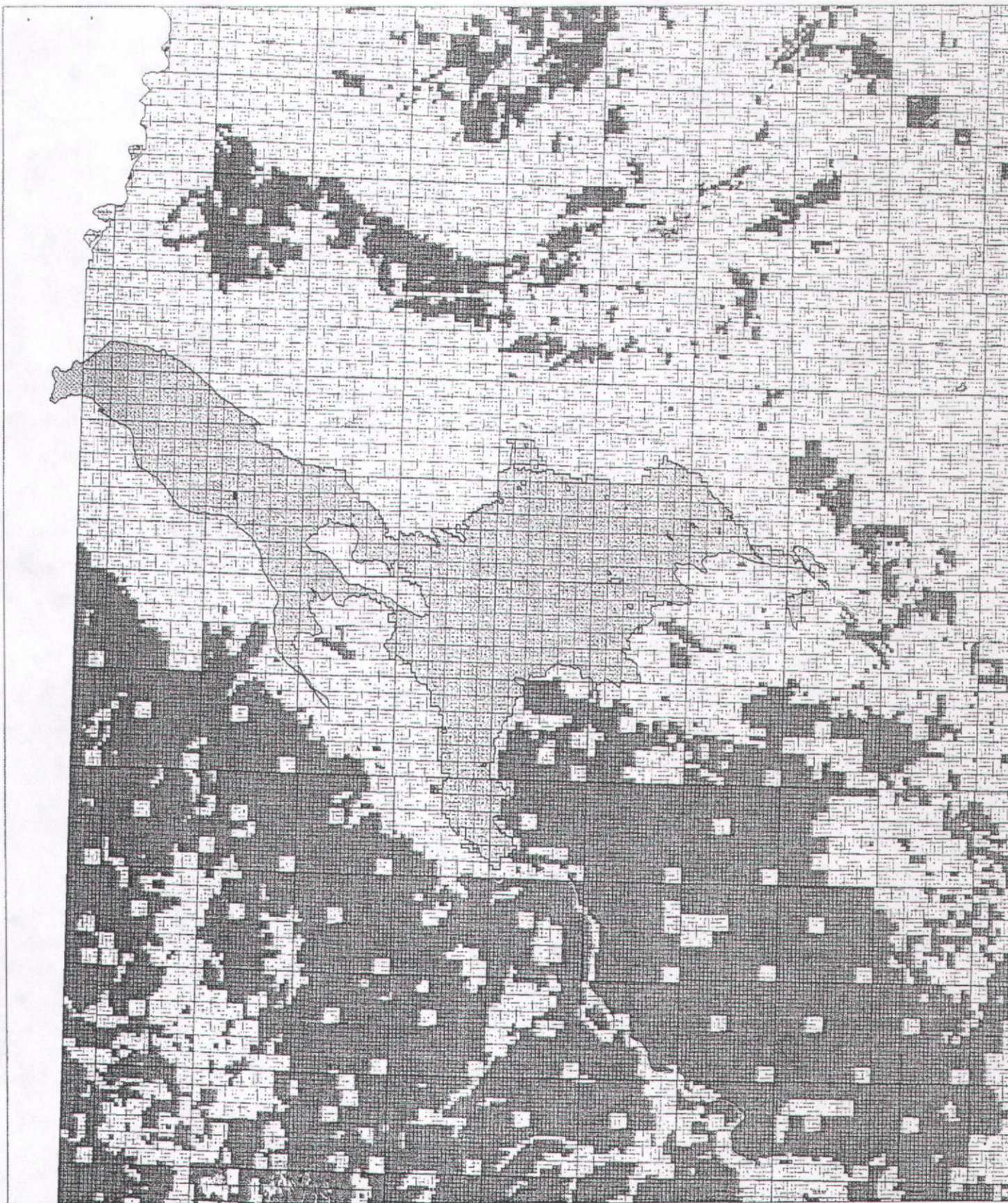




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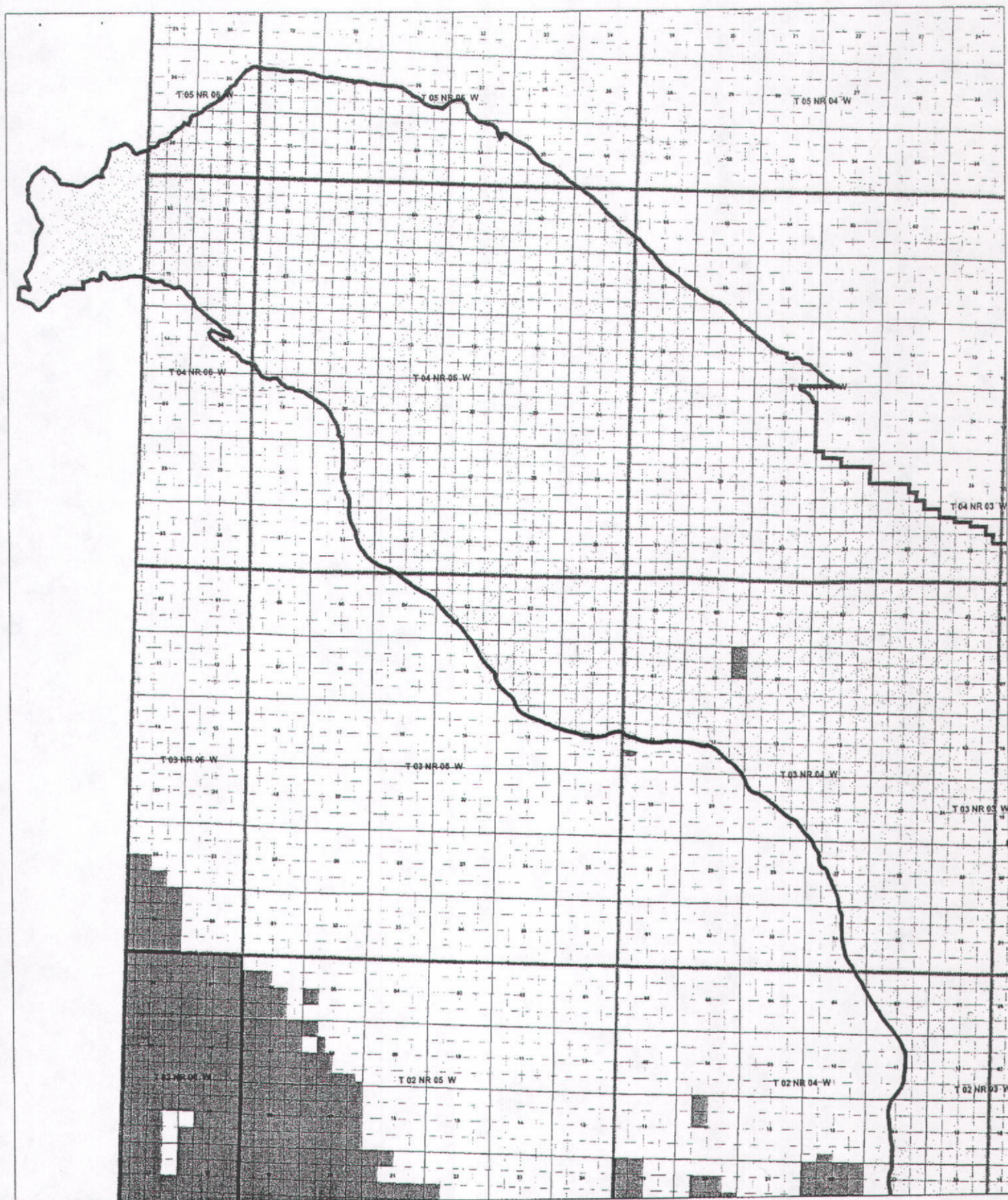
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-  BLM
-  TOWNSHIPS_ID24_POLY
-  bpbcbndy 63-00136 et. al.

