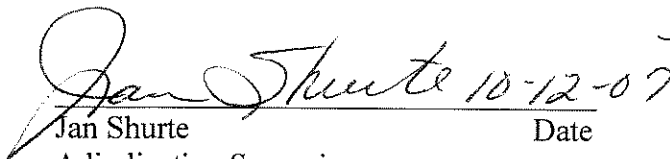
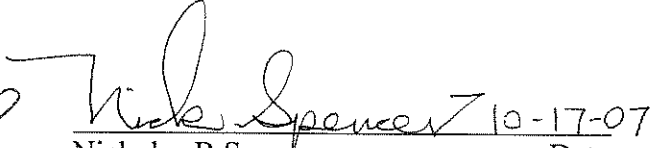


DEPARTMENT OF
NATURAL RESOURCES

IDWR Concurrence:

	
<u>Jan Shurte</u>	<u>Nicholas B Spencer</u>
Adjudication Supervisor	Deputy Attorney General
	Attorney for IDWR
<u>10-12-07</u>	<u>10-17-07</u>
Date	Date

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

RIGHT NUMBER: 63-31833

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 CFS
45.000 AFYJP
NBS

DN

FWP

The total instantaneous diversion of water from all points of diversion under Right 63-31833 shall not exceed 0.20 cfs, nor a total combined annual volume of 45.0 af.

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: 06/01/1865

POINT OF DIVERSION:

T03N R03E S28 SWSWSW Within ADA County

T03N R03E S28 SWSWSW Within ADA County

T03N R03E S29 SESE 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	0.200 CFS 45.00 AFY

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:

2808.43 ACRES TOTAL

The place of use of this right is limited to 10 acres within a 30.5 acre place of use located in Lot 2 SWSW (22.4 ac) Sec. 28 and in Lot 1 SESE(8.1 ac), Sec. 29, Twp. 3N, Rge 3E as approved under Transfer No. 71032.

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.

[Handwritten signature]
NBS

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.

[Handwritten initials]

The right holder shall accomplish the change authorized by transfer 71032 within one (1) year of the date of approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

[Handwritten initials]

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31197.

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 71032 is cause for the Director to rescind approval of the transfer.

Right No. 63-31198 is also diverted through points of diversion described above.



