

63-0169 Tr. # 871

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

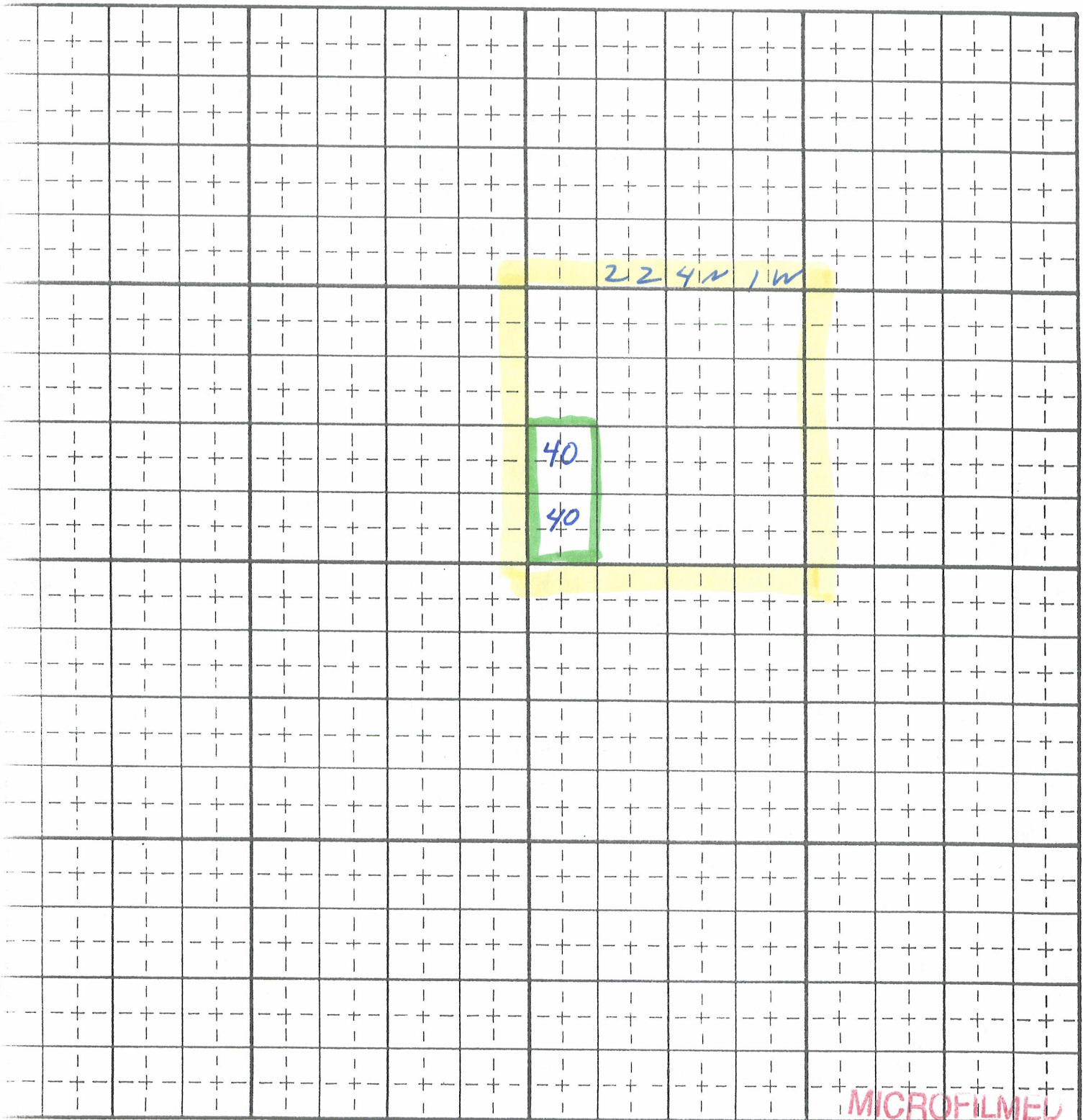
Scale: 2 inches equals 1 mile

RECEIVED

JAN 06 1995

WATER RESOURCES
WESTERN REGION

Sec. 22-4N-1W



MICROFILMED

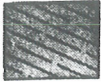
OCT 02 1996

IRRIGATION WATER SOURCES

Data based on 1975 agricultural season



Private groundwater diversions



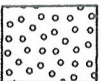
Combined small district and private Boise River diversions



Boise - Kuna Irrigation District (Boise River diversion)



Eagle Island Water Users (Boise River diversion)



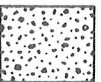
Farmers Union Ditch Co. (Boise River diversion)



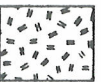
Little Pioneer Ditch Co. (Boise River diversion)



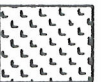
Nampa-Meridian Irrigation District (Boise River diversion)



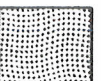
New York Irrigation District (Boise River diversion)



Pioneer Irrigation District (Boise River diversion)



Settlers Irrigation District (Boise River diversion)



