

This is a topographic map of the Boise, Idaho area. The map shows the Boise River flowing through the center. To the north of the river is the Warm Springs Golf Course. To the east of the river is the State Penitentiary. The map includes various streets, including Bacon Ave, Adams Sch, and Vania St. Handwritten annotations in black ink include 'T.3N. R.2E.' in the upper center, 'Existing P.D. Quarry' near the center, 'Additional P.D.' near the bottom center, and 'Vernon' near the bottom right. The map also shows contour lines, a Firing Range, and a Table Rock Cross. The Boise River is labeled 'BOISE' in large letters. The Warm Springs Golf Course is labeled 'Warm Springs Golf Course'. The State Penitentiary is labeled 'STATE PENITENTIARY'. The map also shows 'Mile 55' and 'BM 2731'. The river is labeled 'BOISE' in large letters. The map also shows 'Vernon' and '2952X'. The map also shows '3081', '3000', and '3000'.

OCT 08 1996

3.5

SCALE: $\frac{1}{2}$ inches equal 1 mile. Draw plan in ink.



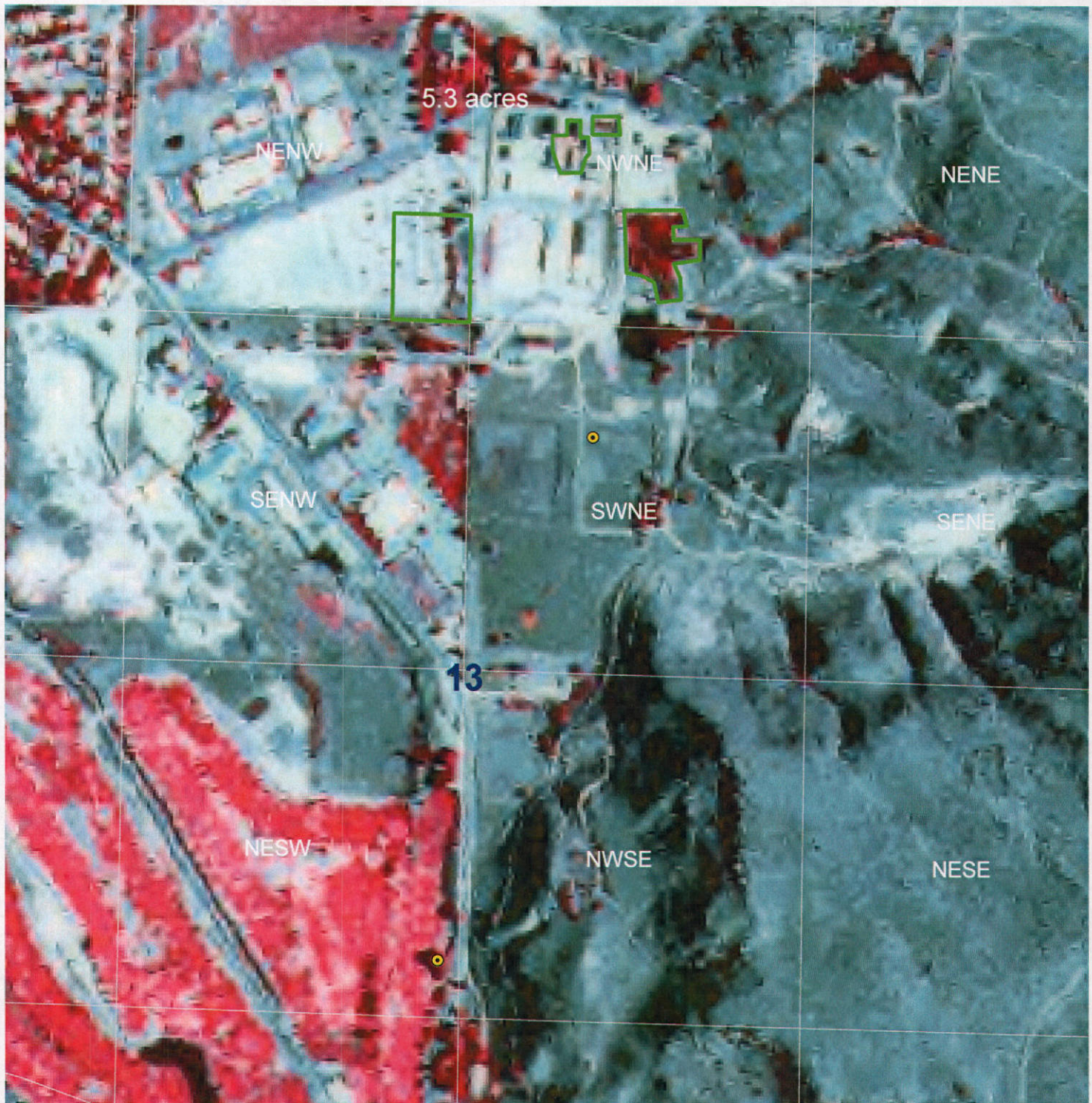
3N
K 2E
S.13
2 PODS
SE NESW, SWNE
HWT

MICROFILMED
JUL 26 1949

Idaho Department of Water Resources

63-10241

T03N R02E S13



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter



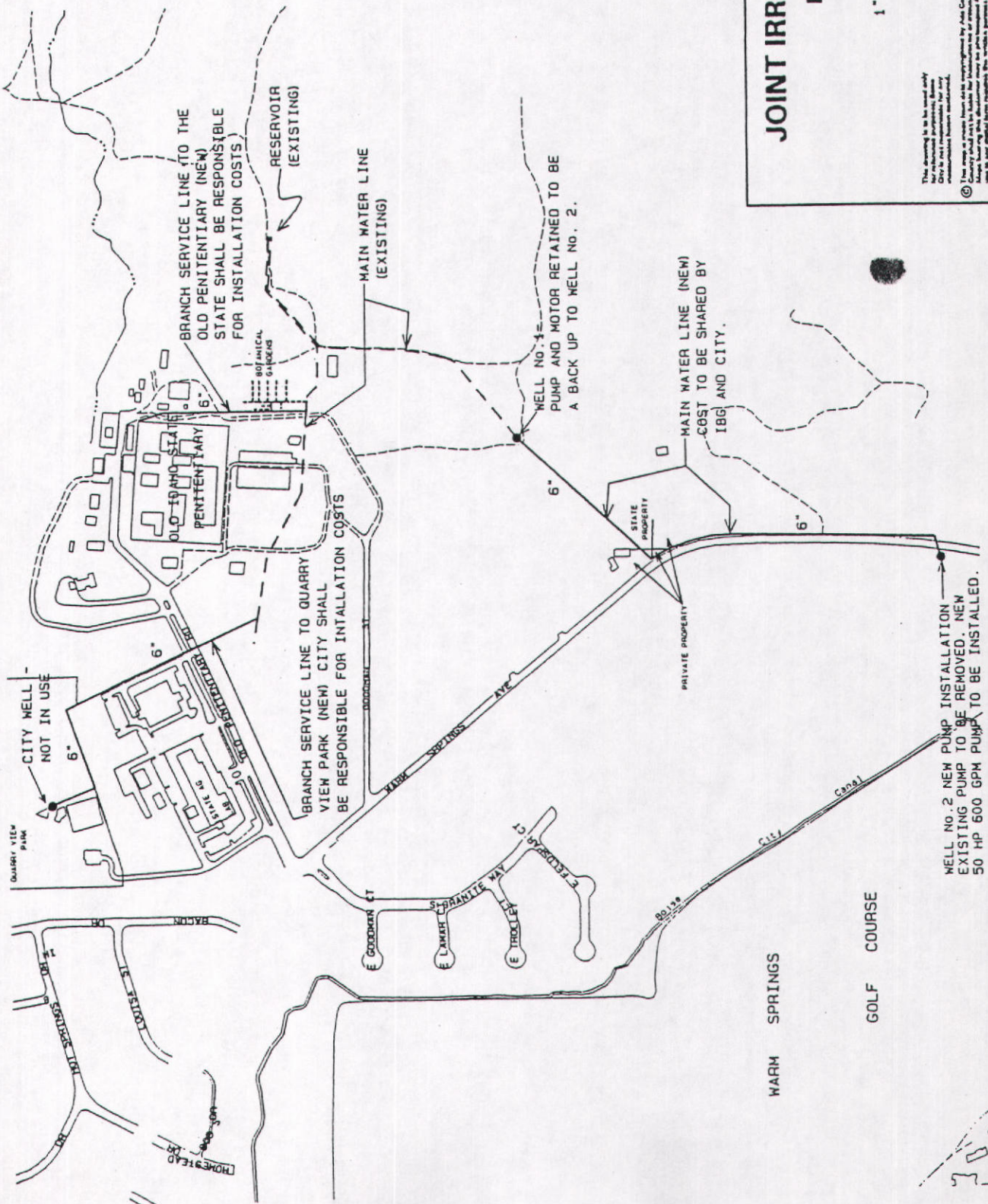
IDWR

Prepared by: Sandy Egbert

Date: 2-23-05

1987 NAPP Photography

500 0 500 1000 1500 Feet



JOINT IRRIGATION PROJECT EXHIBIT "A"

1" = 400 Feet



This drawing is to be used only for the purpose indicated. It is not to be used for any other purpose without the written consent of the Engineer. The Engineer assumes no responsibility for any errors or omissions in this drawing.

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100 N. 4th St., Suite 100
San Jose, CA 95131
Phone: (408) 281-1111
Fax: (408) 281-1112