0.5 1 2 3 4
Miles



BLM
Bureau of Land Management
U.S. Department of the Interior
1998





Legend

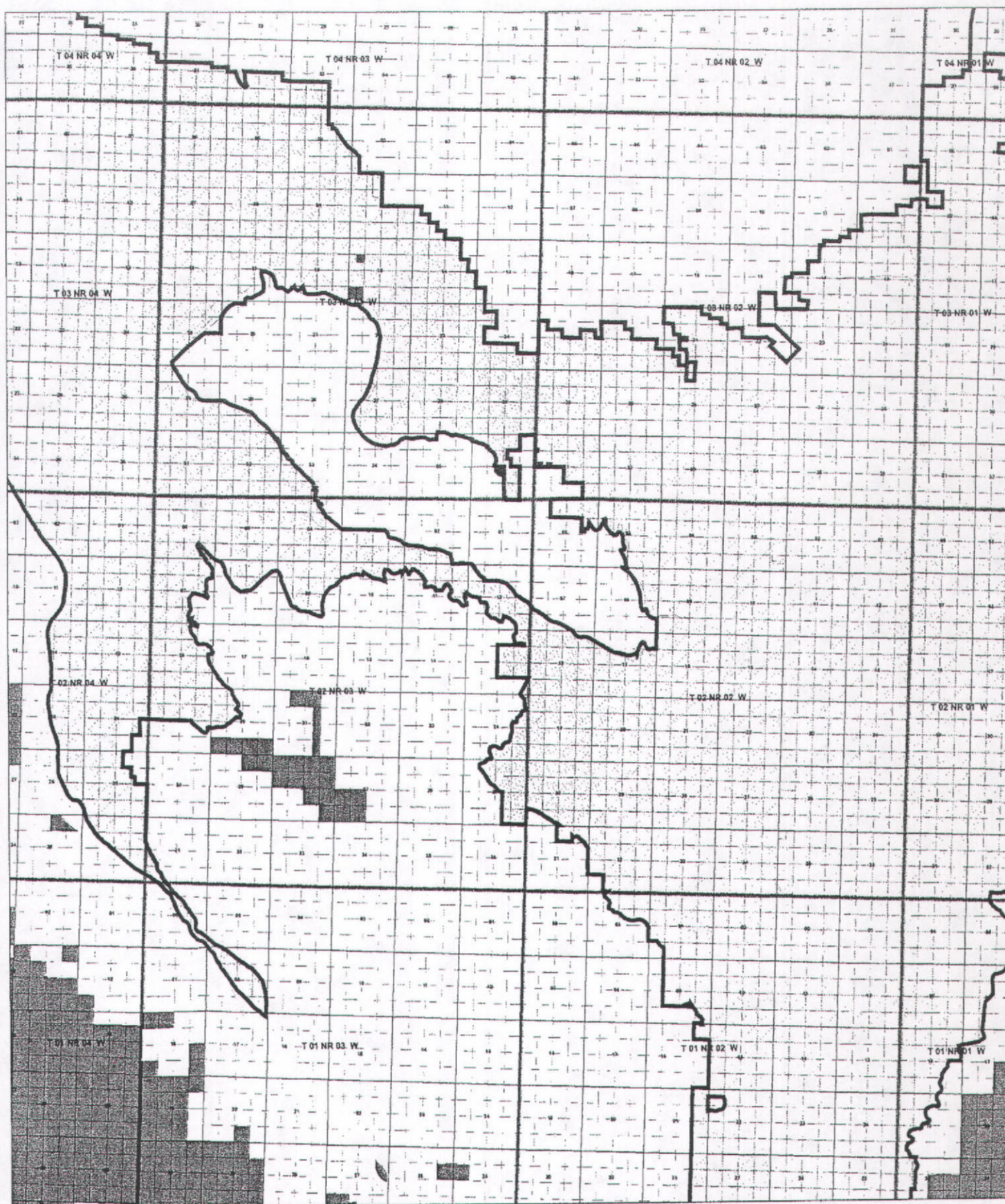
- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- bpsc_bndy 63-00136 et. al.

© 12850.50.75 1
Miles



BLM
Bureau of Land Management
U.S. Department of the Interior
1615 North Lincoln Street
Bozeman, MT 59717-2698
406/325-4200
www.blm.gov





