and two rights are from wells. Enclosed is information for each of these rights.

The Boise River right (number 63-00279A) is for .084 cfs for the irrigation of 4.2 acres. A map used in IDWR's internal review is enclosed. This map shows the acres located along the Canal. *

The second set of documents is related to right number 63-11195. The maps show the location and extent of the irrigation from the well located next to the canal. These acres appear to be the same acres as those irrigated with right number 63-00279A. }

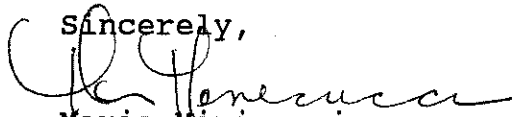
The last group of maps show the location of right number 63-08181. This right is associated with a second well apparently located near the buildings, and is for domestic use (Park facilities) and irrigation of 6 acres. These 6 acres are different acres than those irrigated by right numbers 63-00279A and 63-11195.

I have enclosed reports which summarize each of these rights. Claims have been filed by Ada County for right numbers 63-00279A and 63-08181 in the Snake River Basin Adjudication (SRBA). No SRBA claim is required for 63-11195.

Also enclosed is a Change in Address form. Please complete the form and return it to this office.

Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,


Maria Minicucci
Sr. Water Agent

* ARE different acres per
IDWR records ... 1 for
NWSB (279A) ... 1 for
NWSB (11195) ... are records correct?
-fl 5/9/02

CC: A63-00279A, A63-08181, 63-11195



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 10, 1996

ATTN: DONNA GRIFFIN
ADA COUNTY PARKS & WATERWAYS
650 MAIN ST
BOISE ID 83702

RE: Notice of Claim to a Water Right No. A63-00279A

Dear Ms. Griffin:

Enclosed is a computer-generated claim form for your review. This claim represents the portion of decreed water right no. 63-00279 which appears to be appurtenant to 4.2 acres of Barber Park.

Also enclosed is a copy of the review which was done by this office when the subdivision to the west of the park sought to change the use of their water rights. The review goes into a great deal of detail and I have highlighted the areas which are the most important to the land in Barber Park.

Please review the claim carefully, add your notarized signature, and return the claim to this office along with the fee (The fee for the claim is \$54.00 - \$50.00 flat fee plus \$1 per acre). The department will contact you if additional information is required.

If you have any questions, please do not hesitate to contact me at this office.

Sincerely,

Maria Minicucci
Sr. Water Agent, Adjudication Bureau

MM:m

Enc: A63-00279A claim form, Review for Transfer 4286

*Talk to -
which whistle
Lee*

RECEIVED

SEP 17 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED

OCT 24 1996

MEMORANDUM

TO: FILE

FROM: STEVE LESTER *SL*

DATE: NOVEMBER 15, 1993

SUBJECT: TRANSFER APPL. FOR 63-00249, 63-00278, 63-00279, Wood Duck Island

(Revised per review by DRT)

The transfer application proposes to change irrigation water under the Bahler water rights to a water amenity ditch through Wood Duck Island Subdivision just west of Barber Park. The lawns in the subdivision are and will be irrigated by Boise Water Corporation. The reviewer's task is to verify the number of acres irrigated within the last five years by these rights. The application was filed in 5/92 and the preceeding five year period dates to early 1987.

Some history will be helpful in this task. The Bahler rights were decreed as nos. 278 and 279 for a total of 80" within a common place of use north of the Ridenbaugh Canal in SWNE and E 1/2 NW 1/4, Sec. 30. Right no. 249 was decreed to Rein and Keoh (Keogh?) for 50" for land south of the canal in NESE Sec. 25 and NESE Sec. 30. The duty of water in the decree is assumed to be 1"/acre.

Bahler transferred the P/D for 80" in nos. 278 and 279 in 1925 to a point in Lot 6 in the southeast corner of SWNE Sec. 30. IDWR documents indicate by a 1925 letter and unexecuted order (Attachment A)¹ that the rights were used on the decreed P/U plus 5.5 acres in Lot 3 (SWNW) Sec. 30.

In 1937, Bahler transferred the P/D for 50" in right 249 to the Ridenbaugh Canal. No change in P/U is mentioned, although current information from the Nampa-Meridian Irrigation District (NMID) indicates that canal water is not and has not been delivered to land above the canal (Attachment B). The decreed P/U for no. 249 was above the Ridenbaugh Canal. By 1937, all three rights were part of the Bahler account as it is now referred to by NMID.