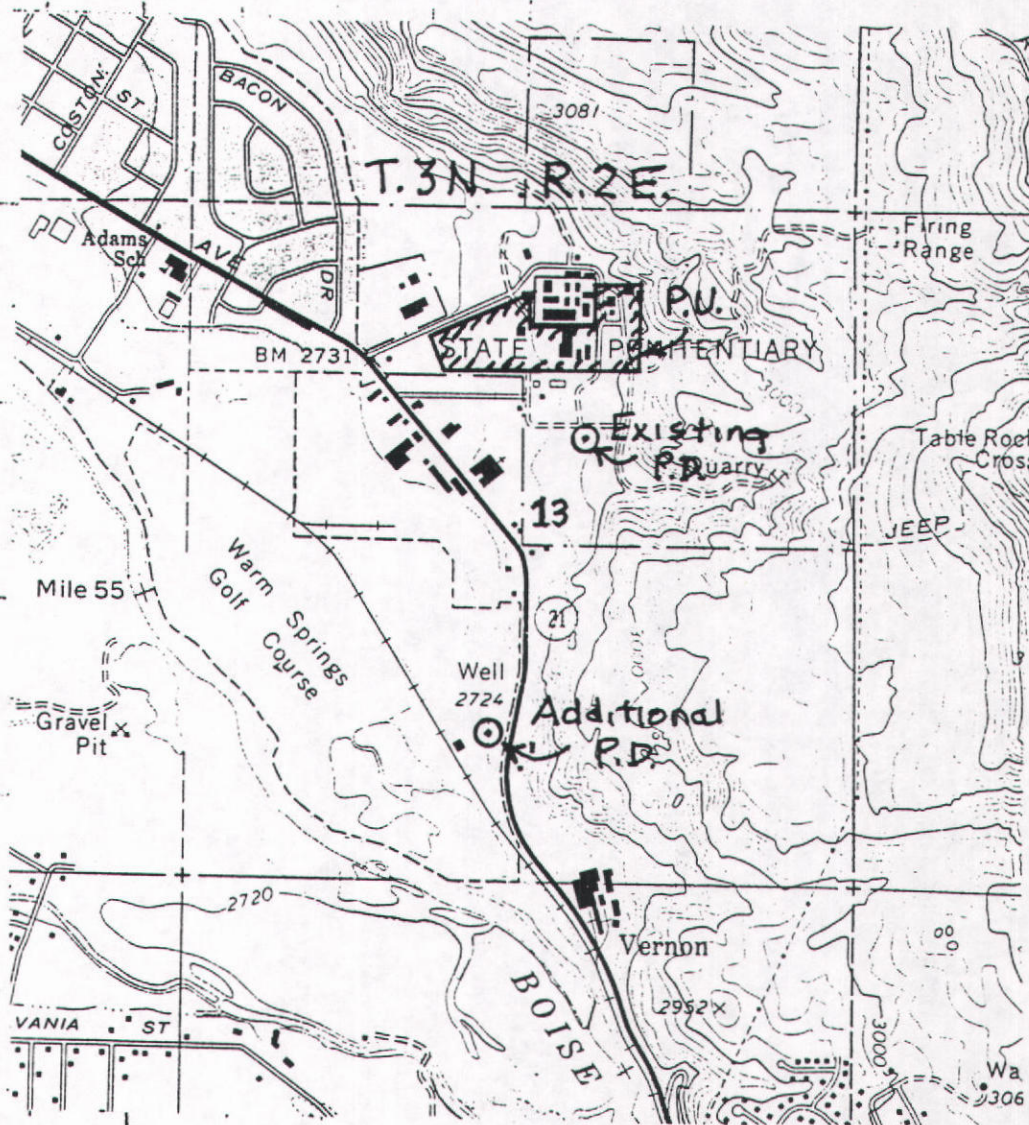
CN019302

SCANNED

MAY 17 2004

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

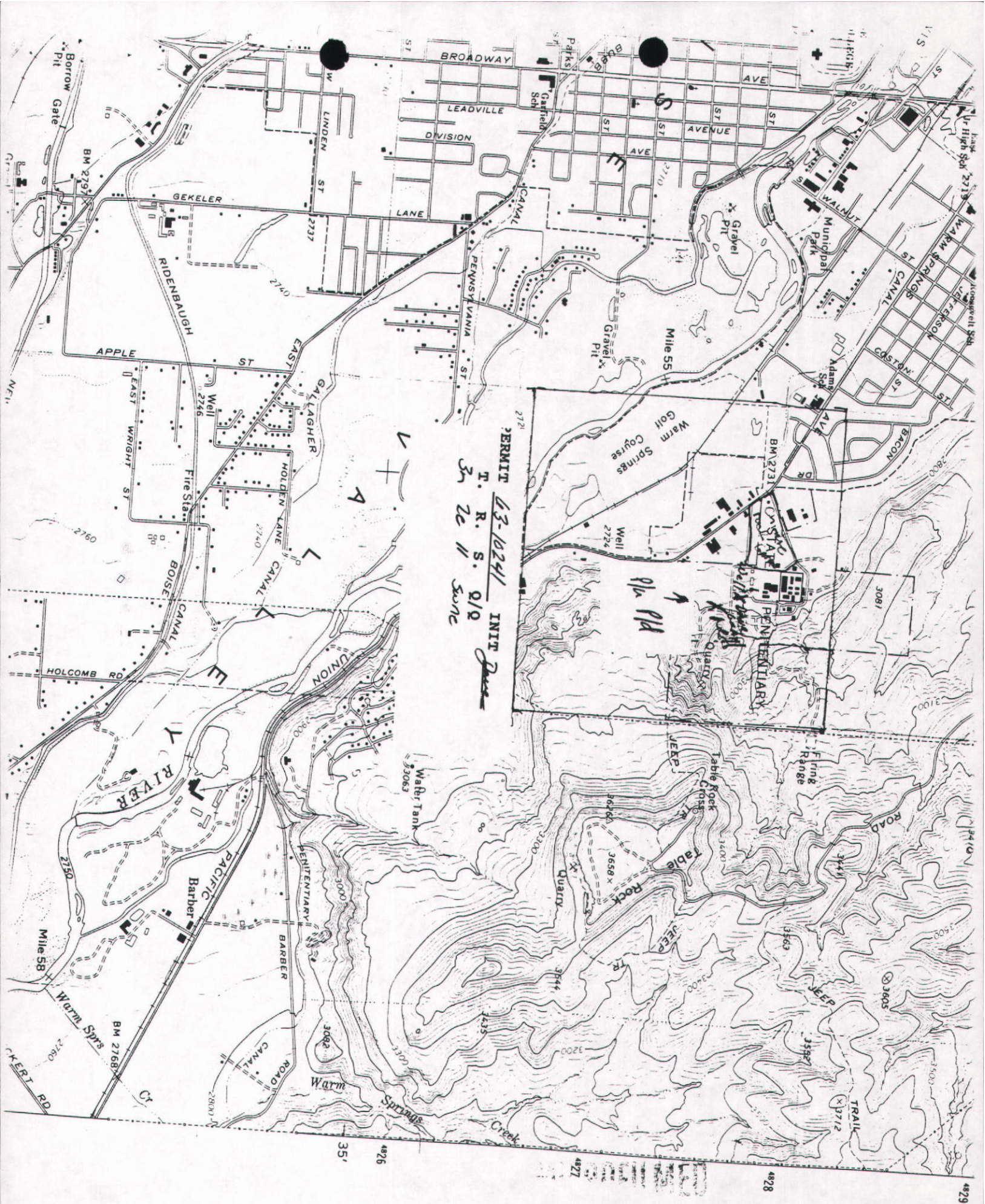
- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

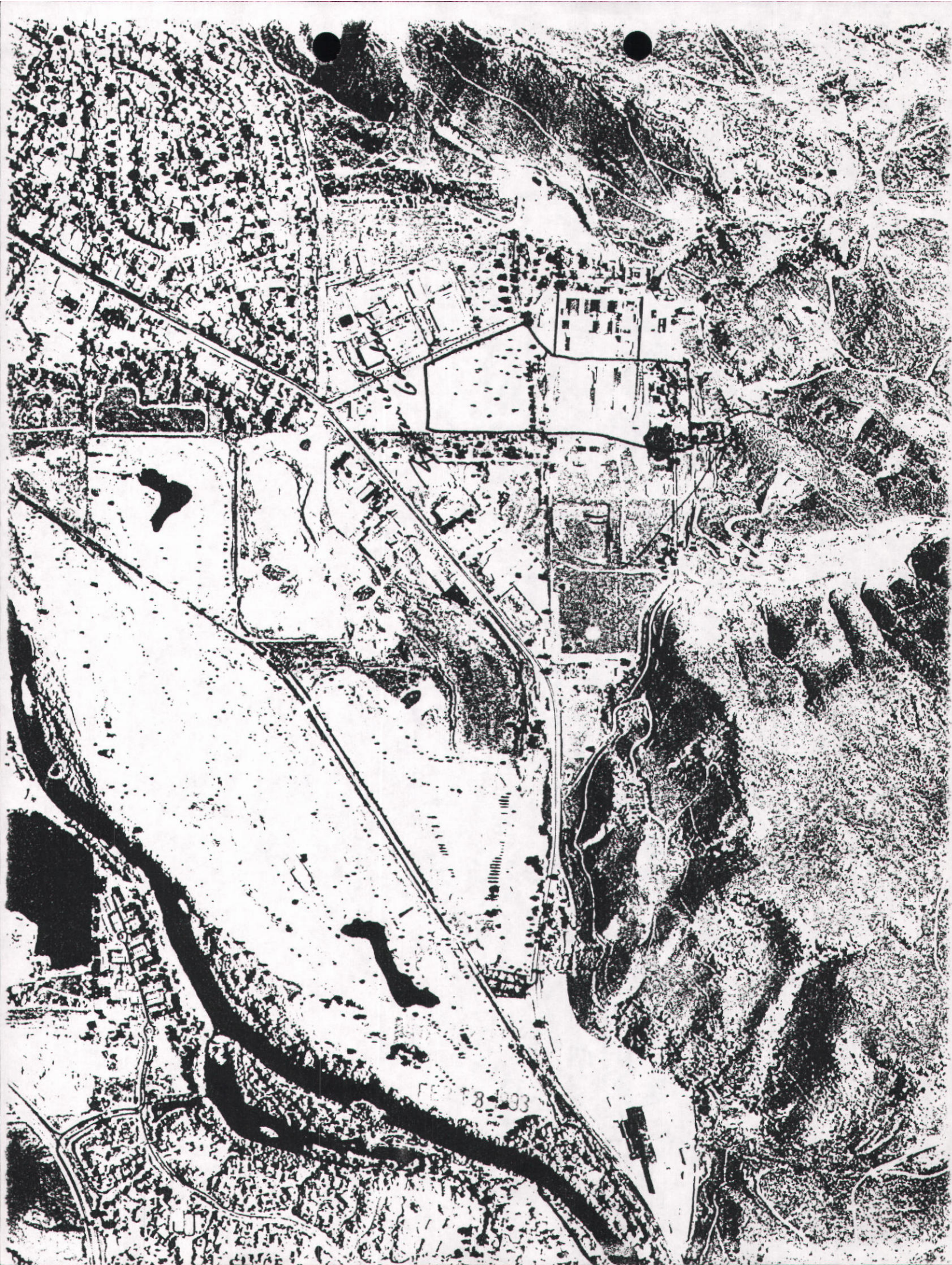


3.5

SCALE: ~~X~~ inches equal 1 mile. Draw plan in ink.

JAN 25 1996





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: **A63-10241**
Date Received: 1/28/1993
Receipt No: C007069
Received By: _____

AMENDED

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

AMENDED

1. Name: STATE OF IDAHO 208-334-0200
Address: DEPT OF LANDS
1215 W STATE STREET
BOISE ID 83702

2. Date of Priority: MAY 30, 1984

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	13		SW	NE		ADA
				NE	SW		ADA

5. Description of diverting works:
WELLS, PUMPS, BURIED PIPELINE, SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.220		23.90
DOMESTIC	01/01	12/31	0.040		0.60

7. Total Quantity Appropriated is:
0.260 C.F.S. (and/or) 24.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	13	NW	NE		IRR	2.5
			NW	NE		DOMEST	

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	13	NE	NW		IRR	2.8

Section Acres 5.3

Total Acres 5.3

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
A63-09661

14. Remarks:

OWNERSHIP CHANGED BY LH 7/25/95.

CLAIM AMENDED PER TRANSFER NO. 4526 APPROVED 01-16-96.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE
COPY OF APPROVED TRANSFER NO. 4526 IN FILE.

DOMESTIC USE IS FOR OFFICES.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

W- ADJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4526
WATER RIGHT NO. 63-10241

This is to certify that: **STATE OF IDAHO**
DEPT OF LANDS
1215 W STATE ST
BOISE ID 83702

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>
IRRIGATION	03/15 to 11/15	0.22 CFS	23.9 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
Totals		0.26 CFS	24.5 AF

SOURCE

GROUNDWATER

Priority: 05/30/1984

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 13, Township 03N, Range 02E
NESW , Sec. 13, Township 03N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 02E 13	NWNE 2.5	NENW 2.8		5.3
Total number of acres irrigated:				5.3

PLACE OF USE: DOMESTIC

<u>TWN RGE SEC</u>	
03N 02E 13	NWNE

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OCT 08 1996

TRANSFER NO. 4526
WATER RIGHT NO. 63-10241

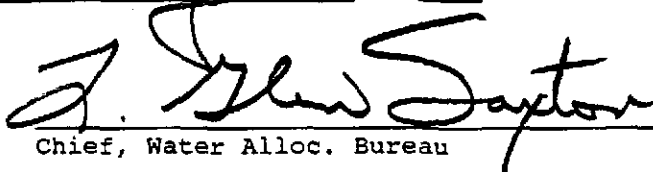
CONDITIONS OF APPROVAL AND REMARKS

1. This approval does not authorize the construction of any new well or the deepening or enlargement of any existing well.
2. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.5 afa per acre for the lands above.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. 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.
7. 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.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. The total instantaneous diversion of water from all points of diversion under Transfer No. 4526 shall not exceed 0.26 cfs, nor total combined annual volume of 24.5 af.
10. Domestic use is for offices.

Dated this 16th day of

January

, 1996.


Chief, Water Alloc. Bureau

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OCT 08 1996

of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4526

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

NOV 21 1994

WATER RESOURCES
WESTERN REGION

Name of applicant State of Idaho, Idaho Historical Society Phone (208) 334-2682
Post Office address 210 W. Main Street, Boise, Idaho 83702

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To provide additional point of diversion of
non-geothermal water

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>63-10241</u> | <u>May 30, 1984</u> | <u>0.22 cfs</u> | <u>Irrigation</u> | <u>March 15 to November 15</u> |
| | | <u>0.04 cfs</u> | <u>Domestic</u> | <u>January 1 to December 31</u> |
| | | | | to _____ |
| | | | | to _____ |
2. Total amount of water being transferred 0.26 cubic feet per second and/or 24.5 acre-feet per annum.
3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	13	3N	2E	Ada	<i>old penitentiary well #1</i>
		NE	SW	13	3N	2E	Ada	<i>" " " #2</i>

5. 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	
3N	2E	13		2.5			2.8												5.3
3N	2E	13		D															

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OCT 08 1996

PART 1

6. General Information:

a. Description of diversion system Drilled wells with pumps, buried pipeline, sprinkler system

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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:
No change of land irrigated; one additional point of diversion

d. Remarks:
Additional point of diversion will provide non-geothermal water

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

Witness my hand this _____ day of _____, 19 _____.