Private Boise River tributary diversions



District surface water and supplemental private groundwater diversion

MICROFILMED
OCT 02 1996

EXHIBIT

B

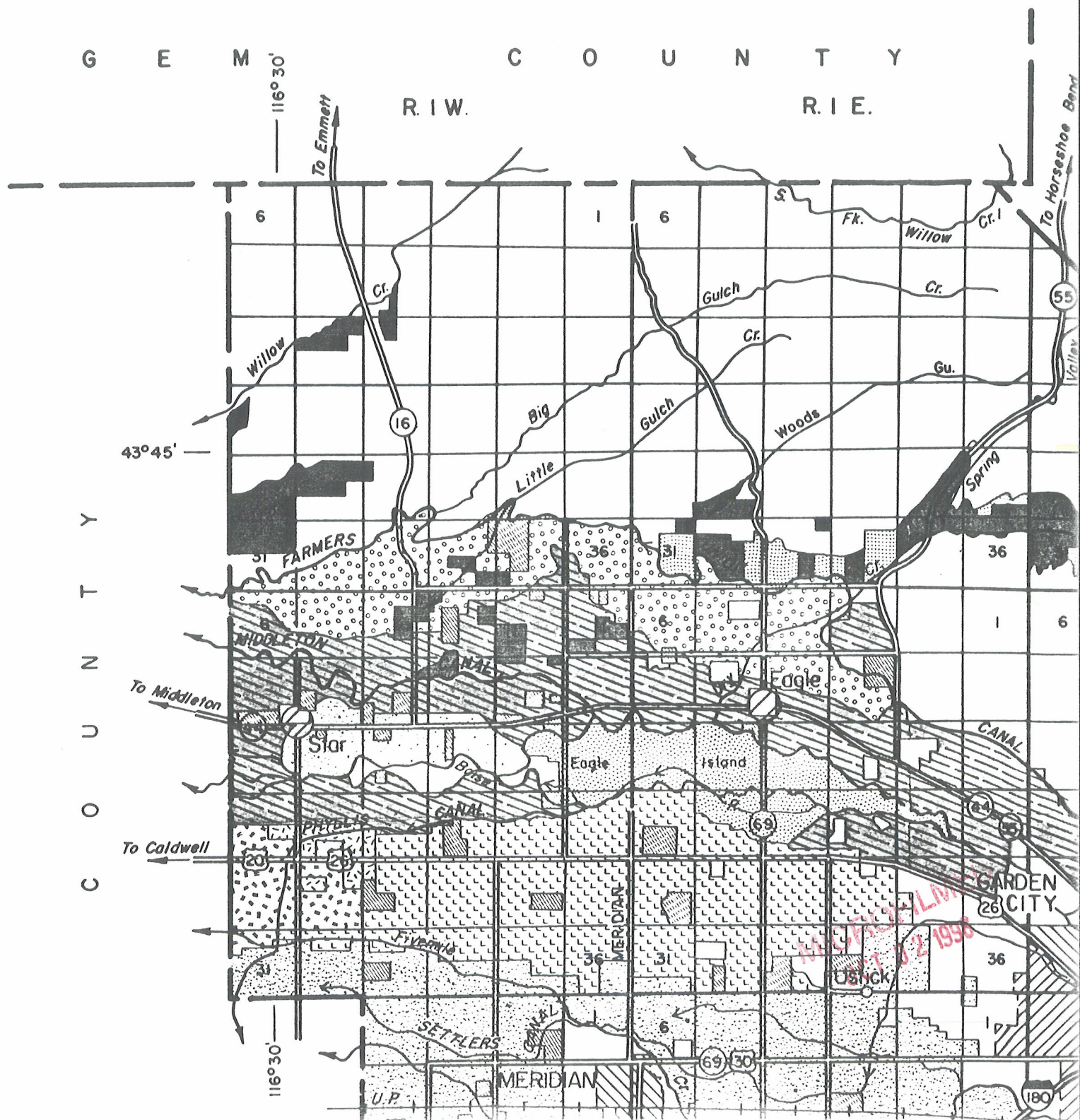
Blumberg No. 5119



G E M C O U N T Y

R. I. W.

R. I. E.



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right No. 63-169A

Prepared by:
Jan Shurte
Date: **3-17-05**

**Twp 4N Rge 1W
Sec 22**

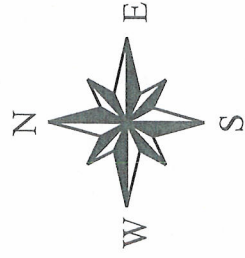
1987 NAPP

 **Place of Use**

 **Section Lines**

 **1/41/4**

 **Pt of Diversion**



0 1320 Feet

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right No. 63-169A

Prepared by:
Jan Shurte
Date: 3-17-05

Settler's Canal POD
SWNE, S9, T3N, R2E

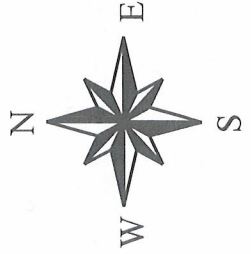
2003 Photography

 **Place of Use**

 **Section Lines**

 **1/41/4**

 **Pt of Diversion**



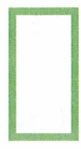
IDAHO DEPARTMENT OF WATER RESOURCES

Water Right No. 63-169A

Prepared by:
Jan Shurte
Date: 3-17-05

**Twp 4N Rge 1W
Sec 22**

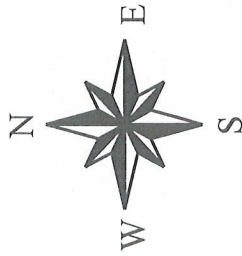
2003 Photography

 **Place of Use**

 **Section Lines**

 **1/41/4**

 **Pt of Diversion**



0 1320 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right No. 63-169C

Prepared by:
Jan Shurte
Date: 3-17-05

Settler's Canal POD
SWNE, S9, T3N, R2E

2003 Photography



Place of Use

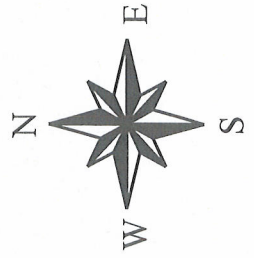


Section Lines



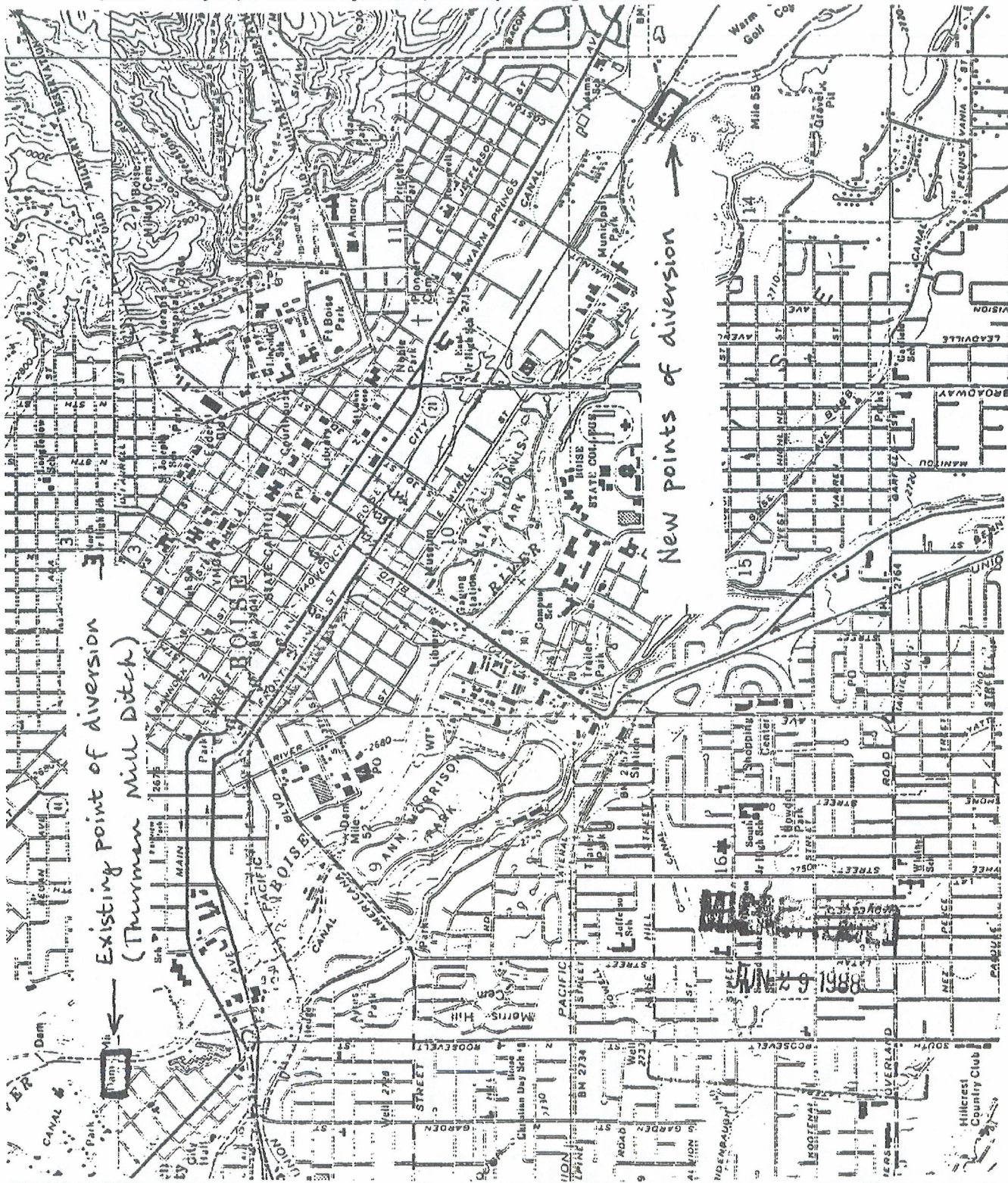
1/41/4

 **Pt of Diversion**



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



Boise South USGS Quadrangle T3N R2E, B.M.

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: A63-00169A
Date Received: 9/ 8/1989
Receipt No: C011305
Received By: DE-KW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOANN EGGERS 208-888-2804
Address: 1884 HENDRICKS COURT
MERIDIAN ID 83642

2. Date of Priority: JUN 1, 1868

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	9	NW	NW			ADA

5. Description of diverting works:
CONCRETE DIVERSION DAM TO EARTHEN CANAL, TO LATERAL DITCH SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.288		

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

8. Total consumptive use is 280.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	22	NW	SW		IRR	40.0
			SW	SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
					Total Acres	80.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

63-00230, 63-00231, 63-05262, 63-03618, 63-03614

14. Remarks:

A POWER OF ATTORNEY PROVIDES WRITTEN AUTHORIZATION FOR THE
CHAIRMAN OF SETTLERS IRRIGATION DIST. TO FILE THIS CLAIM.
THIS WATER RIGHT IS EVIDENCED BY TRANSFER NO. 871.

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 _____ of
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____ Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 39576
Ident. Number A63-00169A
Date Received 9-08-89
Receipt Number C011305

871 / WR# 63-0169

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 14 1995

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Joann Eggers Phone (208) 888-2804
Mailing Address 1884 Hendricks Court, Meridian, ID Zip 83642
2. Date of Priority (Only one (1) per claim) June 1, 1868
3. Source of water supply (a) Boise River
which is tributary to (b) Snake River
4. a. Location of existing point of diversion is: Township 3N Range 2E Section 9,
1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of Ada
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Reinforced concrete diversion dam
in river to earthen canal, to earthen lateral ditch system.

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount .288 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .288 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 280 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1W	22	See Exhibit C																80

Total number of acres irrigated 80

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
Water Right NOS. 63-0230, 63-0231, 63-05262, 63-03618, 63-03614 or None ()

14. Remarks: A power of attorney (Exhibit A) provides written authorization for the Chairman of Settlers Irrigation District to file this claim. This water right is evidenced by transfer no. 871 (Exhibit C).

Last Name Eggers Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

63-0169 Tr. # 871

RECEIVED

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

JAN 06 1995

Scale: 2 inches equals 1 mile

WATER RESOURCES
WESTERN REGION

Sec. 22 - 4N-1W

40

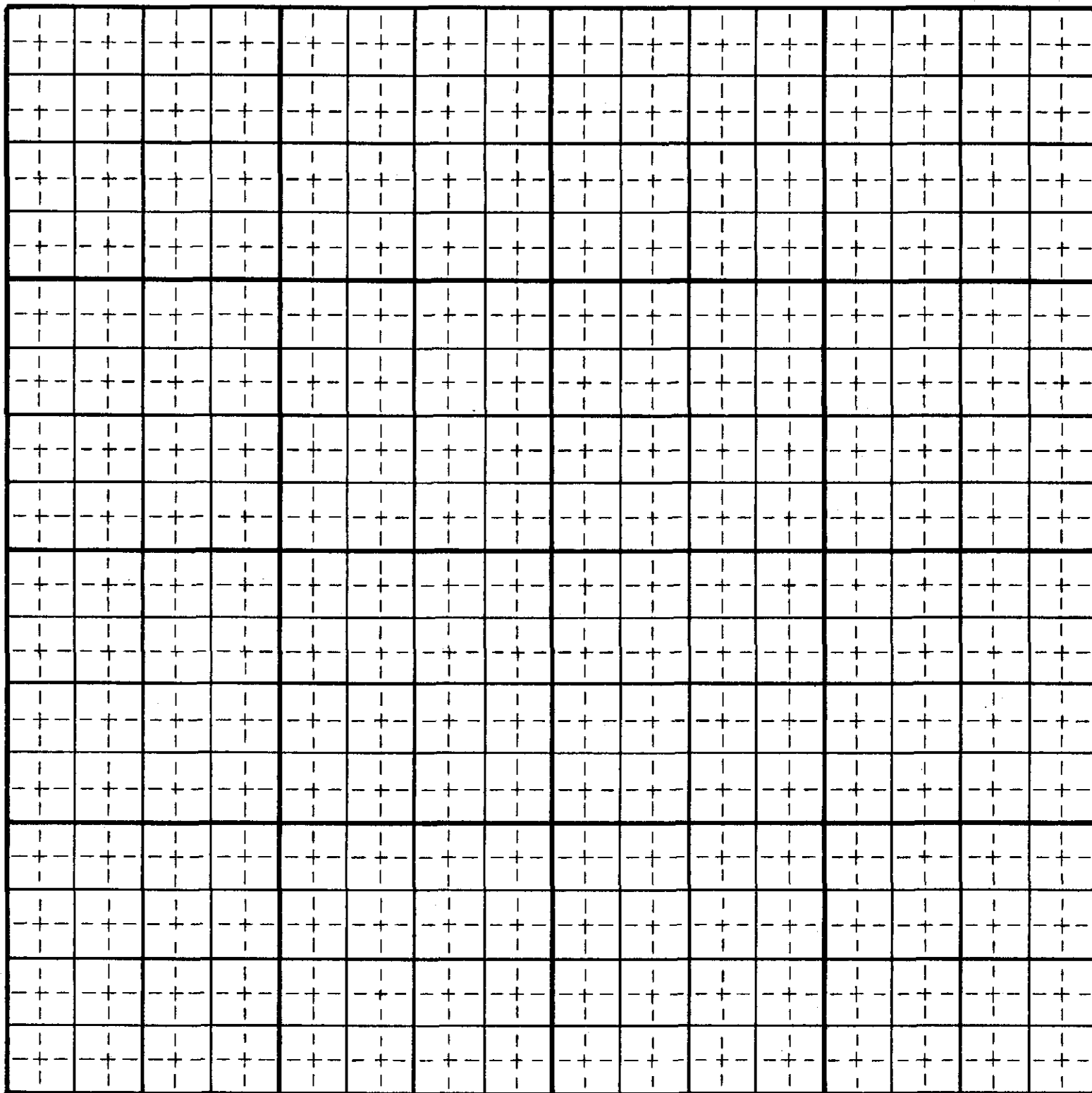
40

22 4W 1W

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

Scale: 2 inches equals 1 mile

See Exhibit B.



Last Name Eggers

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree x
If applicable provide IDWR Water Right Number 63-0169
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 x
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 3

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

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

For Organizations: I do solemnly swear or affirm that I am Chairman Title _____
of Settlers Irrigation District Organization _____, that I have signed the foregoing
document in the space below as Chairman Title _____ of Settlers Irrigation District Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Don Spritzer
Title and Organization Chairman / President Date 9/5/89

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

Subscribed and sworn (or affirmed) before me this 5th day of Sept 19 89

SEAL

Notary Public William M. Bickard

Residing at Meridian, ID

My Commission Expires 8-1-93

Please Print Name

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

Signature _____

Address _____

Date _____

Last Name Eggers Ident. Number _____

Copies White-State, Yellow-Claimant

25
112
271
282
#

RECEIVED

APR 14 1995

WATER RESOURCES
WESTERN REGION

LIMITED POWER OF ATTORNEY

I/We do hereby authorize and appoint Settlers Irrigation District and its duly elected and authorized officers and their agents to take all actions necessary or appropriate to prepare or cause to be prepared Notice of Water Right Claims and to execute and file the same on our behalf with the Idaho Department of Water Resources.

This authorization is limited to those Notice of Water Right Claims which describe and refer to water rights which allow the diversion and delivery of surface water from the Boise River through the Settlers Irrigation District water diversion and delivery system.