Legend

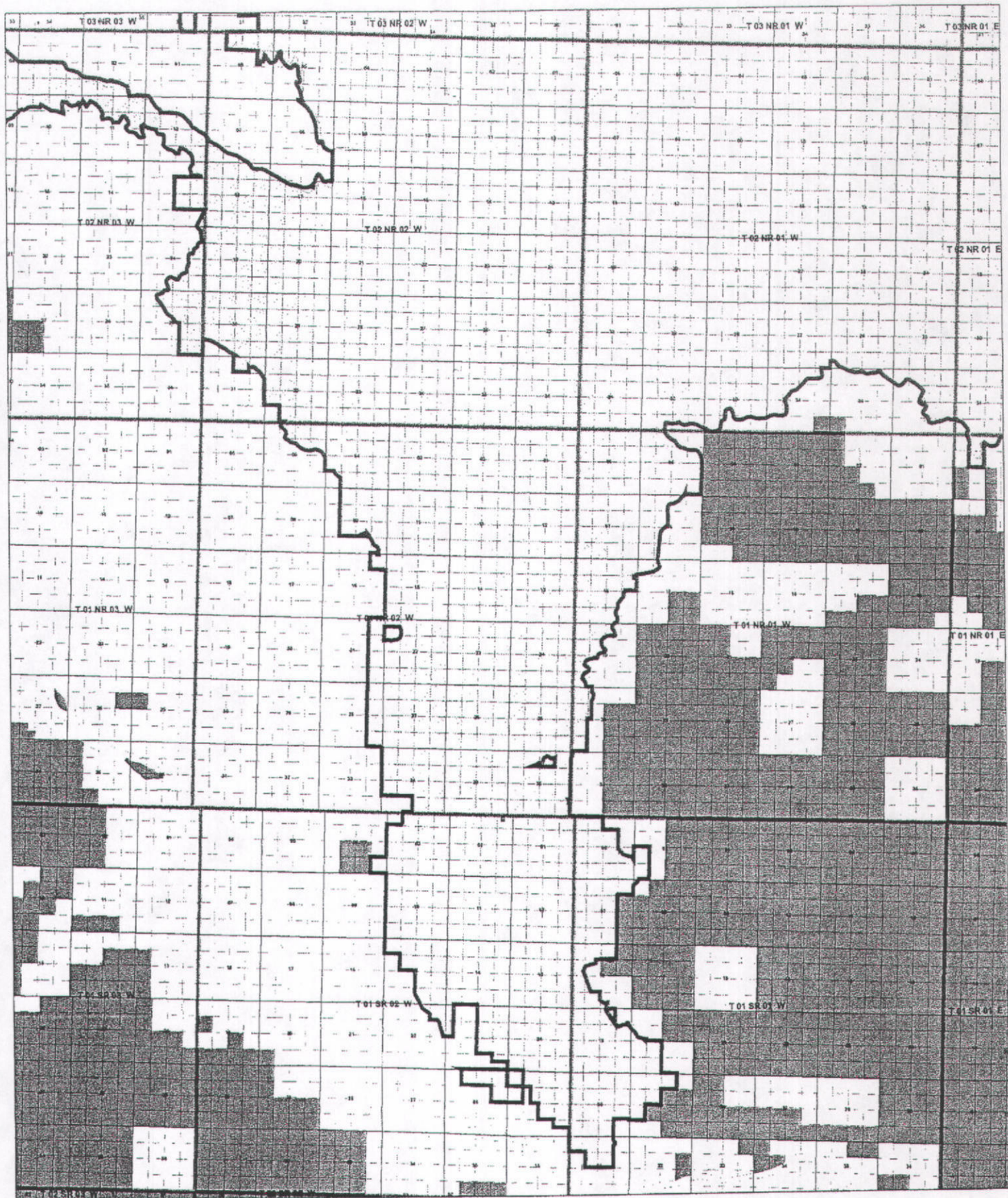
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- bpbcbndy 63-00136 et. al.