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OCT 08 1996

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-10241

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.22 CFS	23.9 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
	Totals	0.26 CFS	24.5 AF

SOURCE

GROUNDWATER

Priority: 05/30/1984

LOCATION OF POINT(S) OF DIVERSION:SWNE , Sec. 13, Township 03N, Range 02E
ADA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	02E	13	NWNE 2.5	NENW 2.8		5.3
Total number of acres irrigated:						5.3

PLACE OF USE: DOMESTIC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
03N	02E	13

NWNE

CONDITIONS/REMARKS:

1. The issuance of this right in no way grants any right-of-way or easement across the land of another.
2. This right when combined with all other rights shall provide no more than 4.5 afa per acre for the lands above.
3. Domestic use is for offices.

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OCT 08 1996

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

RECEIVED

NOV 21 1994

WATER RESOURCES
WESTERN REGION

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
In case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-10241 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ 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 N.A.3. Source of water Groundwater tributary to _____4. Date or priority May 30, 1984

5. Water is used for the following purpose:

amount 0.22 cfs for Irrigation purposes from March 15 to November 15
(cfs/ac-ft)
amount 0.04 cfs for Domestic purposes from January 1 to December 31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.26 cubic feet per second and/or 24.5 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	13	3N	2E	Ada	Old Penitentiary irrigation well No. 1

8. 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	
3N	2E	13		2.5			2.8												5.3
3N	2E	13		D															

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OCT 28 1996

Total acres
None

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?

If yes, describe NOT ANSWERED BUT PRESUMABLY OK SINCE PERMIT ISSUED 1984, PROOF FILED 1990, EXAMINED 1992, LICENSED 1993. - JL 1/14/95

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 _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

N/A, NO split

12/29/91

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	13	3N	2E	Ada	Old Penitentiary irrigation well No. 1
		NE	SW	13	3N	2E	Ada	Old Penitentiary irrigation well No. 2

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	

Total acres _____

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

1. amount 0.22 cfs for Irrigation purposes from March 15 to November 15
 (cfs/ac-ft)
 amount 0.04 cfs for Domestic purposes from January 1 to December 31
 (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

3. Lands irrigated or place of use:

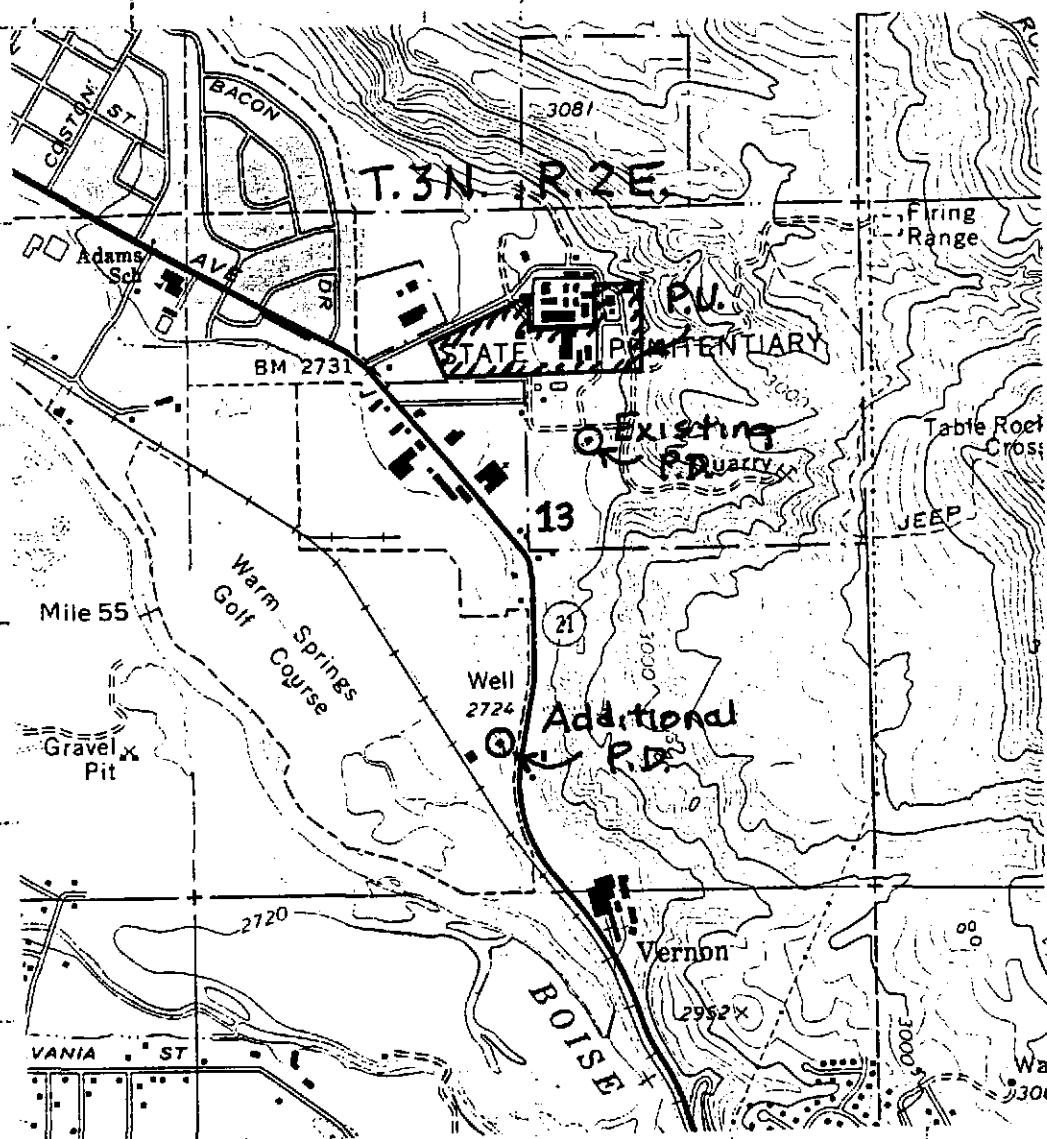
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	13		2.5			2.8												5.3
3N	2E	13		D															

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OCT 18 1996

Total acres 5.3

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.



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OCT 08 1996

3.5

SCALE: 1 inch = 1 mile. Draw plan in ink.

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

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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

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

Subscribed and sworn to before me this 11/18/94 Eighteenth day of November, 19 94.

(Signature of Applicant)

[Signature]

(Notary Public)

My commission expires 02 02 2000**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 1 attachmentsReceived by DB Date 11/21/94

Protest filed by _____

Prelim. check by SL Fee \$100Receipted by DB Date 11/21/94 W018370

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

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OCT 08 1996

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: A63-10241
Date Received: 1/28/1993
Receipt No: C007069
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO 208-334-0200
Address: DEPT OF LANDS
1215 W STATE STREET
BOISE ID 83702

2. Date of Priority: MAY 30, 1984

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	13	SE	SW	NE		ADA
				NE	SW		ADA

5. Description of diverting works:
DRILLED WELL, 872 FT. DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:
ONE RESIDENCE BUILDING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	13	NE	NE		IRR	10.0

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OCT 08 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	02E	13	NW SE	NE NE	DOMEST IRR	10.0
Section Acres						20.0
Total Acres						20.0

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:
NONE

14. Remarks:
LEASED FROM STATE OF IDAHO, IDAHO HISTORICAL SOCIETY
THIS WELL FIRST USED FOR IRRIGATION IN 1965 BY STATE OF IDAHO,
DEPARTMENT OF CORRECTIONS; NO PERMIT ON FILE.
OWNERSHIP CHANGED BY LH 7/25/95.

15. Basis of Claim: PERMIT

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

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OCT 08 1996

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 _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUN 22 1995

WATER RESOURCES
WESTERN REGION

RECEIVED

JUL 20 1995

Department of Water Resources

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 03N Range 02E
Section 13, 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

also SE1/4 NE1/4 SW1/4; N1/2 NE1/4; SE1/4 NE1/4 all in Sec. 13, T 3N, R 2E

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

- [] Water Right Number(s) A63-10241
Assigned by IDWR: _____

- [] Name and Address of Former Owner/Claimant(s)(Seller): State of Idaho, Dept of Education, Idaho Historical Society
210 Main St., Boise, ID 83702

(Lessee: Idaho Botanical Garden, 2355 E. Old Penitentiary Rd)

- [] New Owner/Claimant (Purchaser): State of Idaho, Department of Lands

- [] New Mailing Address: 1215 W. State Street, Boise, ID 83702

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JUL 21 1995

WATER RESOURCES
WESTERN REGION

- [] New Telephone Number: (208) 334-0200

- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s) JAY G BILADEAU - ASST DIRECTOR, LMR Date 6/1/95
[] Signature of Former Owner/Claimant(s) JOHN R HILL - DIRECTOR IDAHO HISTORICAL SOCIETY Date 7/1/95

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 7-25-95 By: AD

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 7-25-95 By: AD

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

RECEIVED
JUN 5 1988

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

RECEIVED
JUN 5 1988

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

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 SNARE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-10241
Date Received: 1/28/1993
Receipt No: C007069
Received By: _____

Department of Water Resources
AMENDED Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: IDAHO BOTANICAL GARDEN, LESSEE 208-343-8649
Address: 2355 OLD PENITENTIARY RD.
BOISE ID 83712

Name: STATE OF IDAHO
Address: DEPT. OF EDUCATION
IDAHO HISTORICAL SOCIETY
610 N. JULIA DAVIS DR.
BOISE ID 83702

2. Date of Priority: MAY 30, 1984

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	13	SE	SW	NE		ADA
				NE	SW		ADA

5. Description of diverting works:
DRILLED WELL, 872 FT. DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:
ONE RESIDENCE BUILDING

MICROFILMED

A63-10241

Page

1

JUL 26 1994

Date: 01/29/93

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	13	NE	NE		IRR	10.0
			NW	NE		DOMEST	
			SE	NE		IRR	10.0
						Section Acres	20.0
						Total Acres	20.0

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:
NONE

14. Remarks:
LEASED FROM STATE OF IDAHO, IDAHO HISTORICAL SOCIETY
THIS WELL FIRST USED FOR IRRIGATION IN 1965 BY STATE OF IDAHO,
DEPARTMENT OF CORRECTIONS; NO PERMIT ON FILE.

15. Basis of Claim: PERMIT

MICROFILMED

JUL 28 1994

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: A63-10241
Date Received: 5/26/1989
Receipt No: C007069
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: IDAHO BOTANICAL GARDEN, LESSEE 208-343-8649
Address: 2355 OLD PENITENTIARY RD.
BOISE ID 83712

Name: STATE OF IDAHO
Address: DEPT. OF EDUCATION
IDAHO HISTORICAL SOCIETY
610 N. JULIA DAVIS DR.
BOISE ID 83702

2. Date of Priority: MAY 30, 1984

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	13	SE	SW	NE		ADA
				NE	SW		ADA

5. Description of diverting works:
DRILLED WELL, 872 FT. DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:
ONE RESIDENCE BUILDING

MICROFILMED

A63-10241

Page

1

JUL 26 1989 Date: 01/14/93

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	02E	13	NE		NE		IRR	10.0
			NW		NE		DOMEST	
			SE		NE		IRR	10.0
							Section Acres	20.0
							Total Acres	20.0

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:
NONE

14. Remarks:
LEASED FROM STATE OF IDAHO, IDAHO HISTORICAL SOCIETY
THIS WELL FIRST USED FOR IRRIGATION IN 1965 BY STATE OF IDAHO,
DEPARTMENT OF CORRECTIONS; NO PERMIT ON FILE.

15. Basis of Claim: PERMIT

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: _____

MICROFILMED

JUL 26 1994

For Organizations:

I do solemnly swear or affirm that I am President of
Title
Idaho Botanical Garden, that I have signed the foregoing
Organization
document in the space below as President of
Title
Idaho Botanical Garden and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Pres., Idaho Botanical Garden
Title and Organization

1/28/93
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 24th day

of January 1993

Seal

[Signature]
Notary Public

Residing at Burns, Idaho

My Commission Expires 10/20/98

MICROFILMED

JUL 26 1994

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: A63-10241
Date Received: 5/26/1989
Receipt No: C007069
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
APR 11 1991

1. Name: STATE OF IDAHO
Address: DEPT. OF EDUCATION
IDAHO HISTORICAL SOCIETY
210 Main Street
BOISE, ID 83702

Department of Water Resources

Name: IDAHO BOTANICAL GARDEN, LESSEE
Address: 2355 OLD PENITENTIARY RD.
BOISE, ID 83712

208-343-8649

2. Date of Priority: MAY 30, 1984

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	13	SW	NE			ADA

5. Description of diverting works:
DRILLED WELL, 872 FT. DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:
ONE RESIDENCE BUILDING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	13	NE	NE		IRR	10.0
			NW	NE		DOMEST	
			SE	NE		IRR	10.0
						Section Acres	20.0
						Total Acres	20.0

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:
NONE

14. Remarks:
LEASED FROM STATE OF IDAHO, IDAHO HISTORICAL SOCIETY
THIS WELL FIRST USED FOR IRRIGATION IN 1965 BY STATE OF IDAHO,
DEPARTMENT OF CORRECTIONS; NO PERMIT ON FILE.