Aug 4, 1989
Date

Jo Ann Eggers
Signature

Jo Ann Eggers
(Please print full name)

Date

Signature

(Please print full name)

EXHIBIT A

IRRIGATION WATER SOURCES

Data based on 1975 agricultural season



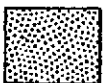
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Combined small district and private Boise River diversions



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Eagle Island Water Users (Boise River diversion)



Farmers Union Ditch Co. (Boise River diversion)



Little Pioneer Ditch Co. (Boise River diversion)



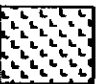
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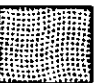
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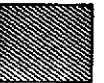
Pioneer Irrigation District (Boise River diversion)



Settlers Irrigation District (Boise River diversion)



Private Boise River tributary diversions



District surface water and supplemental private groundwater diversion

Blanchard No. 5119

EXHIBIT

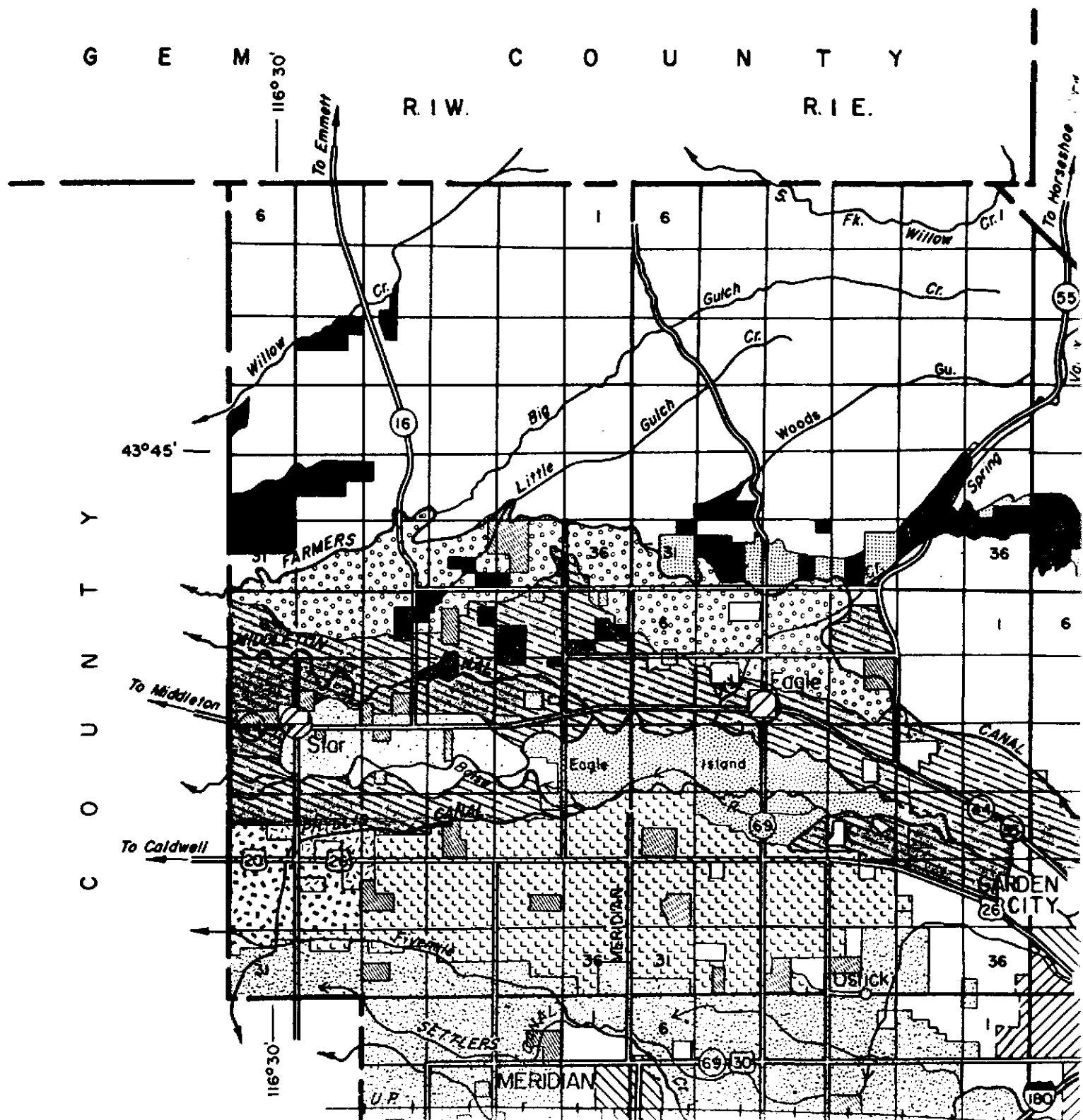
B



G E M C O U N T Y

R.I.W.

R.I.E.



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 871

THIS IS TO CERTIFY, That J. Frank Bryce, of Route No. 1, Meridian, Idaho, is the owner of and using a certain water right for 14.4 inches, or 0.288 cubic feet per second of the waters of Boise River, with a priority of June 1, 1898, decreed to Martha E. McCarty, by Judge George H. Stewart, of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, in the case of

FARMERS' CO-OPERATIVE RITCH COMPANY,
A Corporation,

Plaintiff

vs.

RIVERSIDE LUMBER CO., Ltd.,
A Corporation, et al.,

Defendants,

said decree bearing date of January 18, 1906, and being appertenant to the following described lands, to-wit:

That portion of Lots 5 and 6 lying
Northerly of the right-of-way of State
Highway as shown by deed recorded in Book 231
of Deeds, at page 485, records of Ada
County;
Also Lots 7, 8 and 9;
All of said lots being in the Strawberry
Glen Subdivision, located in Section 25,
Township 4 North, Range 1 East, B. M.

That said decree has been entered in the records of the
Department of Reclamation of the State of Idaho in Volume 5 of Decrees,
beginning at Page 410 thereof.

That the said J. Frank Bryce has become the owner of said
water right through purchase.

And that now, upon the application of J. Frank Bryce, of
Meridian, Idaho, for a Certificate of Transfer of Water Right, made
before the State Reclamation Engineer of the State of Idaho, and the
said application having been granted, the right to the use of 14.4
inches, or 0.288 cubic feet per second of the waters of Boise River
upon the above described lands is hereby transferred, and the lands
to be irrigated under such right, and to which the water right
CERTIFICATE, shall become appertenant by this certificate, for irrigation
and domestic purposes, are described as follows, to-wit:

EXHIBIT C

W $\frac{1}{2}$ SW $\frac{1}{4}$ and that portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$
lying south of Phyllis Canal, in
Section 22,
Twp. 4 North, Range 1 West, B. M.

That the said water is to be limited at any given time to
an amount actually needed and beneficially used for such purposes,
and shall not exceed the following amount, to-wit:

14.4 inches or 0.288 cubic feet per
second, with priority of June 1, 1868.

That the water right hereby transferred has heretofore
been conducted to the first above described lands through the Thurman
Mill Ditch, with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5,
Township 3 North, Range 2 East, B. M.

That the water right hereby transferred will hereafter
be conducted to the last above described lands through the Settlers
Irrigation District Canal, with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 9, Township 3 North, Range 2 East, B. M.

That the right to the use of the water aforesaid, hereby
conferred, is restricted to the lands or place of use last above
described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused
the official seal of the Department of Reclamation of the State of
Idaho to be hereunto affixed, at Boise, Idaho, this 2nd day of October
A. D. 1956.

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

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
871 / WR# 63-0169 OF WATER FROM
A WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

9-08-89

C011305

63-00169A

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Joann Eggers Phone (208) 888-2804
Mailing Address 1884 Hendricks Court, Meridian, ID Zip 83642

2. Date of Priority (Only one (1) per claim) June 1, 1868

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

4. a. Location of existing point of diversion is: Township 3N Range 2E Section 9,
1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of Ada

Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Reinforced concrete diversion dam
in river to earthen canal, to earthen lateral ditch system.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount .288 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .288 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 280 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1W	22	See Exhibit C																80

Total number of acres irrigated 80

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
Water Right NOs. 63-0230, 63-0231, 63-05262, 63-03618, 63-03614 or None ()

14. Remarks: A power of attorney (Exhibit A) provides written authorization for the Chairman of Settlers Irrigation District to file this claim. This water right is evidenced by transfer no. 871 (Exhibit C).

Last Name Eggers Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree x
If applicable provide IDWR Water Right Number 63-0169
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 3

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Chairman Title _____
of Settlers Irrigation District Organization _____, that I have signed the foregoing
document in the space below as Chairman Title _____ of Settlers Irrigation District Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Don Spritzer

Title and Organization Chairman / President

Date 9/5/89

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

Subscribed and sworn (or affirmed) before me this 5th day of Sept 19 89

SEAL

Notary Public John M. Bickard

Residing at Meridian, ID

My Commission Expires 8-1-93

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

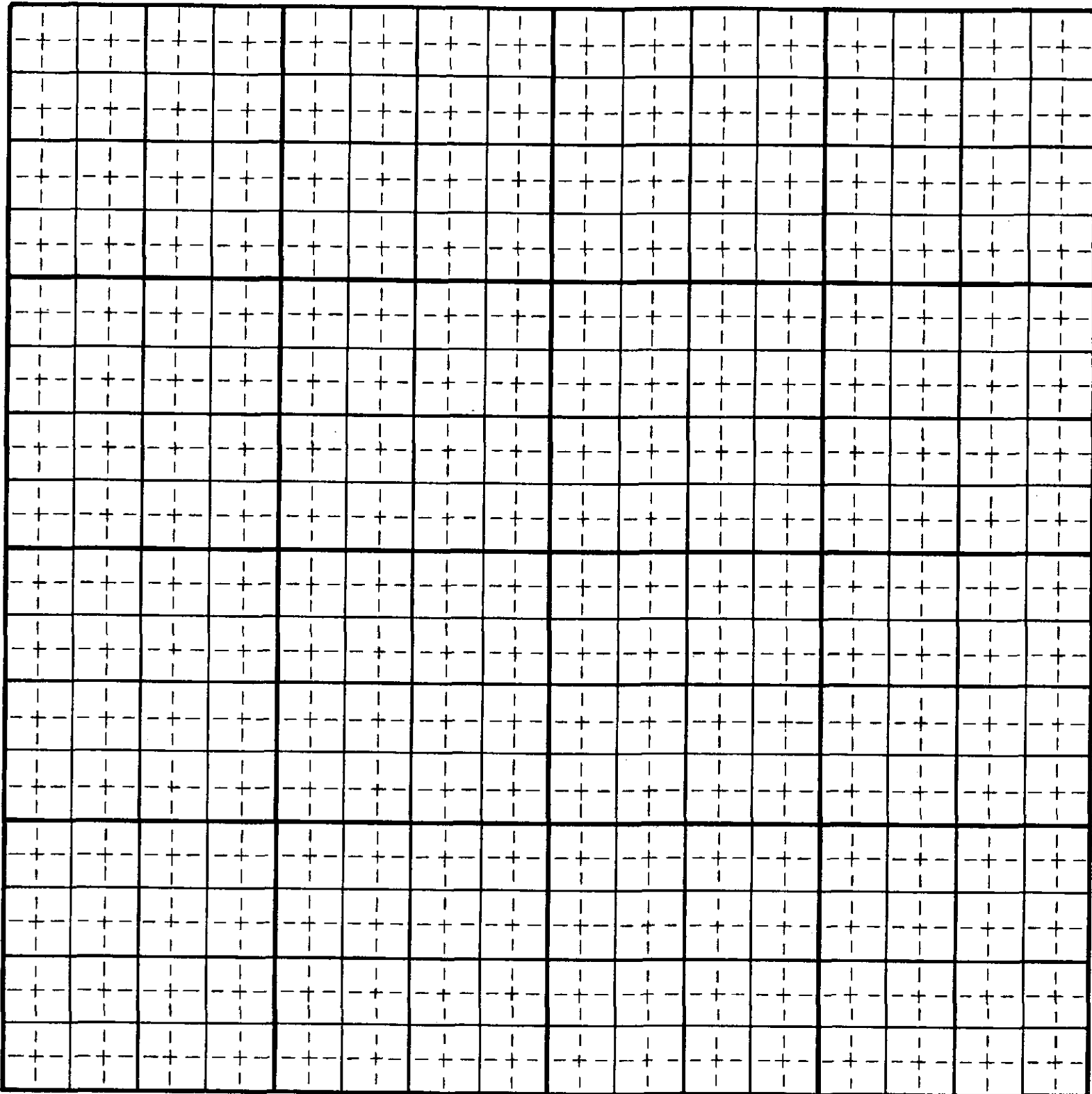
Last Name Eggers Ident. Number _____

Copies White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

See Exhibit B.



Last Name Eggers Ident No. _____

Copies: White-State, Yellow-Claimant

4-3-91

CLAIMANT'S NAME

Joann Egget

CLAIM IDENT. NO.