02850.50.75 1
Miles



Bureau of Land Management
U.S. Department of the Interior
1996

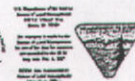


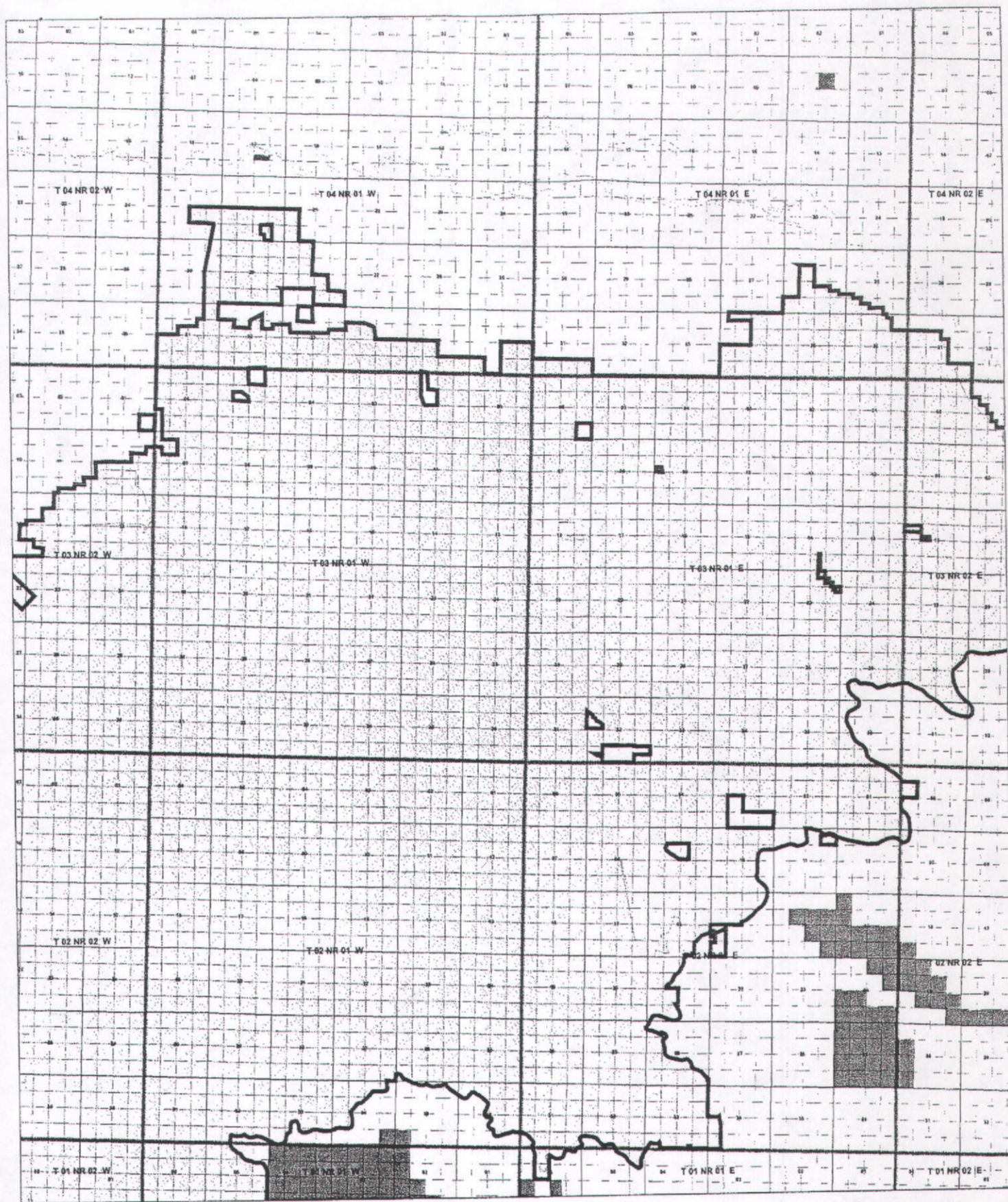


Legend

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- bpbcbndy 63-00136 et. al.