15. Basis of Claim: PERMIT

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 Historical Sites Administrator of
Title
Idaho Historical Society, that I have signed the foregoing
Organization
document in the space below as Historical Sites Administrator of
Title
Idaho Historical Society and that the statements contained in the
Organization
foregoing document are true and correct.

Chitra N. Brady
Signature of Authorized Agent
Historical Sites Administrator
of the Idaho Historical Society
Title and Organization

April 11, 1991

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of April 19 91

W. Amiel Sauts
Notary Public

Seal

Residing at Boise Id
My Commission Expires 5/30/94

17. Notice of Appearance:

Notice is hereby given that I, Elaine F. Eberharter-Maki will be
Print Name

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 Elaine Eberharter-Maki

Attorney General's Office

Address Department of Education

650 West State Street, Boise, Idaho 83720

Date April, 1991

With a copy to: Dale G. Higer
Eberle, Berlin, Kading, Turnbow & McKlveen, Chartered
P.O. Box 1368
Boise, Idaho 83701

**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

A163-10241

Date Received

5-24-89

Receipt Number

C007069

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

RECEIVED
MAY 24 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Idaho Botanical Garden Phone (208) 343-8649
Mailing Address 2355 Old Penitentiary Road, Boise, Idaho Zip 83712

2. Date of Priority (Only one (1) per claim) May 30, 1984

3. Source of water supply (a) Groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 3N. Range 2E. Section 13,
_____ 1/4 of SW 1/4 of NE 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.

Drilled well, 872 ft. deep.

MICROFILMED
AUG 24 1992

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 0.40 or _____

For Domestic purposes from 1/1 to 12/31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.44 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 3.0 acre feet per annum.

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

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
3N	2E	13	10	D		10													20

Total number of acres irrigated 20

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.
_____ or None ()

14. Remarks: Leased from State of Idaho, Idaho Historical Society

This well first used for irrigation in 1965 by State of Idaho,
Department of Corrections; no permit on file.

Last Name Idaho Botanical Garden Ident No. _____

MICROFILMED
Copies: White Stage, Yellow-Claimant
AUG 24 1992

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.

Scale: 2 inches equals 1 mile

Last Name Idaho Botanical Garden Ident No.

MICROFILMED
Copies: White-State, Yellow-Clare
AUG 24 1992

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

Decree _____

If applicable provide IDWR Water Right Number 63-10241

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 None

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President

of Idaho Botanical Garden Title _____, that I have signed the foregoing

document in the space below as President of Idaho Botanical Garden

and that the statements contained in the foregoing document are true and correct.

X Signature of Authorized Agent [Signature]

Title and Organization President, Idaho Botanical Garden Date May 22, 1989

State of Idaho or)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22nd day of May 19 89

SEAL

Notary Public [Signature]

Residing at Boise, ID

My Commission Expires 5/30/94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Dale G. Higer 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.

X Signature [Signature]
Dale G. Higer

Address Eberle, Berlin, Kading, Turnbow
& Gillespie, Chartered

Date P.O. Box 1368
Boise, Idaho 83701

May 22, 1989

Last Name Idaho Botanical Garden Ident. Number _____

MICROFILMED

AUG 24 1992
Copies When Made, Return to Claimant

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

RIGHT NUMBER: 63-10241

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
954 W JEFFERSON
PO BOX 83720
BOISE ID 83720-0050

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.260 CFS
24.500 AFY

The total instantaneous diversion of water from all points of diversion under Transfer No. 4526 shall not exceed .26 cfs, nor a total combined annual volume of 24.5 af.

PRIORITY DATE: 05/30/1984

POINT OF DIVERSION:

T03N R02E S13 SWNE Within ADA County
T03N R02E S13 NESW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	1/01 12/31	0.040 CFS 0.60 AFY
IRRIGATION	3/15 11/15	0.220 CFS 23.90 AFY

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 OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Domestic use is for offices.

PLACE OF USE: DOMESTIC Within ADA County

T03N R02E S13 NWNE

IRRIGATION Within ADA County

T03N R02E S13 NWNE 2.5 T03N R02E S13 NENW 2.8

5.3 ACRES TOTAL

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

The change authorized by Transfer # 4526 shall be accomplished within one (1) year of the date of the approval.

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: License

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

After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

This approval does not authorize the construction of any new well or the deepening or enlargement of any existing well.

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

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Failure of the right holder to comply with the conditions of Transfer # 4526 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Idaho Department of Water Resources

63-10241

T03N R02E S13



- Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter



IDWR
Prepared by: Sandy Egbert
Date: 2-23-05
1987 NAPP Photography

500 0 500 1000 1500 Feet

Adjudication Recommendation Report 63-10241 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO DEPT OF LANDS 954 W JEFFERSON PO BOX 83720 BOISE, ID 83720-0050 (208)334-0200
Original Owner	STATE OF IDAHO DEPT OF EDUCATION IDAHO HISTORICAL SOCIETY 610 N JULIA DAVIS DR BOISE, ID 83702 (208)334-2682
Original Owner	IDAHO BOTANICAL GARDEN 2355 OLD PENITENTIARY RD BOISE, ID 83712 (208)343-8649
Original Owner	EDUCATION , ID

Status: Active

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	0.60 AF
IRRIGATION	3/15 to 11/15	0.220 CFS	23.90 AF
	Total Diversion:	0.260 CFS	24.50 AF

GROUND WATER ADA County	SW1/4NE1/4	Sec. 13, Twp 03N, Rge 02E, B.M.
GROUND WATER ADA County	NE1/4SW1/4	Sec. 13, Twp 03N, Rge 02E, B.M.

DOMESTIC

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-10241 V1

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	02E	13	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				2.5			2.8												5.3

Total Acres: 5.3

Conditions of Approval:

1. The change authorized by Transfer # 4526 shall be accomplished within one (1) year of the date of the approval.
2. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
3. 068 This approval does not authorize the construction of any new well or the deepening or enlargement of any existing well.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. R52 This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
6. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. T08 Failure of the right holder to comply with the conditions of Transfer # 4526 is cause for the Director to rescind approval of the transfer.
8. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. WB4 The total instantaneous diversion of water from all points of diversion under Transfer No. 4526 shall not exceed .26 cfs, nor a total combined annual volume of 24.5 af.
10. X01 Domestic use is for offices.

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 OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-10241 V1

Comments:

1. segbert 2/24/2005 POD
Comment: Updated shape
2. segbert 2/24/2005 POD
Comment: Updated shape
3. segbert 2/24/2005 POU
Comment: Updated Shape
4. segbert 2/24/2005 POU
Comment: Updated Shape

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	2/24/2005 1:54:01 PM	segbert			Active
POD	2/24/2005 1:56:38 PM	segbert			Active
Source	2/24/2005 2:00:43 PM	segbert			Active
POU	2/24/2005 2:01:02 PM	segbert			Active
Use	2/24/2005 2:04:08 PM	segbert			Active
Season	2/24/2005 2:08:02 PM	segbert			Active
Quantity	2/24/2005 2:08:53 PM	segbert			Active
Summary			02/24/2005	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-10241 V1

POU	2/24/2005 2:01:03 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	2/24/2005 2:04:08 PM	segbert	(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?
POD	2/24/2005 1:56:39 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (Yes) 6. Is there evidence that there has been a change in the POD? (No) 7. Can the change be verified as an accomplished transfer? (Yes) 8. Was a transfer filed? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - A transfer was filed in 1996 to add an additional POD Description for Question 8 - Map with transfer
Source	2/24/2005 2:00:44 PM	segbert	(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?
Priority Date	2/24/2005 1:54:02 PM	segbert	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-10241 V1

Season	2/24/2005 2:08:02 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 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) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	2/24/2005 2:08:53 PM	segbert	(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? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - as licensed
Summary	2/24/2005 3:03:53 PM	segbert	(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? (Yes) 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? (No) 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-10241

WATER RIGHT NUMBER: 63-10241

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO ✓ DEPT OF LANDS 954 W JEFFERSON PO BOX 83720 BOISE, ID 83720-0050 (208)334-0200
Original Owner	STATE OF IDAHO DEPT OF EDUCATION IDAHO HISTORICAL SOCIETY 610 N JULIA DAVIS DR BOISE, ID 83702 (208)334-2682
Original Owner	IDAHO BOTANICAL GARDEN 2355 OLD PENITENTIARY RD BOISE, ID 83712 (208)343-8649
Original Owner	EDUCATION

, ID

Priority Date: 05/30/1984 ✓
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>
DOMESTIC ✓	1/01 to 12/31 ✓	0.040 CFS ✓	0.60 AF ✓
IRRIGATION ✓	3/15 to 11/15 ✓	0.220 CFS ✓	23.90 AF ✓
	<i>Sum 3-1 to 11-15</i> <u>Total Diversion:</u>	0.260 CFS ✓	24.50 AF ✓

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4 ✓	Sec. 13, Twp 03N, Rge 02E, B.M. ✓
ADA County		
GROUND WATER	NE1/4SW1/4 ✓	Sec. 13, Twp 03N, Rge 02E, B.M. ✓
ADA County		

Place of Use

DOMESTIC

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	13		X															

internal domestic

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-10241

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	02E	13	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				2.5				2.8											5.3

Total Acres: 5.3

Conditions of Approval:

1. 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
2. 068 This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
3. R52 This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
4. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T09 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.
8. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks:

1. General OWNERSHIP CHANGED BY LH 7/25/95.
CLAIM AMENDED PER TRANSFER NO. 4526 APPROVED 01-16-96.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 4526 IN FILE.
DOMESTIC USE IS FOR OFFICES.

Comments:Dates and Other Information:

Claim Received Date: 1/28/1993
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

See transfer for the cond.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-10241

Element Reviewed/Verified Dates:

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

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

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

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-10241

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

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

Priority date, per claimant, is: _____

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

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

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

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	

Overlap with other water rights: _____

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

Delivery System Narrative: _____

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

Other right 63-9661

[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 ^{Review} EXAM CONDUCTED: 2-24-05

FIELD EXAMINER: Sandy Egbert



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 25, 1995

Re: Notices of Claim to a Water Right Nos. A63-09661, A63-10241

State of Idaho
Dept. of Lands
1215 W. State Street
Boise, ID 83702

Claimant(s):

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1
Enclosure

MICROFILMED

OCT 08 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

JULY 3, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
DEPARTMENT OF LANDS
1215 W STATE STREET
BOISE ID 83702

Dear Wateruser(s):

This office has reviewed the Notice of Change of Water Right Ownership form submitted to our office. However, due to the items checked below, we cannot continue to process this ownership change. We are returning the Notice of Change of Ownership to you to COMPLETE OR RESEARCH ONLY THE FOLLOWING ITEM(S) SHOWING A CHECKMARK IN THE BLANK FOR THAT ITEM(S). SEE PAGE 2.

There is no existing water right in our records either under the former owner's name or for the legal description given. If, after contacting the former owner, you find more information concerning a water right, please contact us.

Legal description of property. Please complete showing the legal description by 1/41/4 (40-acre tract), section, township and range for the property changing ownership. If you only have a subdivision lot & block legal description, please send us a copy of your subdivision plat map.

It appears you receive your water from an irrigation district, ditch company, municipality or community water company. If this is the case, then the water right remains in the name of this entity and you should contact them concerning the ownership change.

Name and address of former owner (seller). This will clarify the original owner of the water right.

Name, address and phone number of new owner (purchaser).

This change in ownership appears to result in a splitting of the water right. A split of the water right occurs when the ownership change affects only a portion of the original right. In order to accurately split this right we must know what portion of the right was sold. The amount of water in CFS, the place of use by 1/4 1/4 with the number of acres in each 1/41/4 (if applicable) and the point of diversion by 1/41/4, Section, Township and Range is needed. If this right is not being split, please submit proof of ownership for the remaining portion.
Enclosed is a computer copy of this right for your review.

Proof of ownership is needed. This proof can be a copy of the warranty deed, sales contract or tax assessment in your name which includes a description of this property by 1/41/4, Section, Township and Range.

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OCT 08 1996

Signature of new owner (purchaser) is needed on this form.

X Other: PLEASE INCLUDE TITLES OF INDIVIDUALS SIGNING AS PRESENT AND FORMER

OWNER.

Please complete the above item(s), if required, on the Notice of Change of Water Right Ownership form and return it with the requested information to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705. If we do not hear from you within 30 days, the claim upon which this form was filed(if one exists), will remain in the original owner's name.

Feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1
Enclosures

MICROFILMED

OCT 08 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUN 22 1995

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 03N Range 02E
Section 13, 1/4 of SW 1/4 of NE 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

also SE1/4 NE1/4 SW1/4; N1/2 NE1/4; SE1/4 NE1/4 all in Sec. 13, T 3N, R 2E

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s) _____
Assigned by IDWR: A63-10241

[] Name and Address of Former Owner/Claimant(s)(Seller): State of Idaho, Dept of Education, Idaho Historical Society
210 Main St., Boise, ID 83702

[] New Owner/Claimant (Purchaser): (Lessee: Idaho Botanical Garden, 2355 E. Old Penitentiary Rd)
State of Idaho, Department of Lands

[] New Mailing Address: 1215 W. State Street, Boise, ID 83702

[] New Telephone Number: (208) 334-0200

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s): _____

Date 5/1/95

Date _____

[] Signature of Former Owner/Claimant(s): _____

Date 7/2/95

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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OCT 08 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MEMO SRBA CLAIM FILE NO. _____

CLAIMANT'S NAME: IDAHO BOTANICAL GARDENSDATE: 1/14/93EMPLOYEE: HELEN HARRINGTON-THORNTONRE: AMENDED CLAIMS

KEITH ANDERSON CAME IN AND AMENDED CLAIMS REFERENCED ABOVE. HE WAS NOT
AUTHORIZED TO SIGN FOR THE IBG, AND HE TOOK THE AMENDED CLAIMS WITH HIM.
THE REASON FOR AMENDING THE CLAIMS WAS TO ADD A POINT OF DIVERSION TO
EACH CLAIM. APPARENTLY, THERE IS A WELL ON THE GOLF COURSE PROPERTY
THAT ALSO SUPPLIES WATER TO THESE RIGHTS.

HE SAID THAT THE CLAIMS WERE ERRONEOUSLY FILED ORIGINALLY AND BOTH
POINTS OF DIVERSION SHOULD HAVE BEEN IDENTIFIED ON THE CLAIM AND THAT
THE SYSTEMS HAVE BEEN USED IN THIS FASHION PRIOR TO 1987.

MICROFILMED

JUL 26 1994

EBERLE, BERLIN, KADING, TURNBOW & MCKLVEEN,
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

DALE G. HIGER

TELEPHONE
(208) 344-8535

FACSIMILE
(208) 344-8542

JAMES L. BERLIN
OF COUNSEL

T. H. EBERLE (1922-1977)

April 11, 1991

RECEIVED
APR 11 1991

John D. Carlson
Adjudication Supervisor
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

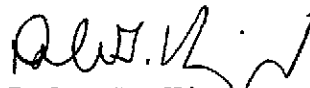
Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Ada County - #A63-10241 and A63-09661
Department of Education; Idaho Botanical Garden

Dear John:

Enclosed please find the revised Notices of Claim to Water Rights which have been properly executed. We understand that there will be no late fee assessed since we are filing the claims before April 12, 1991.

Very truly yours,


Dale G. Higer

DGH:ag
Enclosures

cc: Chris Brady
Keith Anderson

MICROFILMED

AUG 24 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 12, 1991

Dale G. Higer
Eberle, Berlin, Kading,
Turnbow & Gillespie, Chtd.
P.O. Box 1368
Boise, ID 83701

RE: Snake River Basin Adjudication (SRBA)
Ada County - #A63-10241 and A63-09661
Department of Education; Idaho Botanical Garden

Dear Mr. Higer:

Thank you for returning our call regarding the Notices of Claim to a Water Right that you filed with us on behalf of the Idaho Botanical Garden.

Enclosed are computer-generated copies of your Notices of Claim. Each copy contains the changes to the ownership field (Item #1) that were discussed during our telephone conversation.

In addition, we inserted consumptive use entries (Item #8) which we feel more accurately describe these water rights. To calculate these entries, we multiplied the number of acres irrigated by 3.5 acre feet per acre, which is the standard consumptive use figure for this area.

At Item #13 you made no entry. We interpreted this to mean "none".

If you feel changes need to be made to these Notices of Claim, make them by crossing out the incorrect information and inserting the correct information. Please initial after each correction that you make. When you are satisfied that the claims are true and accurate, sign and notarize them and return them to this office.

Please return the claims by April 12, 1991, and no late fee will be assessed.

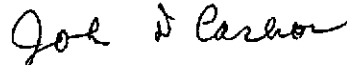
MICROFILMED

AUG 24 1992

Dale G. Higer
March 12, 1991 draft
Page 2 - Ada County

Please feel free to contact our office if you have any questions about your Notices of Claim or about the SRBA in general.

Yours truly,



John D. Carlson
Adjudication Supervisor

JDC:SWK:sf:state:tf
Enclosures:

Notices of Claim Referenced Above

MICROFILMED

AUG 24 1992

CLAIMANT'S NAME: Idaho Historical Society

DATE: 3/4/1991

COUNTY: Ada

EMPLOYEE: S.W. Keen

I spoke on the telephone with Christine Brady of the Idaho Historical Society (334-2844). According to her, the property on which the Idaho Botanical Garden exists belongs to the Historical Society. Therefore, these ~~the~~ rights should be in the Historical Society's name, not the Botanical Garden's name. (The property is leased by the Botanical Garden for 50 years.)

3/5/91 - Left a message at 344-8535 for Dale Higer to please return my call. I need to discuss with him:

- ① Changing ownership on these claims to Idaho Historical Society from Idaho Botanical Garden.
- ② Changing the consumptive use entries on these claims.

Mr. Higer may do this by letter or on the claim form itself.

(Higer is out of his office until 3/7/1991.)

3/7/91 Mr. Higer called. If I return the claims to him, he will correct them and return them to me.

S.W. Keen

MICROFILMED

AUG 24 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Idaho Botanical GardenCLAIM IDENT. NO. A63-09661DATE RECEIVED 5-24-1989 CK # 1951/007069 AMOUNT \$ 160⁰⁰

- | | YES | NO | Required 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? | ☒ | ☐ | |
| 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 claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ N/A | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ Exempt | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ N/A | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: S.W. KeenDate: 2/25/91

Claim must be returned to claimant:

(Yes) ☒ (No)

Claimant must be notified of modifications:

☒ (Yes) (No)

Receipt Prepared by:

Date: 5/26/1989Claim data entered by: S.W. KeenDate: 2/28/1991

Sent to claimant by:

Checked by:

Date:

Comments: Consumptive use = 110 x 3.5 = 385 AFA

Send modify letter.

MICROFILMED

Notice of Appearance

OK 4/15/91 swKeen

AUG 24 1992

THIS OWNERSHIP
CHANGE WAS
COMPLETED IN
1995.
NO ACTION NEEDED.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUN 22 1995

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 03N Range 02E
Section 13, 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

also SE 1/4 NE1/4 SW1/4; W1/2 NE1/4; E1/2 NW1/4 all in Sec. 13, T. 3N, R. 2E

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MAY 13 2004

WATER RESOURCES
WESTERN REGION

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A63-09661
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): State of Idaho, Dept of Education, Idaho Historical Society
210 Main St., Boise, ID 83702
(Lessee: Idaho Botanical Garden, 2355 E. Old Penitentiary Rd)
- ☐ New Owner/Claimant (Purchaser): State of Idaho, Department of Lands
- ☐ New Mailing Address: 1215 W. State Street, Boise, ID 83702
- ☐ New Telephone Number: (208) 334-0200
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): JAY G BILADEAU - ASST DIRECTOR, LMR Date 6/1/95
- ☐ Signature of Former Owner/Claimant(s): JOHN R HILL - DIRECTOR, IDAHO HISTORICAL SOCIETY Date 7/1/95

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

SCANNED

MAY 17 2004

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

RECEIVED

Search Information - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Media

Address http://wenet/apps/appsmisc/infoSearch.asp

Information Search (WR/AJ)

B	Se...	S	Source Table	Basis	Status	Priority Date	DI..	Source List	Water Use ...	Owner List	Applic...
63	9661		wrAdjudicationClaim	Permit	Active	1981-01-16	2.20	GROUND WATER	IRRIGATION	STATE OF IDAHO (Current)	
63	9661		wrWaterApplication		Closed	1981-01-16	2.20	GROUND WATER	IRRIGATION		42949
63	9661		wrWaterPermit		Active	1981-01-16	2.20	GROUND WATER	IRRIGATION	STATE OF IDAHO (Current)	

The number of records is 3

View Documents | Print Proof Report | Print Transfer Part 2

Parameters Results

Done Start | Inbox - Microsoft Outlook | Search Information - ... | Wenet - Wenet - Microsof...

~~Sally:~~ Denise

Both of these water rights are in AJ.

Justin
5.10.04

Sal

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MAY 17 2004

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MAY 13 2004

WATER RESOURCES
WESTERN REGION

AGREEMENT

This AGREEMENT, made this 21st day of February, 1995, by and between the City of Boise, hereinafter referred to as CITY, the Idaho Botanical Garden, hereinafter referred to as IBG and the Department of Lands, hereinafter referred to as STATE, sets forth the agreement for the establishment, operation, and maintenance of a Joint Irrigation Project.

WHEREAS, CITY is a municipal corporation organized under the laws of the State of Idaho and is a lessee of state lands, lease #M-2033, formerly number M-276, located within the Old Penitentiary site known as Quarry View park; and

WHEREAS, IBG is a private non-profit corporation organized under the laws of the State of Idaho and is a lessee of state lands, lease #M-6026, located at the Old Penitentiary site known as the Idaho Botanical Garden; and

WHEREAS, STATE is acting on behalf of the State of Idaho; and

WHEREAS, STATE has a permit, number 63-09661 and a license, number 63-10241, for the diversion of water from a well generally known as the Old Penitentiary Well No. 1, hereinafter referred to as Well #1; and

WHEREAS, IBG has existing rights to use water from Well #1 under the above noted STATE permit and license pursuant to long term lease #M-6040 between STATE and IBG and;

SCANNED
MAY 17 2004

WHEREAS, CITY as lessee, has a permit, number 63-10022, for the diversion of water from a well located in CITY's Quarry View Park, hereinafter referred to as Quarry View Park Well; and

WHEREAS, the parties desire to enter into an agreement to establish a Joint Irrigation Project, hereinafter referred to as the PROJECT, as shown in Exhibit A hereof, and establish rights and responsibilities of the parties for funding, constructing, and operating the PROJECT; and

WHEREAS, an additional point of diversion for the existing water rights of STATE and CITY has been obtained for a well generally referred to as Old Penitentiary Well No. 2, hereinafter referred to as Well #2, which is located on CITY property at the Warm Springs Golf Course; and,

WHEREAS, the PROJECT will include the design, purchase, installation, and operation of an irrigation system to serve properties owned or leased by the parties, the estimated costs of such being set forth in Exhibit B hereof.

NOW, THEREFORE, in consideration of the mutual benefits to the parties, it is agreed as follows:

1. CITY shall:
 - a. Provide all routine engineering, survey, inspection, legal and management services for the design of the PROJECT, without charge or reimbursement from the parties or from loans or grants obtained for the PROJECT.

- b. Prior to completion of construction of the PROJECT, prepare an annual operating budget and operating procedures for review and approval by all parties.
- c. Arrange for electric service for operating the PROJECT and receive the PROJECT electric service billing from the Idaho Power Company. The PROJECT shall have water meters to measure the water use by each party and such meters shall be read monthly by CITY personnel coincidentally to the reading of the electric meter for the water pump.
- d. Timely pay its proportionate share of debt service and loan repayment costs of the PROJECT.
- e. Operate and maintain the PROJECT in the best interest of all parties.
- f. Agree that water from the PROJECT shall be used only for irrigation.
- g. When the PROJECT is completed, and so long as it remains operational and provides an adequate supply of water, agree to use Well #2 for irrigation purposes in lieu of the Quarry View Park Well.
- h. In the event the CITY obtains the rights to use of Well #2, as a supplemental or secondary source of irrigation water for the Warm Springs Golf Course, the CITY may use Well #2 for such use provided such use does not unreasonably interfere

with use of Well #2 by IBG or the STATE and provided said use is metered and paid for in accordance with Section i below.

- i. Timely pay its proportionate share of the charge for electric service based upon the metered water usage plus fifty percent (50%) thereof, for deposit into a special reserve fund, hereinafter referred to as FUND, in accordance with Section 4(b) hereof.