A63-001109A

DATE RECEIVED

9-8-89

RECEIPT #

2011305

AMOUNT \$

YES

NO

Require Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ *
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
(b) Is a tributary to entered? (if required) N/A ☒ YES ☐ NO ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form ☒ YES ☐ NO ☐ *
Is the period of use included? ☒ YES ☐ NO ☐ *
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? N/A ☒ YES ☐ NO ☐ *
Is the consumptive use correct? N/A ☒ YES ☐ NO ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4 N/A ☒ YES ☐ NO ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
(See Item No.'s 16 & 17 for checking other water rights)
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒ YES ☐ NO ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? N/A ☒ YES ☐ NO ☐ *
(Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim)
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? N/A ☒ YES ☐ NO ☐ *
(If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.
18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A ☒ YES ☐ NO ☐ *
19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
20. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
21. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
22. Is the fee enclosed correct? Exempt ☐ YES ☐ NO ☐ *

23. Should this claim be data entered? YES NO
_____ ☒

Claim reviewed by: Ray Walker Date 11-18-92

Claim data entered by: _____ Date _____

Claim is being returned to claimant: _____ (Yes) _____ (No)

Claimant is being notified of modifications: _____ (Yes) _____ (No)

Comments: Need to find out exactly where
water will be used. Transfer # 871 describes
p/u but not the number of acres in
each 40-ac. tract.

3/26/1990

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Joann Eggers

CLAIM IDENT. NO.

A63-00169A

DATE RECEIVED

9/8/89

CK #

0011305

AMOUNT \$

130

Required

- | | YES | NO | Info? |
|--|-------------------------------------|--------------------------|--------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | N/A |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | N/A |
| Is the consumptive use correct? | ☒ | ☐ | N/A |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | N/A |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? (see Item No. 17 for checking other water rights) | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | N/A |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the basis of claim is shown as license, permit or decree is the existing water right number listed? (If yes, compare claim with the existing water right and either attach a proof report or state in comments that existing right was compared to claim) | ☒ | ☐ | N/A |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. on the claim? (If yes, describe these rights in "Comments") NOTE: If the claim is for domestic/stockwater this check is not as necessary unless it is indicated there is an existing right | ☒ | ☐ | N/A |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | N/A |
| 19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 20. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 21. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 22. Is the fee enclosed correct? | ☒ | ☐ | Exempt |

YES NO

23. Should this claim be receipted and data entered?

Claim checked by:

Bruce A. Schull Date: 5/9/90

Claim must be returned to claimant:

☒ (Yes) ☐ (No)

Claimant must be notified of modifications:

☐ (Yes) ☒ (No)

Receipt Prepared by:

Shuff

Date: 9/8/89

Claim data entered by:

~~Shuff~~

Date: ~~5/9/90~~

NOT DONE
Checked by: EW

Date: _____

Sent to claimant by:

Date: _____

Comments:

Place of Use refers to old Dept of Reel.
Transfer which do not describe "1/4" and
accreages. Send Correspondance & Map to detail
POU

04/20/2005

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

RIGHT NUMBER: 63-169A

NAME AND ADDRESS: JO ANN EGGERS
1884 HENDRICKS CT
MERIDIAN ID 83642

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.288 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: 06/01/1868

POINT OF DIVERSION:
T03N R02E S9 SWNE Lot 7 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	0.288 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: IRRIGATION Within ADA County

T04N R01W S22	SWNW	7.0	T04N R01W S22	NWSW	36.0
T04N R01W S22	SWSW	31.0			

74 ACRES TOTAL

This right when combined with all other rights shall provide no more than

0.02 cfs per acre at the field headgate for irrigation of the lands above.

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. 36 in the Boise River Stewart Decree and Boise River Water Distribution Report.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Use of this right is combined with water from Settlers Irrigation District.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-169A V1

WATER RIGHT NUMBER: 63-169A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MARTHA E MC CARTHY
	, ID
Original Owner	J FRANK BRYCE
	RT 1
	MERIDIAN, ID 83642
Current Owner	JO ANN EGGERS
	1884 HENDRICKS CT
	MERIDIAN, ID 83642
	(208)888-2804

Priority Date: 06/01/1868

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.288 CFS	
	<u>Total Diversion:</u>	0.288 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L7 (SW1/4NE1/4)	Sec. 9, Twp 03N, Rge 02E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R01W S22 SWNW 7.0 T04N R01W S22 NWSW 36.0

T04N R01W S22 SWSW 31.0

Total Acres: 74

Conditions of Approval:

1. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-169A V1

3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the lands above.
5. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
6. W54 Use of this right is combined with water from Settlers Irrigation District.

Remarks:

Comments:

1. jshurte 3/17/2005 Change in POU

Comment: The change in the place of use is a result of the overlap with 63-9187 which was licensed in 1984. The transfer for this right (#871) transferred the pou to the W1/2SW1/4 and the SW1/4NW1/4, S. 22. The claim was incorrectly data entered and was supposed to be based on this exhibit (the transfer). Therefore, these acres from Transfer #871 are shown and because there are 74 acres rather than 80 being irrigated the C05 condition was added. The stepdown delivery remark and season of use remark was added since this is a Boise River decreed right and the season of use was based upon IDWRs map since no season of use has ever been decreed.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right No. 63-169A

Prepared by:
Jan Shurte
Date: 3-17-05

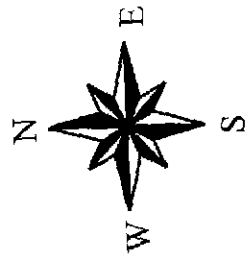
Twp 4N Rge 1W
Sec 22

 Place of Use

 Section Lines

1/41/4

 Pt of Diversion



0 1320 Feet

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right No. 63-169A

Prepared by:

Jan Shurte

Date: 3-17-05

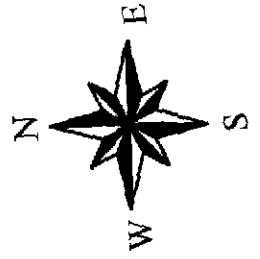
**Settler's Canal POD
SWNE, S9, T3N, R2E**

 **Place of Use**

 **Section Lines**

1/41/4

 **Pt of Diversion**



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right No. 63-169A

Prepared by:
Jan Shurte
Date: **3-17-05**

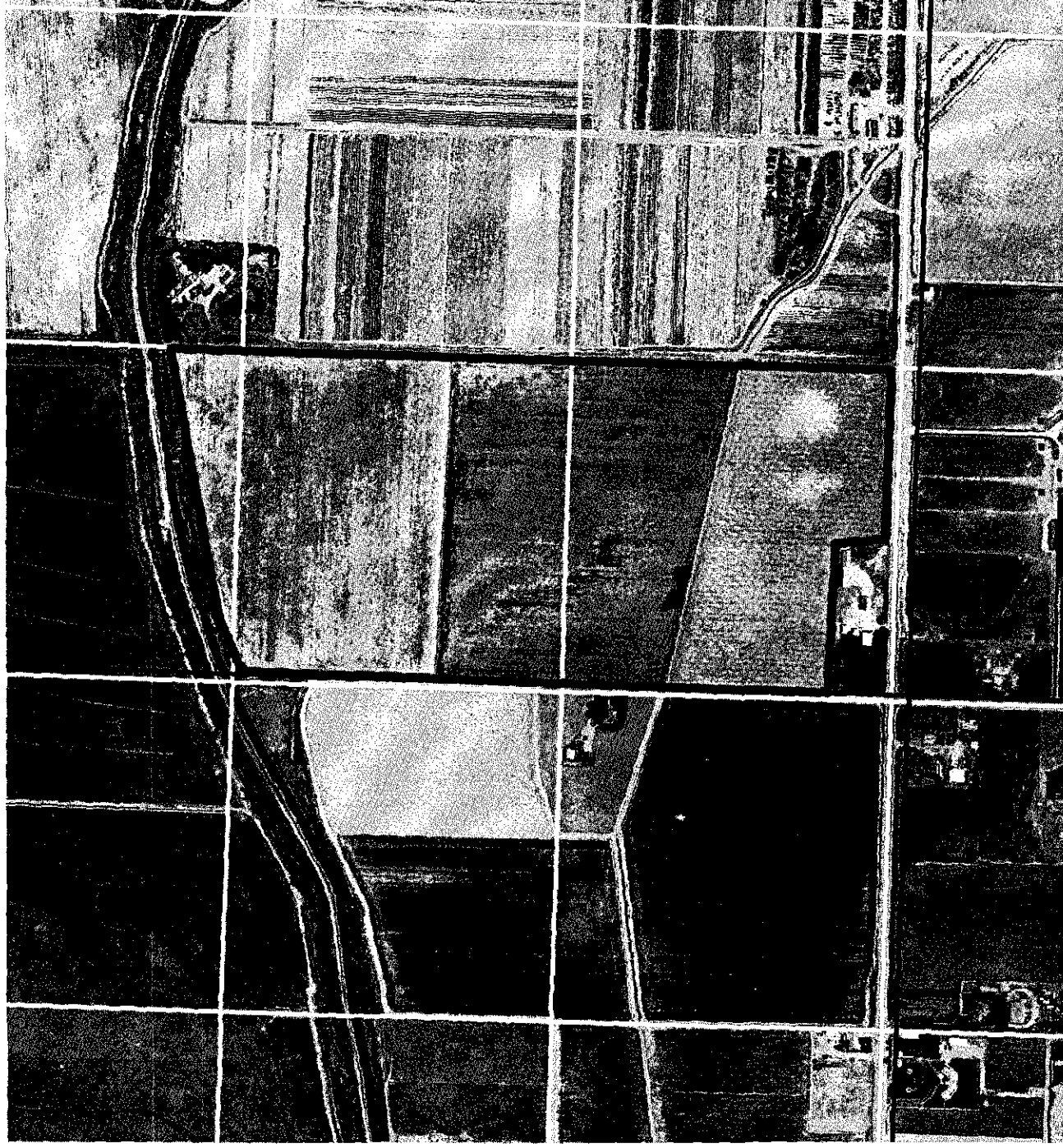
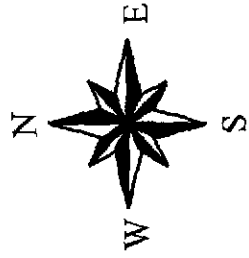
Twp 4N Rge 1W
Sec 22

 **Place of Use**

 **Section Lines**

1/41/4

 **Pt of Diversion**



0 1320 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right No. 63-169C

Prepared by:

Jan Shurte

Date: 3-17-05

Settler's Canal POD
SWNE, S9, T3N, R2E



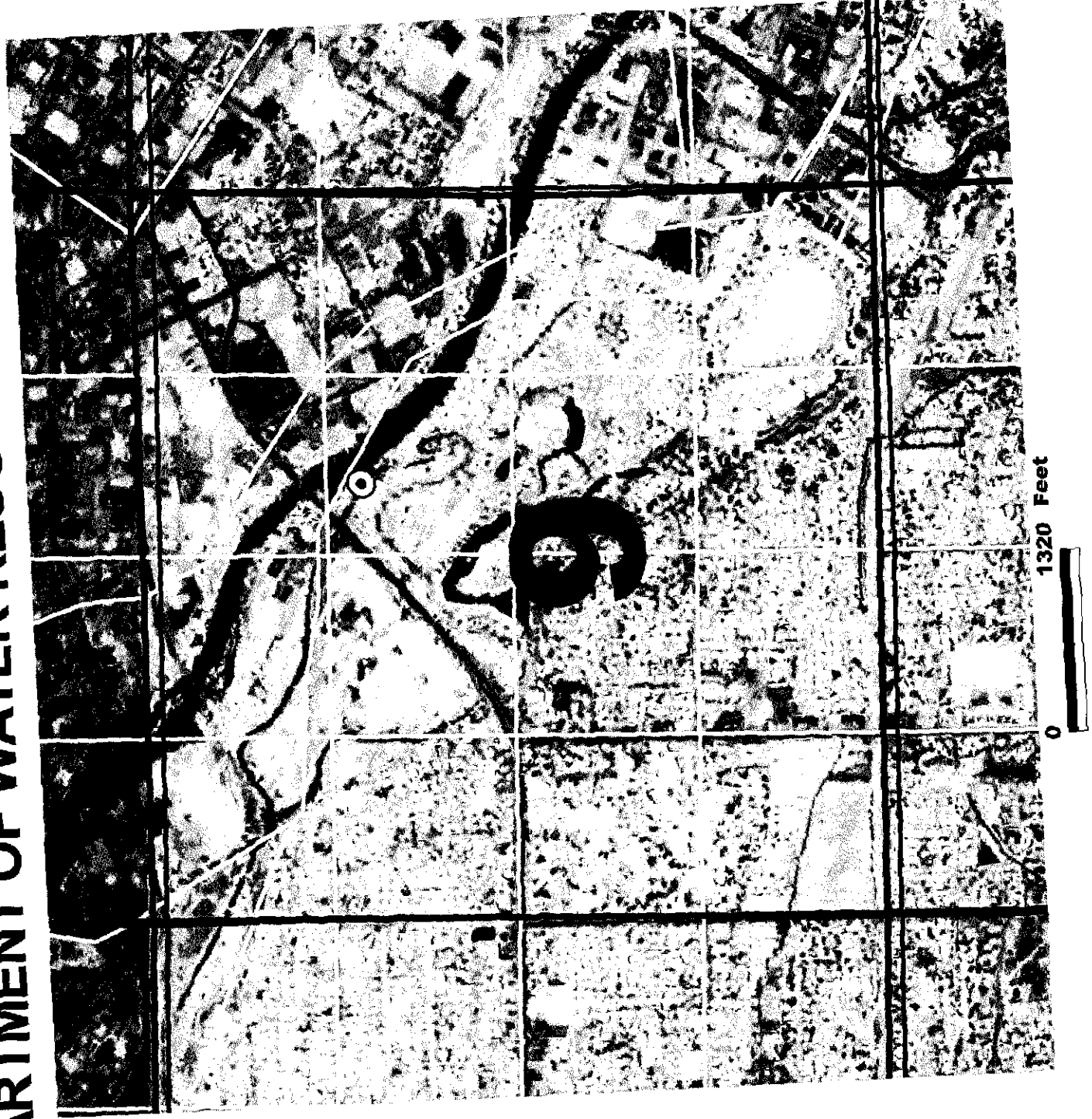
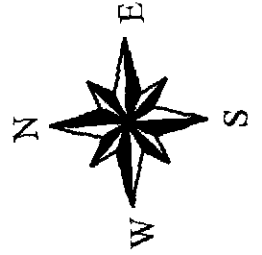
Place of Use



Section Lines

1/41/4

⊙ Pt of Diversion



**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) 603 - 169AOwner: G. Gager Phone No. 888-2804Current Address: 1884 Hendricks Ct.

- ☒ 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: Located Settler's Canal Co POD
- ☐ If different, when did POD change? which is in the Survey of 9

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
	7		SW	NE	9	4N	1W	ADA	

Description of diverting works

See Claim # 63-231**OVERLAP REVIEW**Other water rights with the same point of diversion: 63-169C & Settles variousDoes overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: etc.No**WATER USES**☒ No change☐ Different Uses

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ 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	
4N	1W	22							7				30	31					74

Overlap with other water rights: 103-9

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

Delivery System Narrative: Settling Pits, Dist Canal
diversion from Dist Hwy, then through dist
water ditch system

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

See comments on proof
report.

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: 3-17-05

DATE EXAM CONDUCTED: 12-1-03

FIELD EXAMINER: Jan Whittle

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-169A

02/22/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
169A	Claim	04N	01W	22	NW	SW		IRRIGATION	40/80	JO ANN EGGERS
9187	Claim	04N	01W	22	NW	SW		IRRIGATION	36/137	JO ANN EGGERS
169A	Water Right	04N	01W	22	NW	SW		IRRIGATION		J FRANK BRYCE
2317	Water Right	04N	01W	22	NW	SW		IRRIGATION	40/150	JAMES N BRYCE
9187	Water Right	04N	01W	22	NW	SW		IRRIGATION	36/137	CHESTER F EGGERS
1614B	Claim	04N	01W	22	NW	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
1618B	Claim	04N	01W	22	NW	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
1262B	Claim	04N	01W	22	NW	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
169A	Claim	04N	01W	22	SW	SW		IRRIGATION	40/80	JO ANN EGGERS
9187	Claim	04N	01W	22	SW	SW		IRRIGATION	31/137	JO ANN EGGERS
169A	Water Right	04N	01W	22	SW	SW		IRRIGATION		J FRANK BRYCE
2317	Water Right	04N	01W	22	SW	SW		IRRIGATION	40/150	JAMES N BRYCE
9187	Water Right	04N	01W	22	SW	SW		IRRIGATION	31/137	CHESTER F EGGERS
1614B	Claim	04N	01W	22	SW	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
1618B	Claim	04N	01W	22	SW	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
1262B	Claim	04N	01W	22	SW	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
15555	Water Right	04N	01W	22	SW	SW		DOMESTIC		JO ANN EGGERS

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-9187 V1

WATER RIGHT NUMBER: 63-9187 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JO ANN EGGERS 1884 HENDRICKS CT MERIDIAN, ID 83642 (208)888-2804
Original Owner	WILLIAM L CROOKHAM PO BOX 520 CALDWELL, ID 83605 (208)454-1693
Original Owner	CHESTER F EGGERS 745 S BLACK CAT RD MERIDIAN, ID 83642

G.W.
OVERLAP

Priority Date: 11/09/1978

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.070 CFS	614.30 AF
	<u>Total Diversion:</u>	2.070 CFS	614.30 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4	Sec. 22, Twp 04N, Rge 01W, 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				
04N	01W	21																	28.0		35.0	63.0
04N	01W	22							7.0				36.0	31.0								74.0

Total Acres: 137

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9187 V1

3. W54 Use of this right is combined with water from Settlers Irrigation District.

Remarks:

- | | |
|-------------------|--|
| 1. Purpose of Use | THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT. |
|-------------------|--|

Comments:

1. kbrown 10/6/2003 Accomplished Transfer

Comment: There is an error in licensing. It appears the error is due to mapping techniques not available in the early 1980s. This POU Accomplished Transfer for Section 21 is based on 2002 Ada County Tax Lot information and 2000/1987 NAPP photography.

2. kbrown 10/6/2003 Annual Volume

Comment: The IDWR Field Report found 136.5 irrigated acres and calculated the annual volume based on this figure. On the License, the 136.5 acres are rounded-up to 137, but the annual volume was not changed and still reflects the 136.5 acre amount. The correct amount on the License should have been 616.5 AF.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-169A

WATER RIGHT NUMBER: 63-169A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J FRANK BRYCE RT 1 MERIDIAN, ID 83642
Original Owner	MARTHA E MC CARTHY , ID

Priority Date: 06/01/1868

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>
DOMESTIC	/ to /		
IRRIGATION	/ to /	0.290 CFS	
<u>Total Diversion:</u>		0.290 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NW1/4NW1/4	Sec. 9,	Twp 03N,	Rge 02E, 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	
04N	01W	22							X			X	X						

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

- General TRANS. 871.
DIV. RATE=288 CFS.
WATER CARRIED IN SETTLERS CANAL.

Comments:Dates and Other Information:

Receipt Details for ID C011305

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
9/8/1989 10:08:08 AM	9/8/1989	State	\$12,715.00	Check
Payer		SETTLERS' IRRIGATION DIST		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
8265			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$12,715.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	230	F	\$10,675.00	Claim
63	161	G	\$50.00	Claim
63	161	N	\$50.00	Claim
63	22227		\$50.00	Claim
63	22226		\$70.00	Claim
63	22225		\$50.00	Claim
63	161	BG	\$50.00	Claim
63	161	V	\$100.00	Claim
63	161	AX	\$50.00	Claim

63	161	AV	\$50.00	Claim
63	161	Z	\$50.00	Claim
63	161	AJ	\$50.00	Claim
63	161	AL	\$70.00	Claim
63	161	AN	\$50.00	Claim
63	161	BA	\$50.00	Claim
63	161	A	\$50.00	Claim
63	161	T	\$50.00	Claim
63	231		\$50.00	Claim
63	230	C	\$50.00	Claim
63	124	F	\$50.00	Claim
63	124	H	\$50.00	Claim
63	214	A	\$50.00	Claim
63	199	A	\$130.00	Claim
63	124	K	\$50.00	Claim
63	198	A	\$64.00	Claim
63	257		\$90.00	Claim
63	161	AC	\$50.00	Claim
63	230	B	\$50.00	Claim
63	120	H	\$130.00	Claim
63	198	Y	\$70.00	Claim
63	170	A	\$50.00	Claim
63	169	A	\$50.00	Claim
63	161	J	\$50.00	Claim
63	161	Q	\$50.00	Claim
63	161	BW	\$50.00	Claim

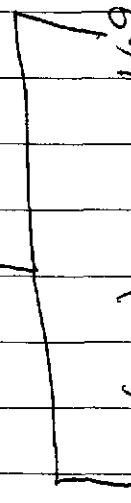
[Print Report](#)

WATER RT No 63-169 SPURT TAKE

3-16-05

63-169 (N. 1 CFS)

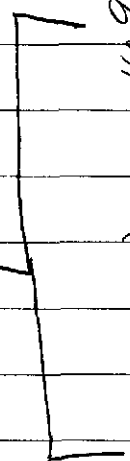
TRANSFER # 871



169A (.29 CFS)
(EGGERS)

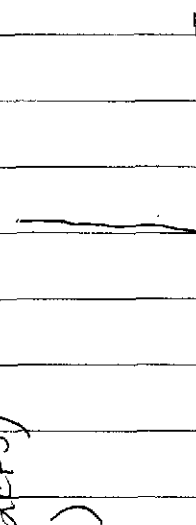
169B (13.8 CFS)

TRANSFER # 872



169C (.22 CFS)
(EGGERS)

169D (13.59 CFS)



169E (12.78 CFS)

169F (.814 CFS) (UNTED H₂O)

169A - .29
169C - .22
169E - .81
3030 - 12.78
N. 1 CFS

SAME AS DECREASED

63-30130 (TURN AND MIN. STOP + 20)

(COMBINATION OF
63-169E & 63-170B)

63-30130 IS FOR A TOTAL OF 15.48 CFS w/ 170B (2.70 CFS)

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 12/27/93

PAGE: 1

WATER RIGHT NUMBER	NAME	CFS
63-00169	SPLIT INTO 63-0169A & 63-0169B BY TRANS. 871.	
63-00169A	BRYCE , J. FRANK	0.29
63-00169B	SPLIT INTO 63-0169C & 63-0169D BY TRANS. 872.	
63-00169C	KEYSER JR , GEORGE D	0.22
63-00169D	Split into 63-00169E & F by Trans.	
63-00169E	MC CARTHY , MARTHA E.	12.78
63-00169F	BOISE WATER CORP	0.81

MICROFILMED

FEB 23 1994

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-169

WATER RIGHT NUMBER: 63-169

Owner Type

Name and Address

Priority Date:

Basis:

Status: See Remarks

Source

Tributary

Beneficial Use

From To

Diversion Rate

Annual Volume

Total Diversion:

Location of Point(s) of Diversion

Place of Use

Conditions of Approval:

Remarks:

1. General SPLIT INTO 63-0169A & 63-0169B BY TRANS. 871.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report 63-169

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-169B

WATER RIGHT NUMBER: 63-169B

Owner Type Name and Address

Priority Date:

Basis:

Status: See Remarks

Source Tributary

Beneficial Use From To Diversion Rate Annual Volume

Total Diversion:

Location of Point(s) of Diversion

Place of Use

Conditions of Approval:

Remarks:

1. General SPLIT INTO 63-0169C & 63-0169D BY TRANS. 872.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-169B

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-169D

WATER RIGHT NUMBER: 63-169D

Owner Type Name and Address

Priority Date:

Basis:

Status: See Remarks

Source Tributary

Beneficial Use From To Diversion Rate Annual Volume

Total Diversion:

Location of Point(s) of Diversion

Place of Use

Conditions of Approval:

Remarks:

1. General Split into 63-00169E & F by Trans.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-169D

Adjudication Recommendation Report 63-30130 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	RINGERT CLARK CHARTERED DAN STEENSON / S BRYCE FARRIS 455 S 3RD ST PO BOX 2773 BOISE, ID 83701 (208)342-4591
Current Owner	THURMAN MILL DITCH CO LTD 10611 W TREELINE CT BOISE, ID 83713 (208)376-3769