See Attachment C for P/U defined in the decree. The 1904 map is found in the S.O. Vault and is presumed to be the basis for the decreed P/U. It is not clear why Bahler acres in Lot 3 (SWNW) are in the 1904 map and post-decree department documents but not included in the decree. Based on 8/21/92 details provided by John Anderson of NMID, approximately 80" have been delivered to the Bahler account for use on lands north of the Ridenbaugh Canal in the vicinity of the subdivision. The key here is delivery to lands north of the canal. We can assume an accomplished P/U transfer for most or all of right no. 249 and for portions of right nos. 278 and 279 based on the records described thus far.

1. Attachments are memo attachments unless specified as application attachments. See the application for the latter.

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OCT 24 1993

SRBA claims for the Bahler rights document an accomplished transfer (Attachment D). Claim A63-00249B lists four acres, while claims A63-00278 and 279 define 54.6 acres. All of the acres, 55.6 unique acres, are north of the canal. See Application Attachment D, a 1987 ASCS photo depicting the irrigated acres north of the canal.² These are the acres that have received water via the Bahler account that includes all three water rights. The ASCS photo shows the decreed P/U for the rights and acres served by accomplished transfer(s). Note that canal irrigation for land south of the canal cannot be verified for the past five years (and most likely for many preceeding years). Irrigation in the decreed P/U for rights 278 and 279 is clearly seen. The other acres covered by the rights require some explanation.

The accomplished transfer(s) in SRBA claims for rights 278 and 279 is easily seen in the photo for land in NWNW, SWNW, and NESW Sec. 30. The acres in the top of NWSE are clearly irrigated and are immediately adjacent to irrigated ground in SWNE and NESW. These (NWSE) acres are not owned by the applicant, but it is clear to this reviewer that NWSE acres should be considered part of the Bahler account (why wouldn't they be?).

The acres north of the canal in NESE Sec. 30 should also be included. The applicant owns one acre in west end of this area (the X in Appl. Attachment D). Another 4.2 acres are irrigated as part of Barber Park. Within the last two or three years, the park's 4.2 acres were irrigated from the canal via portable pumps (see Attachment B, information from park manager). More than ten years ago, a pump and pipe system was used for this purpose at the location marked as "defunct pipes" on the ASCS photo. Now the park acres are served by a well, license no. 63-11195 shown as Attachment E. However, the park manager stated that the park still pays for its allotment of canal water and has used it within the last five years (but the forfeiture clock is ticking on this parcel). One can conclude from this information that acres south of the canal in NESE Sec. 30 were shifted to this piece north of the canal more than five years ago. Thus, 4.2 acres for the park and 1 acre for the applicant are included as part of the Bahler rights in NESE. *

See Attachment F for a summary of the consultant's conclusions about historical use of the rights. This reviewer concurs with the consultant's thought that the nature of farming bottom lands along the Boise River prior to modern flood control developments makes it difficult to be precise when documenting historical practices.

Regarding SRBA claims, the applicant claimed 54.6 acres in rights 278 and 279 and four acres in right 249B, although only one additional unique acre is shown in A63-00249B when compared with A63-00278 and 279. The three claims define 55.6 unique acres. The reviewer did somewhat the same thing but included additional acres in NESE and NWSE as previously explained. The number of acres that can be verified in the transfer is 66.2 acres from the original 130 implied acres in the decree. All three rights represent an accomplished transfer(s) and have been used on the verified acres.

2. Also see Application Attachment D1, 1987 Napp information.

* Canal water NESE } different
Well " NWSE 63-11195 } Acres per
Records
MICROFILM
OCT 24 1991
-82 5/9/02

Because a common P/U for the rights was developed by accomplished transfer, acres per right can be assigned in a manner to maximize senior rights. Thus, 40 acres will be covered by 63-00278 and 16 acres will be under 63-00279 for the applicant. Remaining verified acres can be shown as portions of 279 for other owners. Junior right 249 and unused portion of 279 appear forfeited, although other information might emerge in the SRBA review to refute evidence of forfeiture.