2. IBG shall:

- a. File an application with the Department of Water Resources seeking a grant from the Water Management Account or other available sources. All grant monies issued by the Water Management Account or other sources shall be applied to funding costs of constructing the main water line and related improvements from Well #2 to Well #1 as shown in Exhibits A and B hereof.
- b. File an application with the Department of Water Resources seeking a loan from the Revolving Development Account or other sources. All monies from loans shall, after payment of the costs of the loan application, be applied to funding costs of constructing the main water line and related improvements from Well #2 to Well #1 as shown in Exhibit A hereof. Loan monies received in excess of those necessary to construct the main water line and related improvements between Well #1 and Well #2 may be applied toward the costs of constructing the branch service lines for

CITY's Quarry View Park and the STATE's Old Penitentiary. Any loan monies remaining after construction of the main and branch service lines shall be applied to repayment of the loan principal.

- c. Using the PROJECT drawings and specifications prepared by the CITY, arrange for and administer construction of the PROJECT and keep a detailed accounting of all costs associated with the PROJECT and provide CITY and STATE copies of such accounting records upon request.
- d. Timely pay its portion of debt service and loan repayment costs.
- e. Agree that water from the PROJECT shall be used only for irrigation.
- f. When the PROJECT is completed, and so long as it remains operational and provides an adequate supply of water, agree to use Well #2 for irrigation purposes in lieu of Well #1.
- g. Timely pay its proportionate share of the electric service bill based upon the metered water usage plus fifty percent (50%) thereof, for deposit into the FUND, in accordance with Section 4(b) hereof.
- h. Agree to permit the use of the current existing reservoir for the PROJECT.

- i. Agree to allow CITY use of water from Well #2 for irrigation of Warm Springs Golf Course, subject to CITY receipt of water rights for the Warm Springs Golf Course provided such use does not interfere with use of Well #2 by IBG or STATE.

3. STATE or its designated representative shall:

- a. Pay all costs associated with the construction of any branch service line and/or water meter from the existing water line to the Old Penitentiary or other state land for state use.
- b. Agree that water from the PROJECT shall be used only for irrigation.
- c. When the PROJECT is completed, and so long as it remains operational and provides an adequate supply of water, agree to use Well #2 for irrigation purposes in lieu of Well #1.
- d. Timely pay its proportionate share of the electric service bill based upon the metered water usage plus fifty percent (50%) thereof, for deposit into the FUND, in accordance with Section 4(b) hereof.
- e. Agree to permit the use of the current existing reservoir for the PROJECT.

f. Agree to permit installation of the main water line and branch service lines and related improvements upon its property as shown in Exhibit A. Said main water line and branch service lines to be incorporated into Lease M-6026 and Lease M-2033. No additional rent will be charged for these water lines.

g. Agree to allow CITY use of water from Well #2 for irrigation of Warm Springs Golf Course, subject to CITY receipt of water rights for the Warm Springs Golf Course provided such use does not interfere with use of Well #2 by IBG or STATE.

4. Proportionate sharing of costs:

a. All parties agree that costs for construction of the PROJECT, debt service and related costs of funds borrowed for development of the PROJECT shall be shared as follows:

1. Direct costs to third parties, debt service and loan expenses pertaining to construction of the main water line and related improvements from Well #1 to Well #2 to be shared as shown on Exhibit "B" between CITY and IBG.

2. All costs, debt service, and loan expenses pertaining to extending the branch service line and a meter to serve CITY's Quarry View Park shall be paid by CITY.

3. All costs, debt service, and loan expenses for extending the branch service line and a meter to the Old Penitentiary or other state property for state use shall be paid by STATE, if such is installed.
- b. Each shall pay its share of charges for PROJECT electric services as billed monthly by CITY in proportion to their metered water usage. In addition, each party shall pay an additional sum, an amount over and above their monthly charge for electric service, equal to fifty percent (50%) of said charges for electric service.
1. Said additional sum shall be deposited by CITY into an interest bearing account which shall be a special reserve fund referred to herein as FUND.
 2. FUND shall be used for the express purpose of paying expenses necessary to repair, replace or maintain PROJECT as agreed upon by all parties.
 3. At such time as the FUND shall equal five thousand dollars (\$5,000), no additional contribution of the parties to the FUND shall be required, except as provided below.
 4. When authorized FUND expenditures reduce the balance to less than five thousand dollars (\$5,000), all parties shall resume monthly contributions in the manner described in 4(b) until FUND is replenished to five thousand dollars (\$5,000).

5. CITY shall provide a detailed statement of expenditures annually and at other times upon reasonable request of the parties.

5. Additional terms:

- a. Costs of necessary easements, if any, to be acquired from third parties are to be included as a cost of constructing the main water line from Well #1 to Well #2.
- b. The parties may use water from the PROJECT in the quantities and for the uses permitted at any time their respective water right/permit allows.
- c. Any money received from the Boise Warm Springs Water District shall be applied to costs incurred for extending the water system from Well #1 to Well #2.
- d. If anticipated or quoted cost estimates exceed the projected costs, as described in Exhibit B hereof, the parties, by mutual agreement, may (1) make alternative financing arrangements to cover the additional costs; or (2) cancel the PROJECT if construction has not begun or if all parties consent by written agreement to do so.
- e. If significant expenditures are required to keep the PROJECT operational and there is not adequate money in the FUND, the parties shall have the option to (1) no longer use the PROJECT, provided that all other financial obligations required by this Agreement have been met or (2) secure additional funds to pay for repair,

replacement, and maintenance expenditures. Repair, replacement, and maintenance costs shall be split on a proportional basis based upon the metered water usage by the parties over the immediately preceding three year period.

- f. All parties hereby grant mutual rights of access to all portions of the PROJECT for the operation, repair, and maintenance of the PROJECT. If any party chooses to forfeit their right to use the PROJECT, the remaining parties shall have the right to continue to repair, maintain, and operate the PROJECT and shall continue to have access to all properties, including the existing reservoir and piping, for said repair, maintenance, and operation. The forfeiting party shall be reimbursed any uncommitted monies in the FUND in the amount of its actual contribution of the then existing FUND balance.
- g. Should the parties, by written mutual agreement, consent to abandon the PROJECT, any costs relating thereto shall be first paid from the FUND balance, if any, and then shared by each party proportionate to metered water usage during the immediately preceding three (3) year period. If the PROJECT is to be abandoned, any party may, with the written approval of all other participants and at its own expense, salvage all or a portion of the PROJECT, and shall be entitled to retain the value of such salvaged portion.

- h. Should the parties fail to obtain adequate funding as described in 2(a) and (b) above, or the PROJECT system is not operational within five (5) years from the execution of this AGREEMENT, then any party may declare this agreement null and void.
- i. This AGREEMENT may be amended at any time by the agreement of all parties. Any party seeking an amendment shall provide thirty (30) days written notice to the other parties. All parties shall conduct negotiations for amendment terms in good faith.
- j. All parties shall meet annually, at the beginning of the irrigation season, to review payments, policies and procedures.

6. Insurance

Each party will maintain and keep in force and effect during the life of this AGREEMENT public liability and property damage insurance in the minimum amounts required by Idaho Code Section 6-924.

7. Termination - Default

IBG, STATE and CITY agree that in the event of a default by any party, the non-defaulting party(s) shall give sixty (60) days notice to the defaulting party(s) of the default. The defaulting party(s) shall have said sixty (60) days to correct the default. If the default is not

corrected within sixty (60) days, the non-defaulting party(s) may institute further proceedings due to the default, however, it is the intent and agreement of the parties that connection of water facilities shall occur, if at all possible, and any default shall be remedied by the defaulting party with the defaulting party paying any cost or expense of the non-defaulting party as a result of the default. The defaulting party shall pay, all reasonable costs and attorney's fees incurred in enforcing the provisions of this AGREEMENT.

8. Dispute Resolution

If a dispute between the parties arises out of or relates to this AGREEMENT, or the breach thereof, and if the dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by mediation before resorting to litigation or other dispute resolution procedure. The parties shall share equally the mediator's fees and expenses.

9. Attorneys Fees and Engineers

IBG, STATE, and CITY agree that in the event of a default by any party, the non-defaulting party shall be entitled to recover and the defaulting party shall pay, all reasonable costs and attorney's fees incurred in enforcing the provisions of this Agreement. It is further agreed by IBG, STATE and CITY that each of them is represented by its own counsel and engineer; that neither party has relied on statements or representation by others counsel or engineer, and have been advised and counseled by its own attorney, engineer or other competent persons regarding all matters which pertain to this transaction.

10. Notices

Any notices required or allowed in this AGREEMENT shall be effectively given if placed in a sealed envelope, postage prepaid, and deposited in the mail, registered or certified, addressed as follows:

To the CITY: Boise City Department of Parks and Recreation
 Attn: Director
 1104 Royal Blvd.
 Boise, ID 83706-2898

To IBG: Idaho Botanical Garden
 P.O. Box 2140
 Boise, ID 83702

To The STATE: State of Idaho Department of Lands
 PO Box 83720
 Boise, ID 83720-0050

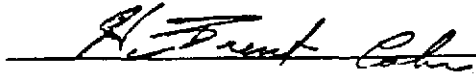
11. This AGREEMENT may not be assigned or transferred without the express written consent of all parties.

12. Term: This AGREEMENT shall be for a period of ten (10) years with automatic annual renewal, with approval of all parties.

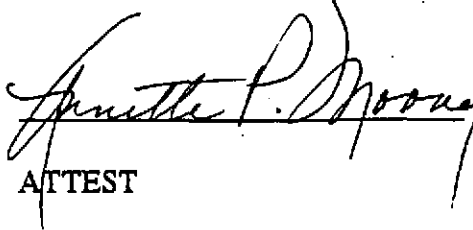
END OF AGREEMENT

SCANNED
MAY 17 2004

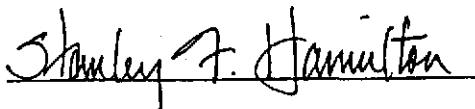
Executed this day and year above written.



CITY OF BOISE

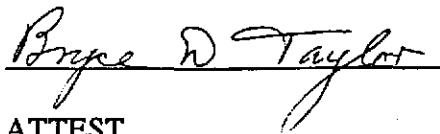


ATTEST

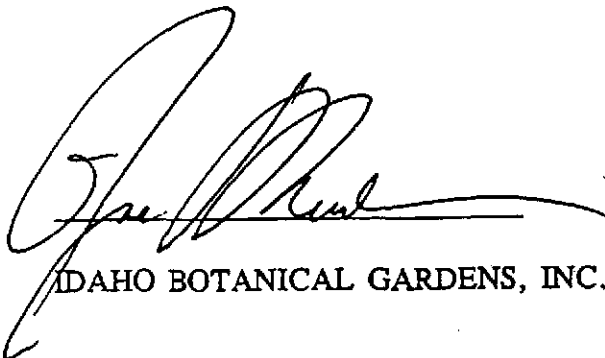


STATE OF IDAHO

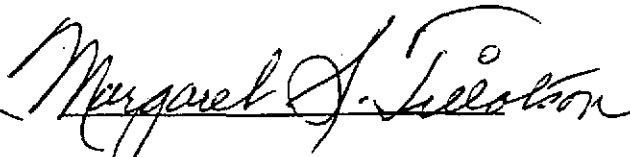
DEPARTMENT OF LANDS



ATTEST



IDAHO BOTANICAL GARDENS, INC.



ATTEST

Exhibit "A" - PROJECT Map

Exhibit "B" - PROJECT Cost Estimate

2WP/4WP/AL/GEO-91.Agr





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

JULY 3, 1995

STATE OF IDAHO
DEPARTMENT OF LANDS
1215 W STATE STREET
BOISE ID 83702

RECEIVED

MAY 13 2004

WATER RESOURCES
WESTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Dear Wateruser(s):

This office has reviewed the Notice of Change of Water Right Ownership form submitted to our office. However, due to the items checked below, we cannot continue to process this ownership change. We are returning the Notice of Change of Ownership to you to COMPLETE OR RESEARCH ONLY THE FOLLOWING ITEM(S) SHOWING A CHECKMARK IN THE BLANK FOR THAT ITEM(S). SEE PAGE 2.

There is no existing water right in our records either under the former owner's name or for the legal description given. If, after contacting the former owner, you find more information concerning a water right, please contact us.

Legal description of property. Please complete showing the legal description by 1/41/4 (40-acre tract), section, township and range for the property changing ownership. If you only have a subdivision lot & block legal description, please send us a copy of your subdivision plat map.

It appears you receive your water from an irrigation district, ditch company, municipality or community water company. If this is the case, then the water right remains in the name of this entity and you should contact them concerning the ownership change.

Name and address of former owner (seller). This will clarify the original owner of the water right.

Name, address and phone number of new owner (purchaser).