ID 1250.50.75 1
Miles



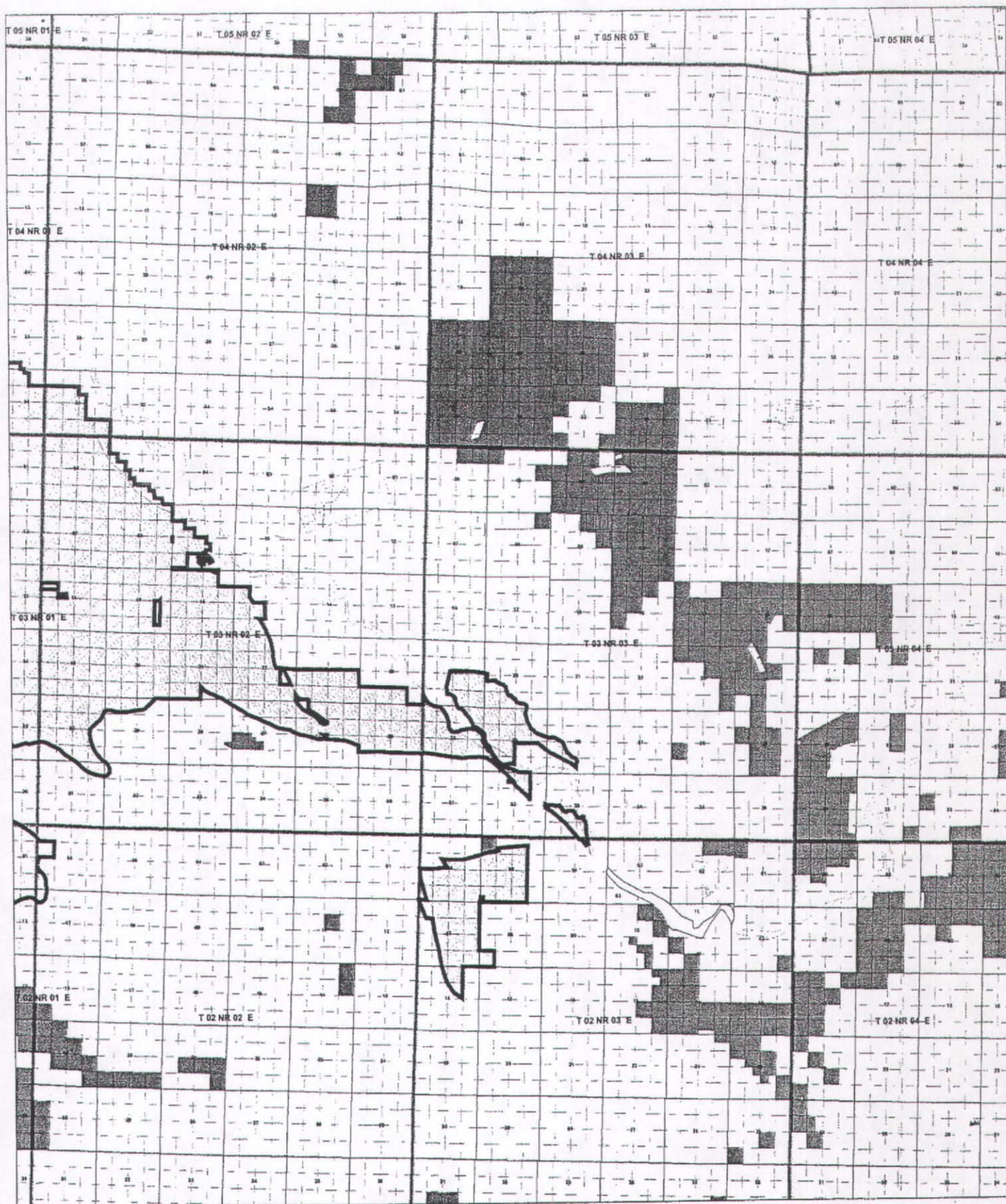


Legend

-  SECTIONS_ID24_POLY
-  BLM
-  TOWNSHIPS_ID24_POLY
-  bpbcbndy 63-00136 et. al.