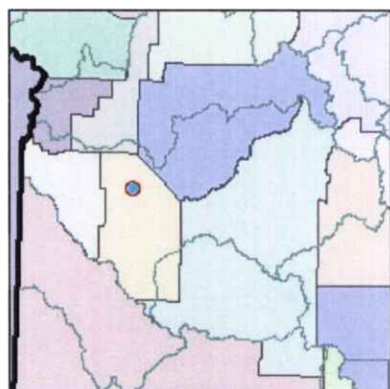
Boise Valley Irrigation Ditch Co

SRBA Recommendations: 63-147B, 63-2360, 63-31198, 63-31832, 63-31833

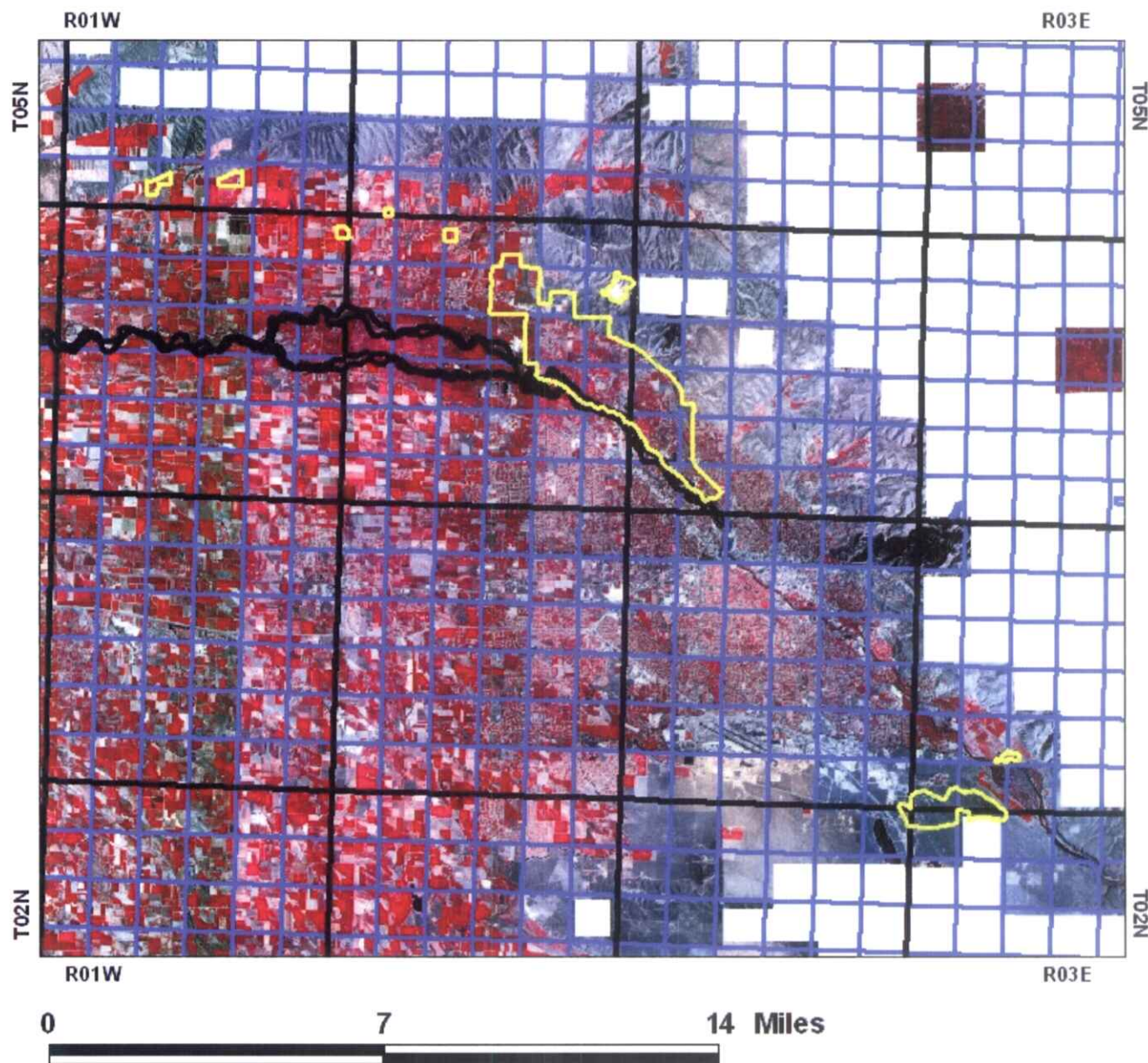
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections



Ada County
IDWR Basin 63



Prepared by S. Egbert
On Friday, October 12, 2007
1987/88 Aerial Photography

CERTIFICATE OF MAILING

I certify that on Nov. 9, 2007, I mailed the original and copies of this form, 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, Idaho 83303-2707

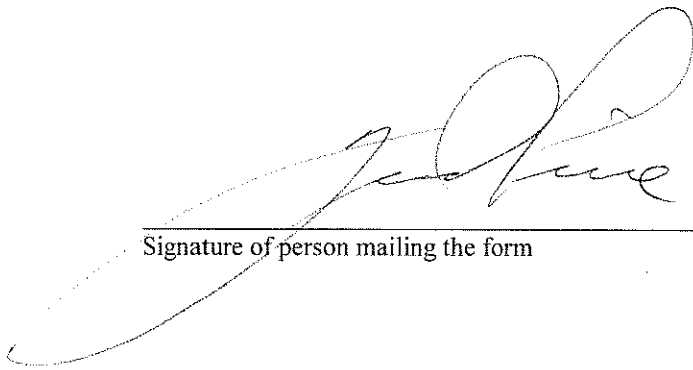
2. Copies to:

United States of America
US Dept of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

~~C. Bryce Paris~~ *Charles L. Hunsinger*
455 S Third St
PO Box 2773
Boise, ID 83701-2773

Boise Valley Irrigation Ditch Co
8750 N Bogart Lane
Boise, ID 83714

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form