This change in ownership appears to result in a splitting of the water right. A split of the water right occurs when the ownership change affects only a portion of the original right. In order to accurately split this right we must know what portion of the right was sold. The amount of water in CFS, the place of use by 1/4 1/4 with the number of acres in each 1/41/4 (if applicable) and the point of diversion by 1/41/4, Section, Township and Range is needed. If this right is not being split, please submit proof of ownership for the remaining portion. Enclosed is a computer copy of this right for your review.

Proof of ownership is needed. This proof can be a copy of the warranty deed, sales contract or tax assessment in your name which includes a description of this property by 1/41/4, Section, Township and Range.

SCANNED

MAY 17 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED - APPLICATION FOR PERMIT - *AMENDED*

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Idaho State Historical Society Phone 334-2120

Post office address 610 N. Julia Davis Drive., Boise, Idaho 83702

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SW $\frac{1}{4}$ of 13 ~~13~~ $\frac{1}{4}$ of Section 13 Township 3N

Range 2E B.M. _____ A.M. _____ County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.40 for irrigation purposes from 1 April to 30 October (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.04 for Domestic purposes from 1 Jan to 31 Dec (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.44 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump & pipes to ditch;

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

Allow 5 years*
use is _____ years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation: NW $\frac{1}{4}$ of 13 ~~13~~ $\frac{1}{4}$ of Section 13 Township 3N

(1) Give the place of use of water: _____ Range 2E B.M. _____

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: Domestic

CRIMINAL

[illegible]

Total number of acres to be irrigated

c. Describe any other water rights used for the same purposes as described above. As described

In Permit 63-9661, issued to State of Idaho, Idaho Historical

• 407005

9. a. Who owns the property at the point of diversion

b. Who owns the land to be irrigated or place of use

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

applicant to make this filing

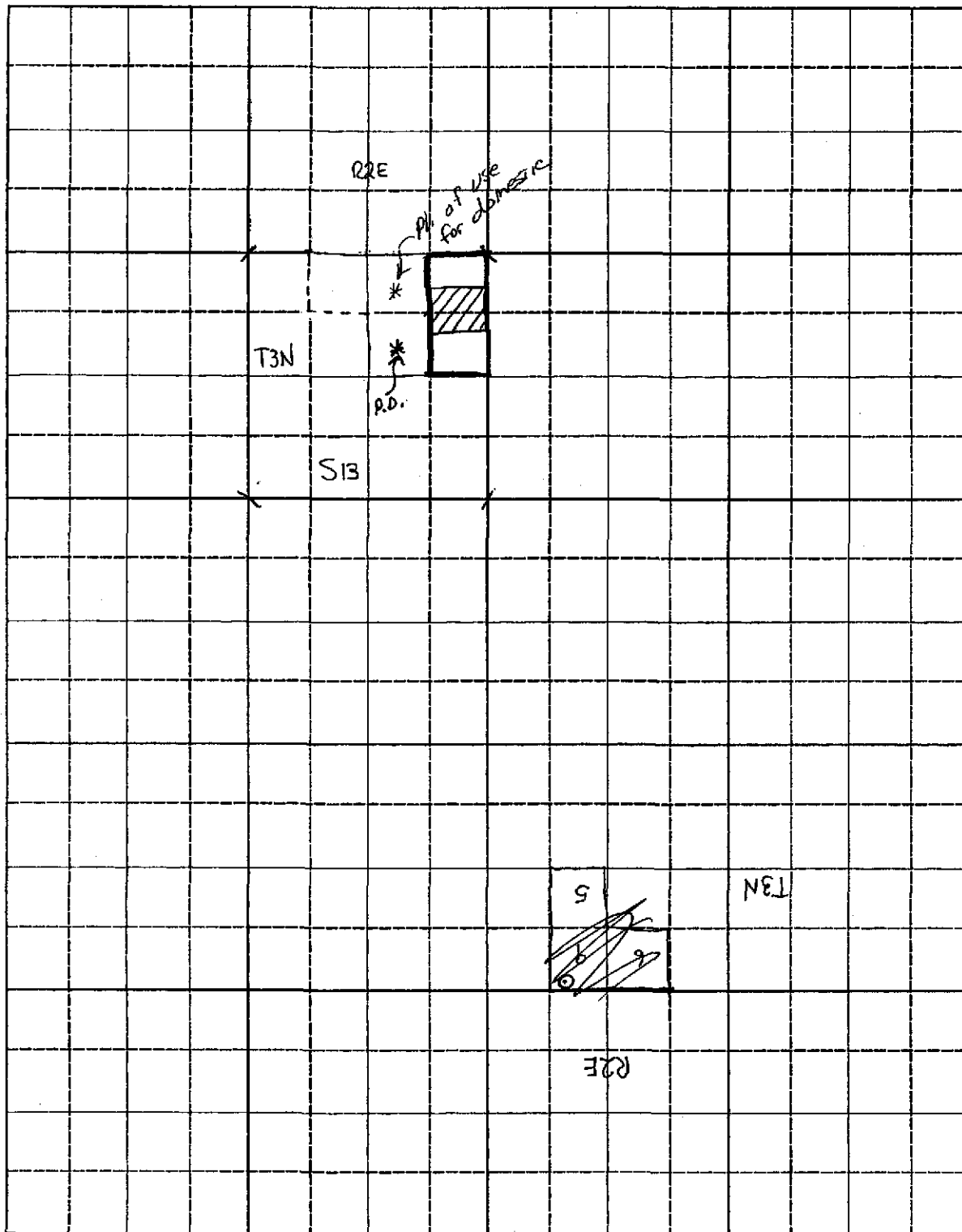
10. Remarks	The property at the point of diversion is owned by the
-------------	--

State of Idaho under the management of the Idaho Historical

Society, land to be irrigated in part by water under this permit

is leased by the Idaho Potominal Gardens, Inc.

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



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Arthur C. Hart

Director Idaho State Historical Society
(Applicant)

RECEIVED

5/30/84
JL
5/30/84
10:00 am
MICROFILMED

Received by _____ Date 5-3-84 Time 4:50 pm
Preliminary check by JP Fee \$ 45.00
Received by _____ Date 5/30/84 # 34430
Publication prepared by _____ Date 5/16/84 # 34394 (AMENDED APP. FILLING)
Published in Idaho Statesman _____
Publication dates 5/14 & 5/21/84
Publication approved JP Date 5/22/84
Protests filed by: None
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DGS ku

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-10241, and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 90.

- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 14th day of January, 1985.

D. Allen Saylor
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4526
WATER RIGHT NO. 63-10241

This is to certify that: STATE OF IDAHO
DEPT OF LANDS
1215 W STATE ST
BOISE ID 83702

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>
IRRIGATION	03/15 to 11/15	0.22 CFS	23.9 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
	Totals	0.26 CFS	24.5 AF

SOURCE

GROUNDWATER

Priority: 05/30/1984

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 13, Township 03N, Range 02E
NESW , Sec. 13, Township 03N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	02E	13	NWNE 2.5	NENW 2.8		5.3
Total number of acres irrigated:						5.3

PLACE OF USE: DOMESTIC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	
03N	02E	13	NWNE

RECORDED

JAN 25 1996

TRANSFER NO. 4526
WATER RIGHT NO. 63-10241

Cond.

CONDITIONS OF APPROVAL AND REMARKS

1. This approval does not authorize the construction of any new well or the deepening or enlargement of any existing well.
2. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.5 afa per acre for the lands above.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by ~~this~~ transfer shall be accomplished within one (1) year of the date of ~~this~~ approval.
6. 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.
7. 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.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. The total instantaneous diversion of water from all points of diversion under Transfer No. 4526 shall not exceed 0.26 cfs nor total combined annual volume of 24.5 af.
10. Domestic use is for offices.

app. app. app. app. Gen. app.

app.

Quant.

Dated this 16th day of January, 1996.

[Signature]
Chief, Water Alloc. Bureau

*C18
Shoulder remarks
for Oct 23rd Nov 15th*

[Stamp]
JAN 25 1996

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4526

RECEIVED

NOV 21 1994

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

JAN 2 1996

Dept. of Lands

Department of Water Resources
Phone (208) 334-2682per 6/22/95
"Assignment",
see file
020082
7/5/95Name of applicant State of Idaho, Idaho Historical SocietyPost Office address 210 W. Main Street, Boise, Idaho 837021215 W. State St.

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes To provide additional point of diversion of
non-geothermal water

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
- | | | | | |
|----------|--------------|----------|------------|--------------------------|
| 63-10241 | May 30, 1984 | 0.22 cfs | Irrigation | March 15 to November 15 |
| | | 0.04 cfs | Domestic | January 1 to December 31 |
| | | | | to _____ |
| | | | | to _____ |
2. Total amount of water being transferred 0.26 cubic feet per second and/or 24.5 acre-feet per annum.
3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	13	3N	2E	Ada	old penitentiary well #1
		NE	SW	13	3N	2E	Ada	" " " #2

5. 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	
3N	2E	13		2.5			2.8												5.3
3N	2E	13		D															

Total acres 5.3

PART 1**6. General Information:**

a. Description of diversion system Drilled wells with pumps, buried pipeline, sprinkler system

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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:

No change of land irrigated; one additional point of diversion

d. Remarks:

Additional point of diversion will provide non-geothermal water

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

Witness my hand this _____ day of _____, 19 _____.

JAN 25 1996

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-10241

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.22 CFS	23.9 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
	Totals	0.26 CFS	24.5 AF

SOURCE

GROUNDWATER

Priority: 05/30/1984

LOCATION OF POINT(S) OF DIVERSION:SWNE , Sec. 13, Township 03N, Range 02E
ADA CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 02E 13	NWNE 2.5	NENW 2.8		5.3
		Total number of acres irrigated:		5.3

PLACE OF USE: DOMESTIC

<u>TWN RGE SEC</u>	
03N 02E 13	NWNE

CONDITIONS/REMARKS:

1. The issuance of this right in no way grants any right-of-way or easement across the land of another.
2. This right when combined with all other rights shall provide no more than 4.5 afa per acre for the lands above.
3. Domestic use is for offices.

JAN 25 1996

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED**NOV 21 1994****PART 2***(Attach one copy for each right)*WATER RESOURCES
WESTERN REGION**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____
In case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-10241 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ 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 N.A.

3. Source of water Groundwater **tributary to** _____**4. Date or priority** May 30, 1984**5. Water is used for the following purpose:**

amount 0.22 cfs for Irrigation purposes from March 15 to November 15
(cfs/ac-ft) 0.04 cfs for Domestic purposes from January 1 to December 31
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.26 cubic feet per second and/or 24.5 acre-feet per annum.**7. Point(s) of Diversion:**

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	13	3N	2E	Ada	Old Penitentiary irrigation well No. 1

8. 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	
3N	2E	13		2.5			2.8												5.3
3N	2E	13		D															

JAN 25 1995
Total acres 5.3
None

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?

If yes, describe NOT ANSWERED BUT PRESUMABLY OK SINCE PERMIT ISSUED 1984, PROOF FILED 1990, EXAMINED 1992, LICENSED 1993. - JL 1/10/95

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 _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

N/A, NO split
 12/29/94

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	13	3N	2E	Ada	Old Penitentiary irrigation well No. 1
		NE	SW	13	3N	2E	Ada	Old Penitentiary irrigation well No. 2

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	

Total acres _____

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

1. amount 0.22 cfs for Irrigation purposes from March 15 to November 15
 (cfs/ac-ft) amount 0.04 cfs for Domestic purposes from January 1 to December 31
 (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