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	15.480 CFS	
	Total Diversion:	15.480 CFS	

Location of Point(s) of Diversion
BOISE RIVER L11 (NE1/4SE1/4) Sec. 5, Twp 03N, Rge 02E, 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	02E	5					X L 2	X L 3											
04N	01E	21			X L 7	X L 8			X L 5	X L 6	X	X	X	X	X	X	X	X	
04N	01E	22		X L 2	X L 7	X L 8			X L 5	X L 6	X	X	X	X	X L 10	X L 11	X	X	
04N	01E	23						X L 5	X L 6				X L 9	X L 10		X L 7	X	X L 11	
04N	01E	24											X L 5						
04N	01E	25		X L 3	X	X L 2	X L 4	X	X	X	X	X		X	X	X	X	X	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30130 V1

04N 01E 26		X	X	X	X		X	X	X	X								X	
04N 01E 27		X	X				X												
04N 01E 36		X	X		X														
04N 02E 30												X	X	X	X				
												L 2	L 3	L 7	L 8				
04N 02E 31		X	X	X	X		X	X	X	X		X			X		X	X	X
		L 1	L 2		L 14			L 3	L 4						L 12			L 7	L 9
04N 02E 32								X				X	X	X	X				
								L 5				L 3	L 6		L 8				

Total Acres: 1373.6

Conditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

Remarks:

1. Explanatory DESIGNATED AS NOS 36 AND 37 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30130 V1

2. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
3. Explanatory WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL
4. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-31936, 63-135, 63-30129, 63-30125, 63-30131, 63-192, 63-19425, 63-216C
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1373.6 ACRES WITHIN THE BOUNDARY OF THURMAN MILL DITCH COMPANY
6. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-169E AND 63-170B

Comments:

1. mcase 7/21/2004 POD

Comment: Correlated PODID 617480 from SpatialDataID 342578 to SpatialDataID 302643

2. mcase 7/21/2004 POD

Comment: Correlated PODID 617480 from SpatialDataID 342578 to SpatialDataID 302643

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

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>
Priority Date	4/15/2004 9:21:40 AM	mschulte			Active
POD	4/15/2004 9:23:00 AM	mschulte			Active
Source	4/15/2004 9:23:25 AM	mschulte			Active
POU	4/15/2004 9:23:49 AM	mschulte			Active
Use	4/15/2004 9:24:14 AM	mschulte			Active
Season	4/15/2004 9:25:17 AM	mschulte			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30130 V1

Quantity	4/15/2004 9:25:48 AM	mschulte	Active
Summary		04/15/2004 mschulte	Active
POU	9/17/2004 11:37:40 AM	mschulte	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	4/15/2004 9:23:26 AM	mschulte	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	9/17/2004 11:37:40 AM	mschulte	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required?
Priority Date	4/15/2004 9:21:40 AM	mschulte	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	4/15/2004 9:23:00 AM	mschulte	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	4/15/2004 9:23:50 AM	mschulte	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?
Use	4/15/2004 9:24:15 AM	mschulte	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30130 V1

Season	4/15/2004 9:25:18 AM	mschulte	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (Yes) 18. Is a Period of Use remark and/or condition required?
POD	4/15/2004 9:22:16 AM	mschulte	Edited point location
Quantity	4/15/2004 9:25:49 AM	mschulte	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	4/15/2004 10:24:49 AM	mschulte	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

***AMENDED**

AMENDED

TRANSFER NO. 4232

WATER RIGHT NO(S). 63-00165L/63-00169F/63-00243E/63-00243H

This is to certify that: **BOISE WATER CORP**
PO BOX 7488
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. 63-00165L : MUNICIPAL Priority: 06/01/1866	03/15 to 11/15	0.68 CFS	167.0 AF
Right No. 63-00169F : MUNICIPAL Priority: 06/01/1868	03/15 to 11/15	0.81 CFS	199.0 AF
Right No. 63-00243E : MUNICIPAL Priority: 05/01/1889	03/15 to 11/15	3.30 CFS	682.0 AF
Right No. 63-00243H : MUNICIPAL Priority: 05/01/1889	03/15 to 11/15	0.93 CFS	172.0 AF

SOURCE

TRIBUTARY OF

BOISE RIVER

SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SENE), Sec. 14, Township 03N, Range 02E
ADA County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

UNRECORDED

FEB 23 1994

AMENDED TRANSFER NO. 4232 *AMENDED*
WATER RIGHT NO(S). 63-00165L/63-00169F/63-00243E/63-00243H

CONDITIONS/REMARKS:

5. Prior to diversion and use of water under Transfer No. 4232, a totalizing flow measuring device and lockable controlling works acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
6. Construction of diversion works is subject to the application of best management practices in accordance with standards utilized in the State of Idaho Stream Protection Program. Specific requirements include the following:
 - a. Turbid water pumped from the construction site shall not be returned directly to the stream (Alternatives are: settling pond, sump hole, irrigation ditch, etc.). Any discharge to a natural waterway shall be in compliance with Idaho Water Quality Standards and Wastewater Treatment Requirements and EPS NPDES permit requirements.
 - b. Fuel, oil, and other hazardous materials shall be stored, and equipment refueled, away from the stream to ensure that a spill cannot enter the stream channel.
 - c. All construction activities shall be conducted in such a manner as to minimize turbidity and other water quality impacts.
 - d. Any structure(s) placed within the stream channel of the Boise River shall be constructed in such a manner as to allow float boat traffic to pass over or around the structure(s) except at very low flows. The IDWR and the Idaho Department of Fish and Game will evaluate the structure(s) as constructed.
 - e. Stream bank vegetation shall be protected to the extent practicable during construction. Care shall be taken to select locations for ingress and egress from the stream that will minimize bank and riparian vegetation damage. Disturbed and eroded areas shall be revegetated with perennial shrubs, grasses, and forbs as recommended by Idaho Department of Fish and Game and/or the local office of the Soil Conservation Service, to reduce erosion, restore bank cover and habitat and inhibit the invasion of noxious weeds.
 - f. All temporary cofferdams shall be constructed of either jersey barriers, sandbags, sheet pilings, or other materials reviewed and approved by this Department prior to construction of the cofferdams.
7. Place of use is located within the city limits of Boise and the surrounding service area.
8. Four points of diversion are located within Lot 7, SENE, S14, T03N, R02E.
9. Transfer No. 4232 adds a point of diversion identified as the Warm Springs Water Treatment Plant River Intake to the three existing points of diversion known as Ranney collector diversions.

Dated this 14th day of January, 1994.

J. Shw Supton
Chief, Water Alloc. Bureau

FEB 23 1994

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3373AMENDEDAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant Boise Water Corporation Phone 362-1300
Post Office address P.O. Box 7488 Boise, Idaho 83707

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To change the nature of use, place of use and point of diversion under 46-1/2 shares of stock in the Thurman Mill Ditch Company, Ltd., in order to make these waters available for diversion by Boise Water Corporation ("BWC") through BWC's three Marden Street Ranney Collectors, each as an alternate point of diversion for the others.

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|---------------------|--------------------|------------------|---------------------------------|
| <u>63-0169F</u> | <u>June 1, 1868</u> | <u>0.814</u> | <u>Municipal</u> | <u>Apr. 1</u> to <u>Oct. 31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Boise River tributary to Snake River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	NE	14	3N	2E	Ada	Marden Street Ranney Collectors
								Nos. 1-3

5. Lands irrigated or place of use:
- Boise Water Corporation service area

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

PART 1**6. General Information:**

a. Description of diversion system The Marden Street Ramney Collectors Nos. 1 - 3 draw shallow ground water from the alluvium near the north bank of the Boise River in East Boise. The system consists of three such collector systems with pumps, lines and distribution systems.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

The lands historically irrigated by these Thurman Mill shares are being developed as the Willowbrook Subdivision. No further irrigation is occurring there except for lawn and shrub sprinkling with water from a commercial supplier. The subdivision covers approximately 43 acres.

d. Remarks:

The Willowbrook Homeowners Association, and the majority of the individual landowners in the subdivision, have authorized the transfer of this portion of the water right from these lands.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-0169F

And said application is hereby APPROVED, subject to the following limitations and conditions:

1. A lockable controlling device and totalizing flow measuring device acceptable to the Department shall be permanently installed and maintained as part of the diverting works. 2. Diversion of water under this right is limited to a maximum total volume of 199 acre-feet per annum at a maximum rate of flow of 0.814 cfs. 3. Use of water under this right is subject to control by the watermaster of State Water District 63, Boise River.

Witness my hand this 25th day of February, 19 88

J. Glen Sauter
Chief, Operations Bureau

JUN 29 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-0169 D Decreed to Martha E. McCarthy
in case of Farmers' Co-Op Ditch Co. vs. Riverside Irrigating Dist., Ltd.
dated March 5, 1908 in 7th District Court county of Ada
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. T 871, T 872 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other Quit Claim Deed

3. Source of water Boise River tributary to Snake River

4. Date or priority June 1, 1868

5. Water is used for the following purpose:

amount 13.592 for Irrigation purposes from April 1 to October 31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 13.592 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	5	3N	2E	Ada	Thurman Mill Ditch (Per decree)
11		NE	SE	5	3N	2E	Ada	" " " (Per map)

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
			Lands under the Thurman Mill Ditch																

Total acres _____

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.814 cfs for Irrigation purposes from March 15 to November 15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 Note: Decree No. 63-0169 was established at a rate of 1.1 miners inches per acre.
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	5	3N	2E	Ada	Thurman Mill Ditch

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1E	25								19	18								37

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 12.778 cfs for Irrigation purposes from April 1 to October 31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
11		NE	SE	5	3N	2E	Ada	Thurman Mill Ditch
								(This point is a correction from the decree)

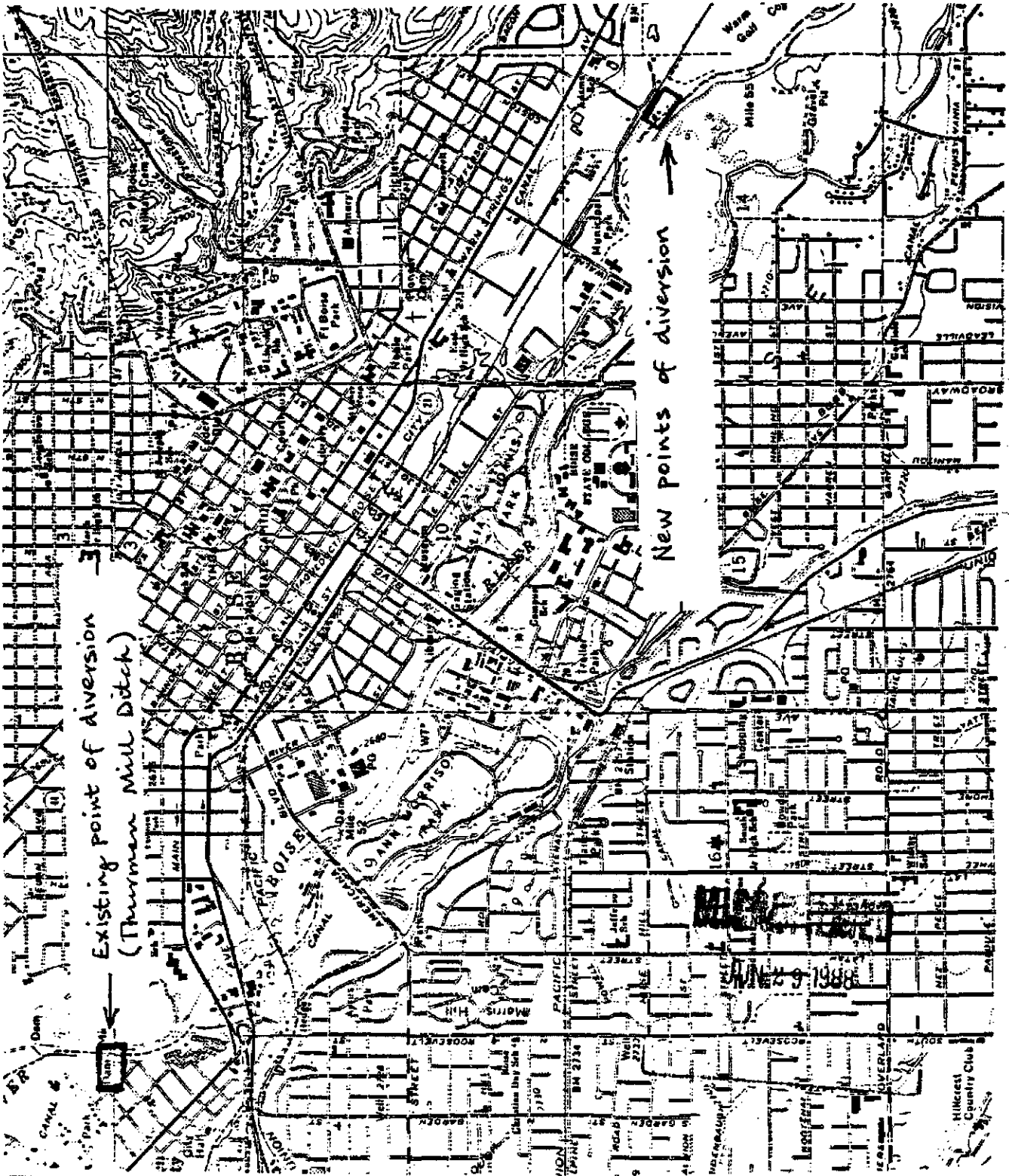
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
			Lands under the Thurman Mill Ditch																