Designation of acres per right was based on decreed P/U and IDWR information linking use to accomplished transfers. It is recognized that some arbitrary elements may occur in this process since the record is not without gaps. See Attachment G for an acreage summary, especially item G in the attachment.

Average ditch loss for this reach of the Ridenbaugh Canal was estimated as .375% as documented in Attachments H and I. Total ditch loss for 66.2 acres is only .005 cfs, and such a negligible amount can be ignored or placed in 63-00279A if necessary. Ditch loss was ignored in the following summary of recommended rights in this transfer.

Resulting Flows for Rights and Portions Thereof

To determine the rate of flow a right or partial right should have, multiply the number of verified acres by the duty of water per acre. Use the data in Attachment G, item G to compute values.

1. Applicant's portion -

- a) 63-00278: 40 X .02 = .80 cfs (all of the 1865 water)
- b) 63-00279B: 16 X .02 = .32 cfs (part of the 1870 water)
- c) 63-00249B: Redundant coverage of 4 acres, allow 0 cfs of implied .08 cfs claimed in A63-00249B (part of the 1895 water)

Total: 56 acres = 1.12 cfs (senior water maximized)

2. Other owners' portions -

- a) 63-00279C: 4.2 X .02 = .084 cfs (1870 water, Barber Park in NESE S.30)
- b) 63-00279D: 6 X .02 = .12 cfs (1870 water, unknown owner for NWSE S.30)

- c) 63-00279A: Balance of right appears forfeited but can be confirmed in SRBA; could allow .005 cfs ditch loss in A for total 66.2 verified acres; $.80 - .32 - .084 - .12 = .276$ cfs without ditch loss.
- d) 63-00249A: Balance of right appears forfeited but can be confirmed in SRBA; $1.00 - .08 = .92$ cfs.

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Most but not all of the 66.2 verified acres are claimed in SRBA. The unclaimed land is not owned by the applicant and can be addressed outside of the scope of this transfer.

Volume of Water Approvable in Transfer

For purposes of this transfer, it is obvious that the volume of water will not increase when aesthetic use replaces irrigation. However, some volume limit must be assigned to the new use. Some perspective from the Watermaster, Lee Sisco, would be helpful.

I spoke with Lee on 7/17/92³ and 11/15/93 about the Bahler rights. Generally speaking, natural flow rights in a normal year are not cut to zero below the mid-1880's priority dates. In the most severe years that the Watermaster recalls (1987 and 1992), natural flow rights were cut to zero around the 1868 to 1870 mark. Lee indicated that this date is more or less the cutoff point in severe shortages, although the zero delivery period for 1870 water would amount to no more than a handful of days. Essentially, 1865 and 1870 rights are not cut to zero, especially in a normal year. The rights in question are subject to the rationing system defined by the Stewart Decree (not exempted from rationing cuts per 1990 Watermaster Report book). Even at an extended 60% delivery level under the terms of the decree, the rights could provide full volume to the acres (compare volume required to volume diverted where rate of flow exceeds 1/2 inch/acre). Therefore, the volume limit in the transfer is the irrigation requirement of 4.5 af/acre or 180 af for 63-00278 (40 acres) plus 72 af for 63-00279B (16 acres).

The full rate of flow and full volume of water for 56 acres are provided in this transfer. Additional volume analysis such as "historical method" and "combined method" used in previous Boise River transfer nos. 3373, 3559 and 3756 are not needed in this case where the two rights are old enough to escape being cut to zero in an average year.

Copies of this memo are filed with appropriate SRBA claims.

3. 7/17/92 telecon: Bahler Account billed for 278 second feet per year. Thus, 551.4 afa billed (278×1.9835), and at 4.5 afa, this is volume requirement for 123 acres ($551.4 / 4.5$) or about double the number of verified acres found in transfer analysis. This suggests that other land might be irrigated with these rights or that live flow and storage water make up the Bahler account for 66 acres, in which case other acres are not served. This aspect can be explored in any SRBA forfeiture investigation.