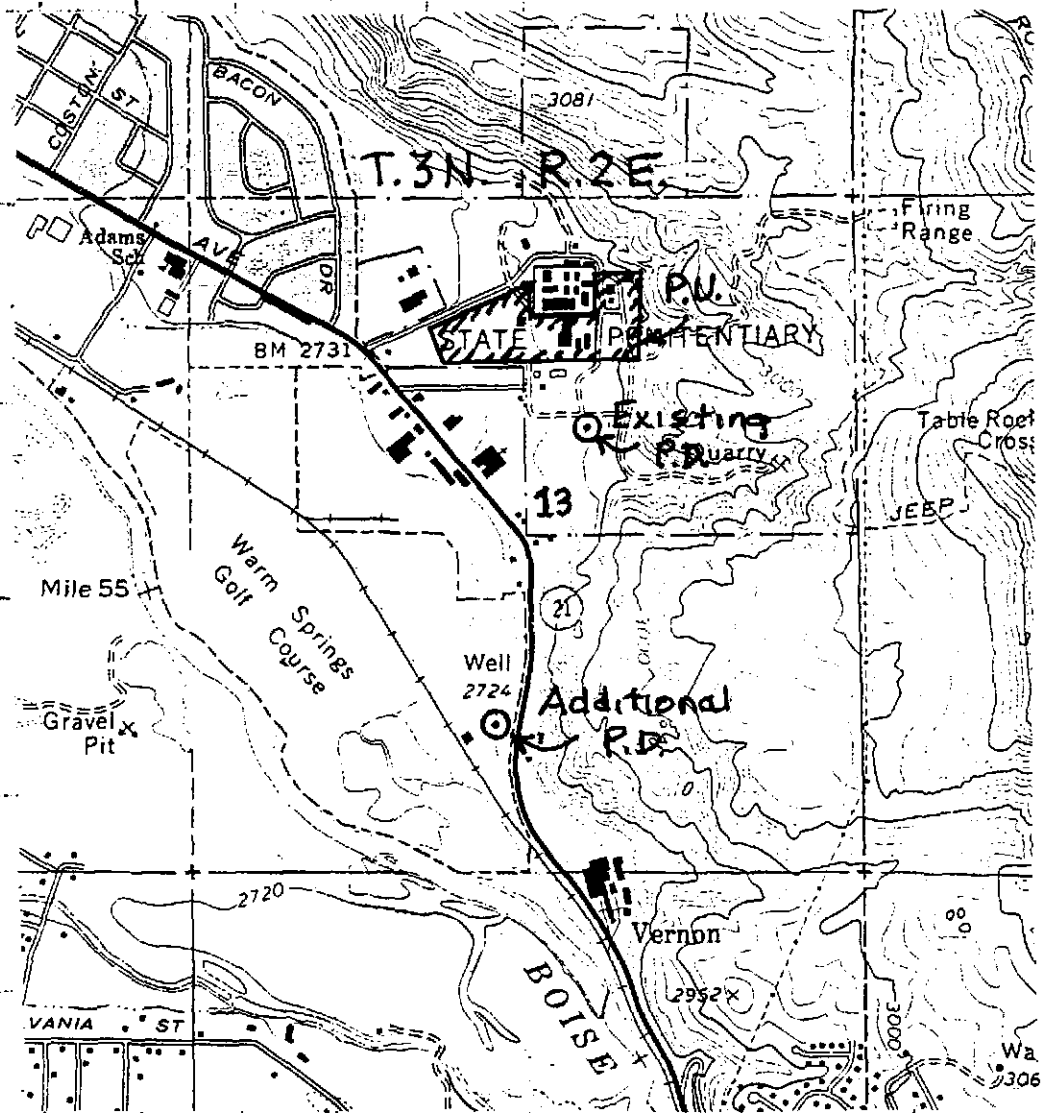
3. Lands irrigated or place of use:

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	
3N	2E	13		2.5			2.8												5.3
3N	2E	13		D															

Total acres 5.3

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.



JAN 25 1996

3.5
 SCALE: $\frac{1}{3.5}$ inches equal 1 mile. Draw plan in ink.

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

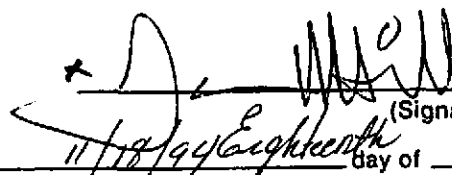
1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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

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


 (Signature of Applicant)
 Subscribed and sworn to before me this 11/18/94 Eighteenth day of November, 19 94.

 (Notary Public)

My commission expires 02022000**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 1 attachments

Received by DB Date 11/21/94 Protest filed by _____

Prelim. check by SL Fee \$100 _____

Receipted by DB Date 11/21/94 #WJO18370 _____

Published in Idaho Statesman Copies of protest forwarded by _____

Pub. dates 1-19 & 26-1995 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by DW

Copy of transfer sent to lien holder _____

JAN 25 1996

different than those used
as in file just prior to housing reflects permit rather
of processed letter

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10241

Priority: May 30, 1984

Maximum Diversion Rate: 0.26 CFS
Maximum Diversion Volume: 24.5 AF

This is to certify, that IDAHO STATE HISTORICAL SOCIETY
610 N JULIA DAVIS DR
BOISE ID 83702

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 30, 1984; and has submitted Proof of Beneficial Use on January 2, 1990. An examination indicates that the works have a diversion capacity of .900 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.22 CFS	23.9 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
	Totals	0.26 CFS	24.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 13, Township 03N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	02E	13	NWNE 2.5	NENW 2.8		5.3
Total number of acres irrigated:						5.3

PLACE OF USE: DOMESTIC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
03N	02E	13

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

FEB 18 1993

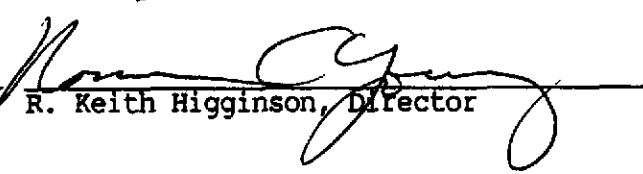
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-10241

CONDITIONS/REMARKS:

5. The issuance of this right in no way grants any right-of-way or easement across the land of another.
6. This right when combined with all other rights shall provide no more than 4.5 afa per acre for the lands above.
7. Domestic use is for offices.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 3RD day of FEBRUARY, 1992.

Acting for 
R. Keith Higginson, Director

FEB 18 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-10241

FOR DEPARTMENT USE ONLY

Preliminary check by CS Fee = \$20.00 Received by JY # CD26414 Date 12-31-92

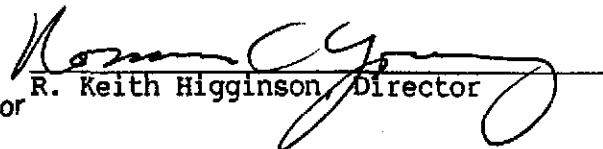
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-10241 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The issuance of this right in no way grants any right-of-way or easement across the land of another.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
7. Domestic use is for offices.

Witness my hand this 3RD day of FEBRUARY, 1993.


Acting for R. Keith Higginson, Director

FEB 18 1993

State of Idaho
Department of Water Resources

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DEC 31 1992

APPROVED

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-10241

Department of Water Resources

0.26 CFS
0.15 CFS
24.5 AF

Date of Priority: May 30, 1984

Maximum Diversion Rate:
Maximum Diversion Volume:

Comes now
610 N JULIA DAVIS DR
BOISE ID 83702

IDAHO STATE HISTORICAL SOCIETY

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-10241, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.22 CFS	23.9 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
	Totals	0.26 CFS	24.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 13, Township 03N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	02E	13	NWNE 2.5	NENW 2.8		5.3
Total number of acres irrigated:						5.3

PLACE OF USE: DOMESTIC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
03N	02E	13

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Old Idaho Penitentiary, this 30 day of December, 1992.
Boise, Idaho

Christine N. Brady
(Signature)

APPROVED

FEB 18 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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NOV 30 1992

Department of Water Resources

A. GENERAL INFORMATION

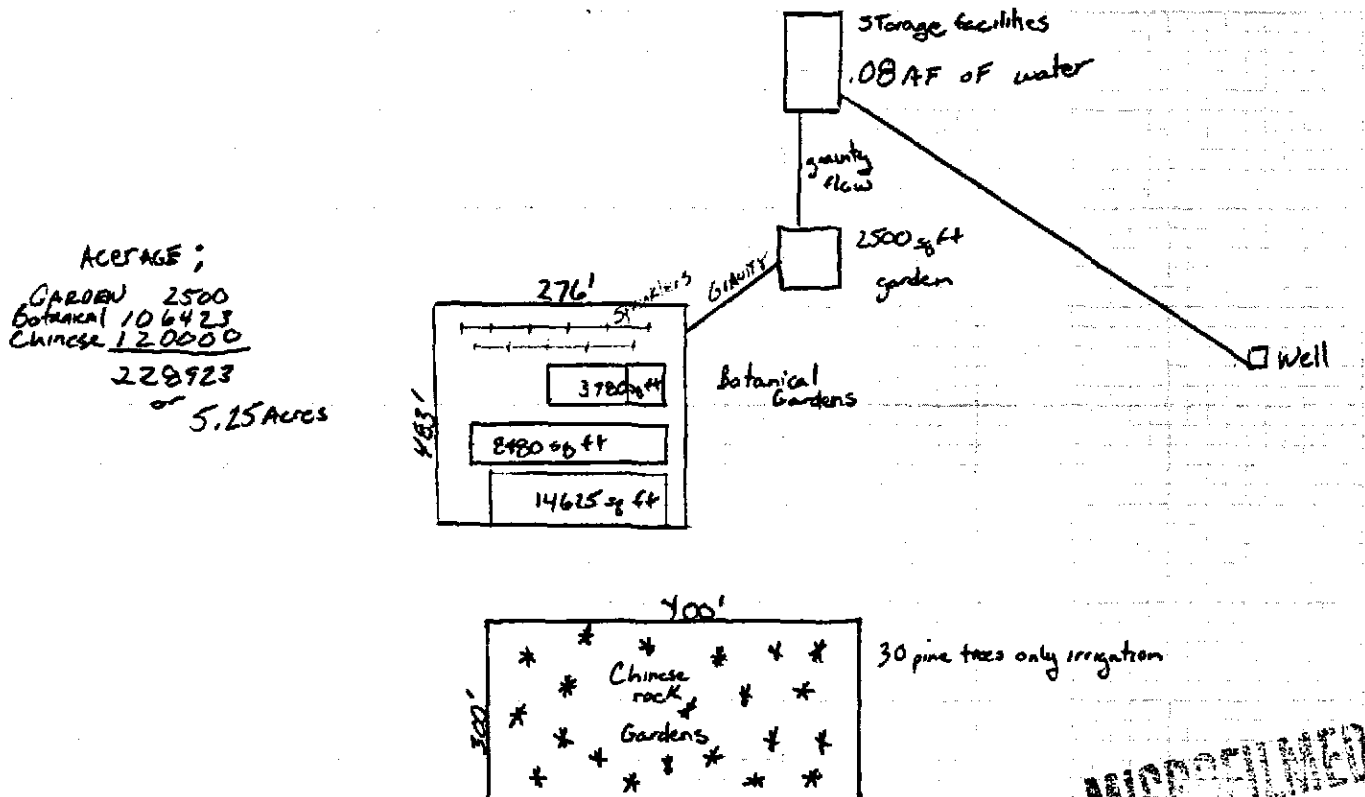
Permit No. 63-11241
1. Owner: Idaho State Historical Society Phone No. 334-2120
Current Address: 610 W. Julia Davis Drive Boise, Idaho 83702
2. Accompanied by: Chris Brady EXAM. DATE: 6-24-92
Address: Same Phone No. Same
Relationship to Permit Holder: employee
3. Source: _____ tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-9661 ☐ Copies Attached
2. Other water rights with same point of diversion: 63-9215 63-9661 ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☒ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

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3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

This system uses a 762' well that has a 60 hp submersible pump. The casing is 16" and the static water level was 73' the drawdown however was 270' (wells logs) so the dynamic level is 293'. The system pumps into a storage tank - there is gravity irrigated to the p/lu.

☐ See Remarks on page 4 for continuation

[illegible]

**Code to correspond with No. on map and aerial photo*

5. Point(s) of Diversion:

[illegible]

Indicate Method of Determination.

6. Place(s) of Use:

[illegible]

Do not use this space

FEB 18 1993

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
		-NA-				

2. Measurements:

Theoretical: $60 \times 8.8 \times .70 = 369.6$
 $293 + (2.3 \times 50) = 409$
 $369.6 / 409 = 0.91 \text{ cfs}$

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

Theoretical = 0.91 cfs

2. Alternate Method for Checking Purposes:

Allow Flow
 $5.25 \times .02 = .11 \text{ cfs}$

F. PUMP EFFICIENCY DATA (Optional)

Allow .04 for internal domestic

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

: Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 5.25 \times 4.5 = 23.63 \text{ AFA}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.11 \times 245 \times 1.9835 = 53.5 \text{ AFA}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 23.63 \text{ AFA}$

2. Volume Calculations for Other Uses:

Domestic = 1.2 AFA

FEB 18 1993

H. REMARKS AND OVERLAP REVIEW ANALYSIS

No other measurement can be made besides the one from the well, the water per directly underground to the storage pond. There is not enough pipe for a piezometer.

No other water used on Deer Creek 7/8/92. 6

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (af)
	From	To		
Domestic	1-1	12-31	1.04 cfs	1.2 AF
Irrigation	4-1	11-30	11 cfs	25.43 AF
Totals:			15 cfs	24.83 AF

2. Recommended Amendments

- ☒ Change P.D. as reflected above
☒ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☐ Other
☐ None

J. AUTHENTICATION

Field Examiner's Name David T. Gary
 Signature [Signature]
 Certification Date 07-06-92
 Field Report Preparation Date 07-06-92

7/8/92

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.



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