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



Boise South USGS Quadrangle T3N R2E, B.M.

PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>Municipal</u>	<u>0.814</u>	<u>Acre-feet to be</u>	<u>4/1</u> to <u>10/31</u>
		<u>computed in associated</u>	<u>document</u> to _____
2. Quantity and quality of return flows and location of discharge:
Approximately 65% of this amount will return to the Boise River in relatively good quality, primarily as treated effluent discharged from the Boise City sewer treatment plants.
3. Describe effects on other water uses resulting from the proposed change:
None anticipated. Since this water no longer will be available for diversion through the Thurman Mill Ditch, BWC recognizes that there could be some effect on the carriage water available in that ditch. However, since this transfer involves only a small portion of the Thurman Mill right such effects are not anticipated.

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

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

Wayne R. Bone President, Boise Water Corp.
 (Signature of Applicant)

Subscribed and sworn to before me this 2nd day of December, 1987.

Charles Eaton
 (Notary Public)

My commission expires 8-12-91

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and Multiple attachments (Previously Submitted) (See C, D, F, 6 Attached to Original App)

Received by DE Date 12-2-87 Protest filed by None

Prelim. check by DET Fee \$50 / \$43935

Receipted by JP Date 9/28/1987

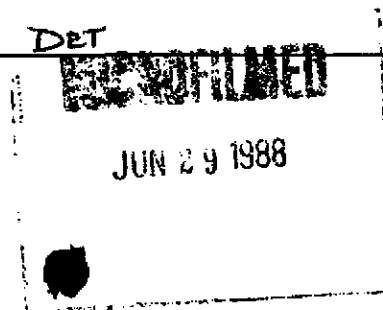
Published in Idaho Statesman Copies of protest forwarded by N/A

Pub. dates 12/17, 12/24/1987 Hearing held by N/A Date _____

Watermaster recommendation requested on 12/14/87 Recommended for ☒ approval ☐ denial

_____ rec'd. 1/6/88 by DET

Copy of transfer sent to lien holder N/A



XXXI.

That the defendant, THE BOISE CITY CANAL COMPANY a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on said river above the city of Boise for use on the lands lying under its canal system, in the following amount from the following date;
63 0165 T 320, 373, 1048, 1059,
1903 inches, from June 1, 1866; and hereby designated as Right No. 33.
And be adjudged to pay \$133.21 costs in addition to the costs incurred by it.

XXXII.

That the defendant THE FRANKLIN DITCH COMPANY, a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the William Frost farm in Sec. 18, T. 4 N. R. 1 W. B.M., for use upon the lands lying under its canal system, in the following amounts from the following dates;
63 0166
770 inches, from July 3, 1866; and hereby designated as Right No. 34.
63 0167
1380 inches, from Oct. 29, 1880; and hereby designated as Right No. 77.
And be adjudged to pay \$150.50 costs in addition to the costs incurred by it.

XXXIII.

That the defendant THE CANYON COUNTY WATER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river near where the east line of Canyon County intersects said north bank, for use upon the lands lying under its canal system, in the following amount from the following date;
63 0168
3790 inches, from June 1, 1867; and hereby designated as Right No. 35.
And be adjudged to pay \$265.30 costs in addition to the costs incurred by it.

XXXIV.

That the defendant MARTHA E. MCCARTHY be, and she is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river on SE 1/4 of NE 1/4, Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough or ditch, for use upon lands lying under said ditch, in the following amount from the following date;
63 0169
705 inches, from June 1, 1868; and hereby designated as Right No. 36.
And be adjudged to pay \$49.35 costs in addition to the costs incurred by her.

XXXV.

That the defendants H. D. GOODMAN and DORA GOODMAN be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Ditch or slough, for use upon lands situated in Secs. 31 and 32, T. 4 N. R. 2 E. B.M., in the following amount and from the following date;

63 0170 135 inches, from June 1, 1868; and hereby designated as Right No. 37.
-736

And be adjudged to pay \$12.95 costs in addition to the costs incurred by them.

XXXVI.

That the defendant T. T. JOHNSON be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12, and SE $\frac{1}{4}$ of Sec. 2, T. 4 N. R. 4 W. B.M., for use upon the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and lots 2 and 3 in Sec. 3, T. 4 N. R. 4 W. B.M., in the following amount from the following date;

63 0171 160 inches, from June 1, 1868; and hereby designated as Right No. 38.
-A.D. 3

And be adjudged to pay \$11.20 costs in addition to the costs incurred by him.

XXXVII.

That the defendants C. E. ROSS, C. H. ALLEN, EDGAR DILLEY and W. H. ROSS, be and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the NE corner of Sec. 21, through what is known as the Haas canal, for use upon lands in Secs. 16, 17, 20 and 21, T. 5 N. R. 6 W. B.M., in the following amount from the following date;

63 0172 427 inches, from June 1, 1868; and hereby designated as Right No. 39.

And be adjudged to pay \$29.89 costs in addition to the costs incurred by them.

XXXVIII.

That the defendant S. S. GRAY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point at the head of the Middleton Mill ditch, on NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 13, T. 4 N. R. 1 W. B.M., for use upon the N. $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 10, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0173 70 inches, from June 1, 1868; and hereby designated as Right No. 40.

And be adjudged to pay \$4.90 costs in addition to the costs incurred by him.

MEMORANDUM

June 22, 1995

TO: SRBA Claims Submitted by Settler's Irrigation District

FROM: KAY WALKER *Kay*

RE: Correspondence prior to June 22, 1995

See File A63-00230F for all correspondence concerning
Settler's claims and claims they submitted for private individuals.

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

April 12, 1995

Ms. Kay Walker
Senior Water Resource Agent
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

APR 14 1995

WATER RESOURCES
WESTERN REGION

Re: Notice of Claims to Water Rights Submitted by Settlers' Irrigation District

Dear Ms. Walker:

In response to your correspondence dated March 20, 1995, I enclose the following documents:

- ✓ 1. Exhibit D to Water Right No. 63-22192;
2. Water Right Claims for Storage Water Nos. 63-03614, 63-03618, and 63-05262; and
3. Original Claims A63-00161Q (Transfer No. 737); A63-00161J (Transfer No. 712); A63-00170A (Transfer No. 736); and ~~A63-00169A~~ (Transfer No. 871).

Please contact me or Ms. Vicki Keen at Settlers' Irrigation District if you require money for filing fees or if you have any other questions. Thank you for your cooperation in this matter.

Very truly yours,

ELAM & BURKE
A Professional Association



Melinda Anderson
Secretary to Scott L. Campbell

ma:
Enclosures



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

R. KEITH HIGGINSON
DIRECTOR

March 31, 1995

RE: Notice of Claims to Water Rights Submitted by Settlers
Irrigation District

Tim Callanan
ELAM & BURKE
P.O. Box 1539
Boise, ID 83701

Dear Mr. Callanan:

Pursuant to our telephone conversation this afternoon, enclosed you will find the plats that Troy had given to me which show the place of use of the claims under Transfer Nos. 712, 736, 737, and 871.

Please note that I have tried to figure out what additional fees would be required but became confused when I got to Trans. Nos. 712 and 737. It would be helpful to me if you can find out if the lands under Trans. 737 are in addition to lands claimed under A63-00230F or not. For instance, in Sec. 34, Twp. 4N, Rge. 1E, Settler's has previously claimed 10 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$; Trans. 737 claims 15 acres in the same 40-acre tract. Does this mean there is 25 acres of irrigation water delivered or just 15? Pursuant to my review I did find that Trans. 736 requires an additional \$35.00 filing fee and Trans. 871 requires no additional fee.

If you have any questions in regard to this matter please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures



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

R. KEITH HIGGINSON
DIRECTOR

March 20, 1995

RE: Notice of Claims to Water Rights Submitted by Settlers Irrigation District

Scott L. Campbell
ELAM & BURKE
P.O. Box 1539
Boise, ID 83701

Dear Mr. Campbell:

We have received the amended claim forms for Rights Nos. A63-00231, A63-00161AC and A63-22227 and our computer records have been updated accordingly.

We are also in receipt of Claims A63-00230B and A63-00231B which were submitted to replace A63-27516; and A63-00231C and A63-00230C which were to replace A63-22192. Since the two additional claims arrived without a filing fee I have used \$100.00 of the fee submitted under Receipt W018420 for these claims so I could update our records. Also, I am once again requesting a copy of "Exhibit D" that was attached to the claim (previously number A63-22192) for Jessie Allen, Earl Holbert, Fred Wilhelm and/or Esther Strain.

I still need to have the original forms of Claims A63-00161Q (Trans. No. 737), A63-00161J (Trans. No. 712), A63-00170A (Trans. No. 736) and A63-00169A (Trans. No. 871) returned to me. Troy and I went over the place of use to be assigned to each of these claims on January 6, 1995, but he did not have the original claim forms in his possession.

I am also awaiting submittal of the claims you were to re-submit for the storage water under Right Nos. 63-03614, 63-03618, and 63-05262. As stated above, I have assigned monies from Receipt No. W018420 to Claims A63-00231C and A63-00231B so Settler's only has an unused balance of \$50.00.

If you have any questions in regard to this letter please feel free to contact me.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

cc: Settlers Irrigation District

63-0169 Tr. # 871

RECEIVED

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

JAN 06 1995

Scale: 2 inches equals 1 mile

**WATER RESOURCES
WESTERN REGION**

Sec. 22 - 4N-1W

40

40

22 4W 1W

additional acres fee

0 NWSW, Sec. 22

0 SWSW, Sec. 22



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

December 22, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RE: Notice of SRBA Claims to Water Rights Submitted by Settlers
Irrigation District

Scott L. Campbell
ELAM & BURKE
P.O. Box 1539
Boise, ID 83701

Dear Mr. Campbell:

I am a little confused as to which claims I am supposed to contact you about and which I am to contact Settler's about so I am going to include all the information, regarding my letter of March 29, 1994, in this correspondence. I hope this is not an inconvenience to you. I will try to keep this letter in the same format as the March 29th letter in order to respond to what has been done so far in regard to the claims and the information I had requested.

It is my understanding that Vicki and Troy are still in possession of the original claims for Rights A63-00161Q (Trans. No. 737), A63-00161J (Trans. No. 712), A63-00170A (Trans. No. 736) and A63-00169A (Trans. No. 871). I still need to have the place of use information attached to each of these claims and the original claims returned to me for data entry. Also, these claims may need additional filing fees if the acres they cover are not included on a claim that has been paid for.