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OCT 24 1996

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-00279 A

Date: 12-12-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	3N	3E	30													4.2				4.2
GIS																5.3				5.3
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 4.2

Overlapping POU Claim #'s:

Total GIS Acres: 5.3

COMMENTS:

per county data + claim notes

Idaho Department of Water Resources

Claim Number: 63-00279A

Legal: T03N, R03E, S30

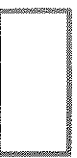
Reviewed By:



Point of Diversion



Place of Use



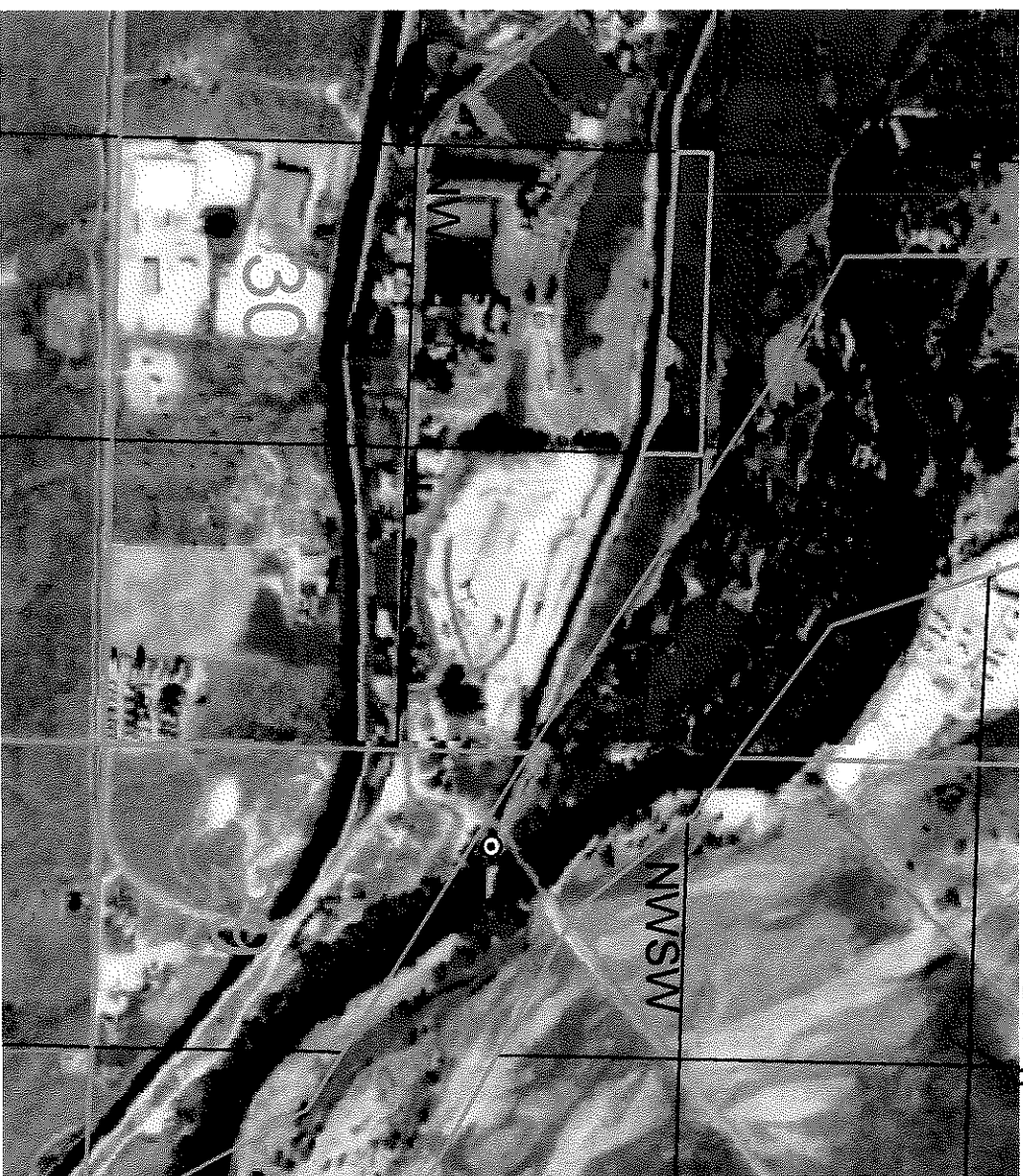
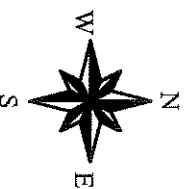
Section Lines



Quarter Quarter Lines



Township/Range Lines



1987 Napp Photo