Pursuant to my visit with Vicki and Troy, at Settler's office on August 19, 1994, I have prepared and enclosed amended claims for Rights A63-00161AC (Trans. No. 829) and A63-22227 (Trans. No. 940). I had made notes on these claims that the place of use needed to be modified, so this is what the amended claims are to accomplish.

Enclosed you will find an "amended" version of Claim A63-00231, as per our visit on November 29th. The amended form adds 200 acres to the place of use, as was done to Claim A63-00230F in March of 1992. The 200 acres are located within Twp. 3N, Rge. 1E, Sec. 5 and Twp. 3N, Rge. 1W, Sec. 5. The addition of these lands is the only change I have made to this claim.

Also enclosed are claims A63-00230C and A63-00231C which were combined under No. A63-22192 (Trans. No. 50) when originally submitted. Claims A63-00230B and A63-00231B, which were combined under number A63-27516 (Trans. No. 45), are also enclosed. Since

one \$50.00 fee was submitted for each of the combined claims we will require an additional \$100.00 for submittal of the "separated" claim forms. The fees submitted for Claims A63-22192 and A63-27516 will be applied to the submittal of two of the "separated" claim forms.

Please note that the amount of water claimed under No. A63-22192 (0.20 cfs) does not match the amounts shown on A63-00230C and A63-00231C. Transfer No. 50 described an amount of 20" of water which would equal 0.40 cfs, which is what the combined amounts of A63-00230C and A63-00231C will be if submitted as prepared. I am not sure why the entire 20" of water was not claimed when A63-22192 was submitted so I have left the amount of water as shown in the water rights data base. If this is not correct, please change the forms to show the amount of water Settlers wants to claim. Also, I have misplaced my copy of "Exhibit D" that was attached to Claim A63-22192. If you have another copy could you please send me one?

In my March 29th correspondence, I returned the claims Settlers had submitted on Rights 63-03614, 63-03618 and 63-05262. These claims were submitted for storage water within federal facilities and I had returned them because the rights had already been claimed by the U.S. Dept. of Interior, Bureau of Reclamation. During your visit on November 29th, you stated that these claims would be pursued. I need to have the original claim forms back to proceed with them. Filing fees for these claims have been submitted under Receipt W018420 (part of the \$294.00 that I had requested).

I am also enclosing a copy of Page 18 of the Adjudications Rules and Regulations which says a map showing the boundaries of the irrigation district must be submitted with their claims. It is my understanding that Settlers were not intending to submit a map, which would be very useful in reviewing their claims. Hopefully this copy of the rules and regulations will persuade them.

Please have Settlers sign the amended and "separated" claim forms in the presence of a notary public and return them to me, along with the other claims mentioned above. Once I have received the signed forms I can update our records. If you find that changes need to be made to any of these forms, please make the changes prior to Settlers signing the forms and I will incorporate those corrections when I update our records. If you have any questions in regard to this letter please feel free to contact me.

Sincerely,



KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

cc: Settlers Irrigation District

COMMUNICATION DOCUMENTATION

DATE: September 12, 1994

TO: FILES

FROM: KAY WALKER

RE: PHONE CONVERSATION WITH VICKI AT SETTLERS

Vicki, from Settler's Irrigation District, called me this morning with some questions regarding their claims in the SRBA.

She inquired about their place of use that is now subdivided and has no access to the water. She also told me there were land owner's that could access Settler's but had no right to it at this time, and wanted to know how they could accomplish that and if it was possible. She wanted to know how they could "save" the water for lands now under subdivision since the Board of Director's had indicated that they did not want to loose any of their water rights. I discussed with her the fact that we cannot recommend water for those lands that no longer use the water, and if the water had gone 5 years without being used the forfeiture issue would come into play. I also responded that a transfer could be filed to "move" water, which would also amend their SRBA claim or claims; and I briefly mentioned the water bank but could not give her many details regarding it because I did not know exactly how water qualified to be put into the water bank and then retrieved, if the time came to retrieve it. I told her I would find out the answer and call her back.

Vicki asked what role the power of attorney forms that were filed with claims took now. I read one of the forms that each of the water users had signed, in order for Settler's to submit their claims, and interpreted it to say that Settler's were only qualified to take action on the claims through the submittal process. Since my letter of March 29, 1994, they are still gathering information to submit some of the claims that I had returned to them (which would still fall under the submittal period). She asked me to what extent Settler's would be involved after all the claims were submitted. This is water for lands that are served by Settler's canal and Settler's does not want to jeopardize any of the claims for failure to submit enough information. She wanted to know when we would begin corresponding with the claimant's instead of going through them. She also went on to ask if I would contact the Chairman of the Board of Settler's when I had further questions because the chairman could probably respond easily, being familiar with the system. I replied that I had sent all the returned claims and my questions to Scott Campbell because our rules required this when an attorney was involved. I also told her that I could not contact the chairman

directly because I had to go through Scott Campbell since he is representing them. She replied that the irrigation district had obtained large legal fees and wanted to try to cut back on some of the fees involved to get their water rights adjudicated. I told her the Department was here to assist in any water questions &/or filing of forms, if they needed help. I also told that I would find out how long and to what extent the power of attorney submitted with the claims would be effective.

Don Smitcher
Chairman of Board
888-5558

Vikki's hours:
9-3 { Mon
Wed
Frid

RECEIVED

AUG 18 1994

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

WATER RESOURCES
WESTERN REGION

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

August 17, 1994

Ms. Kay Walker
Senior Water Resource Agent
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Settlers' Irrigation District Snake River Basin Adjudication Claims

Dear Kay:

I am responding to your correspondence of March 29, 1994, concerning the above-referenced matter.

I understand that you will be meeting with Vicki Keen and Troy Upshaw of the Settlers' Irrigation District on Friday, August 19, 1994 to discuss some of the issues raised in your March 29, 1994 correspondence.

I met with Vicki Keen and Troy Upshaw on August 17, 1994 to discuss these matters. I will be proceeding to investigate and respond to a number of the matters set forth in your prior letter. In this regard, please indicate to me the last possible date for submission of the additional information you have requested. Of course, we will attempt to provide you with a proper response as soon as possible. Unfortunately, the complexity of these issues requires a careful review of significant amounts of documents, as well as coordination with other individuals. I am certain that you can appreciate this.

I look forward to your response.

Very truly yours,

ELAM & BURKE
A Professional Association


Scott L. Campbell

SLC:ma

cc: Board of Directors - Settlers' Irrigation District

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SCOTT L. CAMPBELL

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APR 11 1994

WATER RESOURCES
WESTERN REGION

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

April 8, 1994

Ms. Kay Walker
Senior Water Resource Agent
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Notice of SRBA Claims to Water Rights Submitted by Settlers' Irrigation District

Dear Ms. Walker:

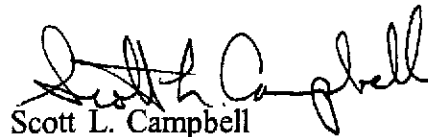
We have received your March 29, 1994, letter reviewing the above-referenced claims filed on behalf of Settlers' Irrigation District.

We are currently analyzing these claims in order to provide you with the clarification you have requested in your correspondence and will prepare a response to your letter when our analysis is completed.

Thank you for your cooperation. If you have any questions, please do not hesitate to contact me.

Very truly yours,

ELAM & BURKE
A Professional Association


Scott L. Campbell

SLC:ma

cc: Board of Directors
Settlers' Irrigation District



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 29, 1994

RE: Notice of SRBA Claims to Water Rights Submitted by Settlers
Irrigation District

Scott L. Campbell
ELAM & BURKE
P.O. Box 1539
Boise, ID 83701

Dear Mr. Campbell:

We have completed our initial review of the claims submitted by Settlers Irrigation District. During this review of the claims, we encountered several problems which must be clarified &/or addressed before we can process the information.

The claims submitted on Rights A63-00161Q, A63-00161J, A63-00170A and A63-00169A refer to Water Right Transfers Nos. 737, 712, 736 and 871 respectively. We cannot data enter these claims until we receive further information in regard to the place of use for these rights, so we are returning the original claims to you with this letter. Although the transfers attached to the claims identify legal descriptions of the place of use, they are not specific enough. We must have the number of irrigated acres in each 40-acre tract identified on the claims. To aid you and your clients in completing this, I have attached an ortho-photo quad to each of these claims which I have marked the place of use identified on the transfer for your convenience. Please mark the number of acres in each 40-acre tract on the ortho-photo quads and return the claims and quads to me.

I found that Claim Nos. A63-00161AN, A63-00161A, A63-00161AC, A63-00161BA, A63-00161T, A63-00198A and A63-22227 have been data entered with information contained on the transfer attachments. In reviewing these claims I believe that we need to confirm that the place of use has been accurately described. Copies of these claims and corresponding ortho-photo quads with the place of use marked are enclosed for your review. If you find that the legal descriptions are not correct, amended claims will need to be submitted.

Enclosed for your files are the yellow copies of Notice of Claims to Water Right Nos. A63-00230 (amended by Settler's Irrigation District on March 18, 1992 to include 200 additional acres; and then renumbered to A63-00230F pursuant to our water right records), and A63-00231. Also enclosed are data entered copies of these claims. I am wondering if Claim A63-00231 should also be amended to include the 200 acres added to A63-00230F. If so, please advise me and I will prepare an amended claim for your convenience.

In reviewing Claims A63-00230F and A63-00231, along with other claims submitted on the original rights, I have found that the claims are in excess of the original decreed amount. Right 63-00230 was decreed for 99.06 cfs and was then split into parts by transfers of portions of the right. Right 63-00231 was decreed for 73.44 cfs and was then split into parts. The claims will be scrutinized when we conduct our field review to avoid showing an expansion of the decreed amounts.

We have received a claim, which we numbered A63-22192 (evidenced by Transfer No. 50), which is a combination of Rights 63-00230C (priority of 10/17/1884) and 63-00231C (priority of 6/1/1891), and a claim which we numbered A63-27516 (evidenced by Transfer No. 45) which is a combination of Rights 63-00230B and 63-00231B. Be advised that since these rights have been combined on one claim form the priority date may be advanced to the priority of the latter of the two rights (6/1/1891).

Enclosed are Claim Nos. A63-03614, A63-03618, and A63-05262 which are for storage of water within federal facilities. The original water rights are in the name of the U.S. Dept. of Interior, Bureau of Reclamation. Claims for these rights have been submitted by the Bureau of Reclamation, resulting in duplicate filings. As you can see, these claims are not included in the breakdown of the fees previously submitted and will require filing fees if pursued.

I did not locate a SRBA claim on Right 63-00287 (old number 85-A) which is for 36" of water to be delivered through Settlers Canal. I have included a listing of the current water right record for your information. A claim should be submitted if Settlers delivers this 36" of water through their system.

Enclosed is a breakdown of the fees submitted under Receipt No. C011305 as shown in our records. Please note that we have not received the correct filing fees for Settler's claims. I have found that some of the claims submitted are for irrigation of lands that are not included under the land list on Claim A63-00230F. Based on review of the claims that I could complete an overlap review on, the filing fees due are \$294.00. There are several claims (as discussed in paragraph 2) that I could not determine if the lands were previously paid for or not. I have also enclosed a summary to show where the additional fees are required.

It would be very helpful for our review of these claims if Settlers would submit a map showing all of the lands currently receiving water

from their system. We have found using ortho-photo quads for platting this information is helpful.

Please complete the above items, initial and date any changes or additions to the claim forms, and return them, with the requested fee, to our office. We will begin our field review of Basin 63 at the end of this summer and these claims need to be in our computer system by then. If you need help in completing the items identified or have any questions concerning this letter, please feel free to contact me. I would be happy to meet with you and/or board members from Settlers, if you would like to call and set up an appointment.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:kw
Enclosures

cc: Settlers Irrigation District