© 12850.50.75 1
Miles



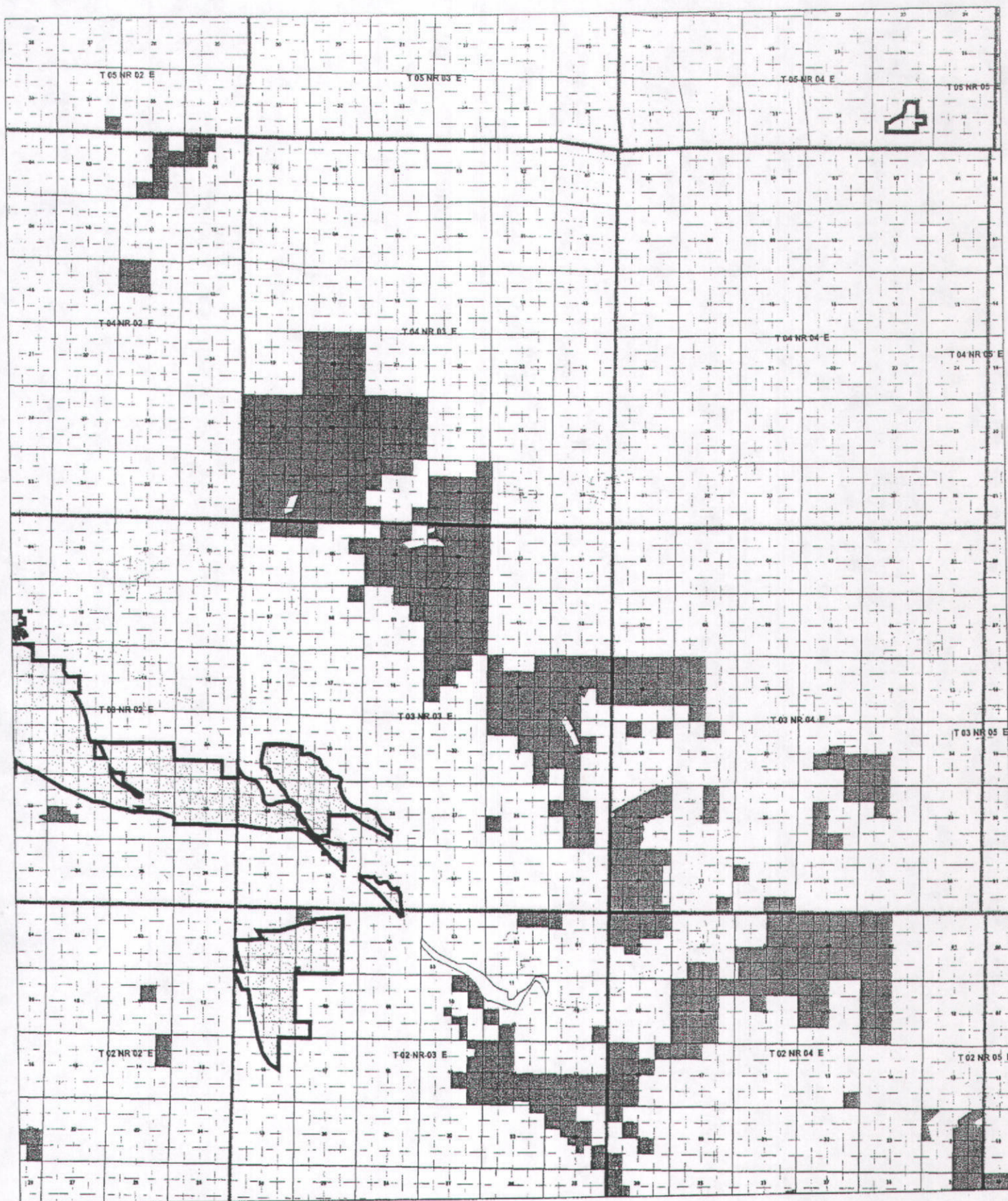


Legend

-  SECTIONS_ID24_POLY
-  BLM
-  TOWNSHIPS_ID24_POLY
-  bpbc_bndy 63-00136 et. al.

12850.50.75 1
Miles





Legend

-  SECTIONS_ID24_POLY
-  BLM
-  TOWNSHIPS_ID24_POLY
-  bpbcbndy 63-00136 et. al.

12.95050751 Miles





Idaho Department of Water Resources

Adjudication Claim:

63-200A

Legend

Point of Diversion



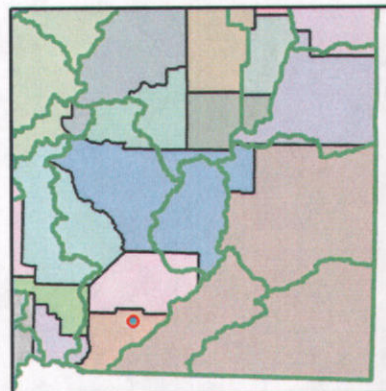
Place of Use



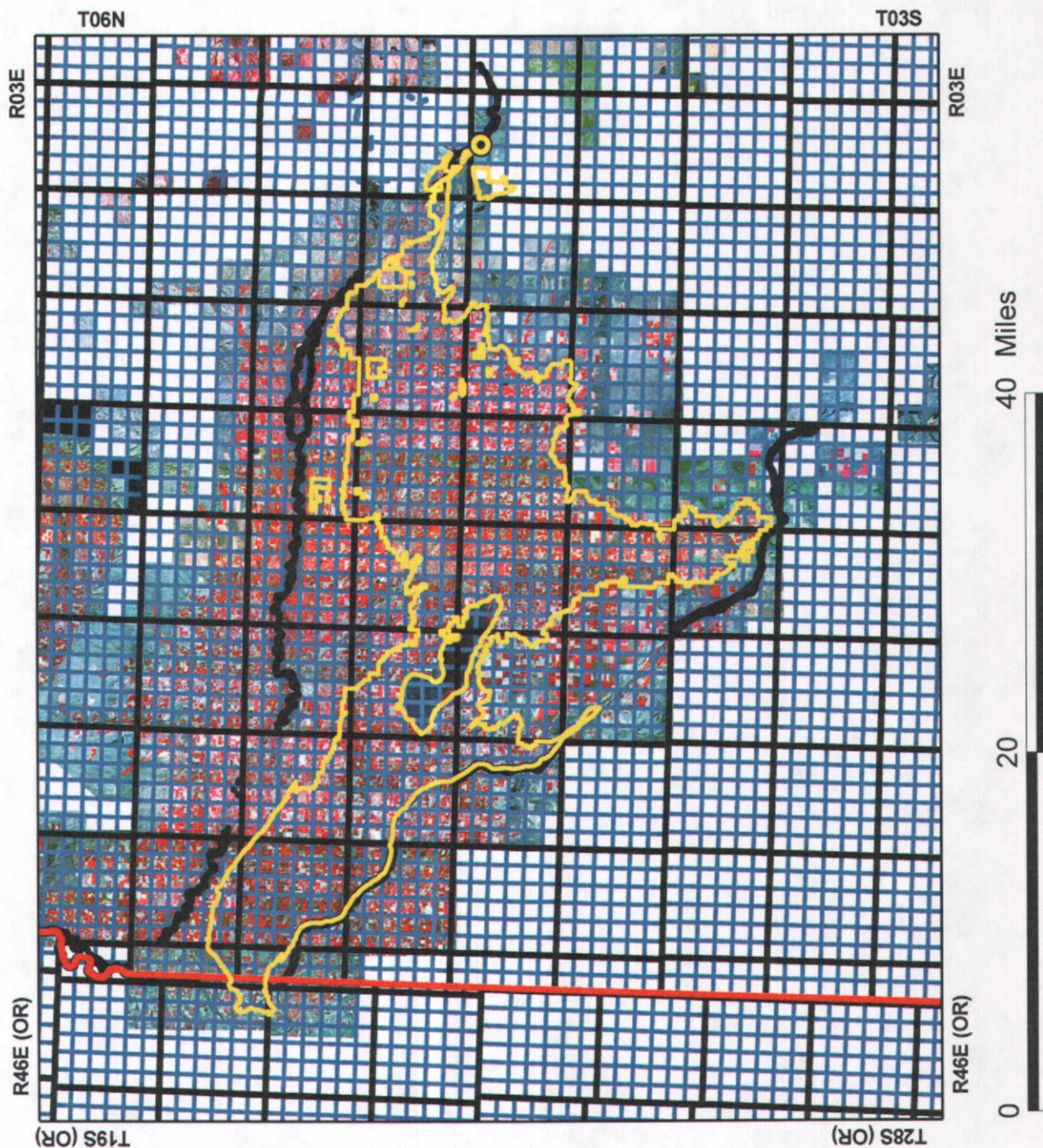
Townships



PLS Sections



Ada, Canyon, Owyhee Counties
IDWR Basin 63



Prepared by A. Warnitjes
On Tuesday, April 4, 2006
1987/88 Aerial Photography

1403-200A

24

LVII.

That the defendant the ~~NAMPA & MEREDIAN~~ IRRIGATION DISTRICT,
(substituted for defendant the Boise City Irrigation & Land Company)
a corporation, be and it is hereby awarded the use of the waters of
Boise River, diverted at a point on the south side of said river in
Lot 6, Sec. 29, T. 3 N. R. 3 E. B.M., for use upon the lands lying
under its canal system, in the following amounts, from the following
dates;

3 0199 8500 inches, from May 1, 1878; and hereby designated as Right No. 37.
T-1711

3 0200 18542 inches, from August 20, 1888; and hereby designated as Right No. 1
T-466

And be adjudged to pay \$1092.94 costs in addition to the costs in-
curred by it.

370.84 cfs

A = 8.90 cfs - BPBC

B = 361.94 cfs - NMID

370.84

LVIII.

That the defendant ~~JULIA MANNON~~ be, and she is hereby awarded the
use of the waters of Boise River, diverted from said river at a point
in NW corner of Sec. 36, T. 5 N. R. 5 W. B.M., for use upon the SE $\frac{1}{4}$
of SW $\frac{1}{4}$, and S. $\frac{1}{2}$ of SE $\frac{1}{4}$, and lot 7 in Sec. 26, T. 3 N. R. 5 W. B.M.,
in the following amount from the following date;

3 0201 103 inches, from June 1, 1870; and hereby designated as Right No. 68.
T-111

And be adjudged to pay \$11.73 costs in addition to the costs in-
curred by her.

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: A63-00200A
Date Received: 8/ 8/1989
Receipt No: C009160
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: BOISE PROJECT BOARD OF CONTROL 208-342-1141
Address: 2465 OVERLAND RD
BOISE ID 83705

2. Date of Priority: AUG 20, 1888

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03E	3	SW	NW			ADA
			NW	SW			ADA

5. Description of diverting works:
CONCRETE DIVERSION DAM AND HEADGATE ON THER NEW YORK CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	8.900		
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
65N	46E	36	NW	NW		IRR	

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:
NAMPA-MERIDIAN IRR.

14. Remarks:
TRANS. 466.
P/D HEAD OF NEW YORK CANAL.
P/U LANDS WITHIN NEW YORK IRR., BOISE-KUNA & WILDER IRR. DIST.
|
ADDRESS CHANGE BY CLAIMANT LETTER 8/6/99 SS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.
Decree Plaintiff

RIVERSIDE IRR. DIST.
vs Decree Defendant

RECEIVED

JUL 28 1999

July 20, 1999

Department of Water Resources

To Whom it may concern;

Our present and current address is 2465 Overland Rd., Boise, Idaho 83705

Project Manager: Ken Henley
Asst. Project Manager: Paul Deveau
Secretary of Treasurer: Judith Jemmett
Asst. Secretary of Treasurer: Elva Fisher

Please take note to change your records.

Thank you,

Boise Project Board of Control

AJ5811NP

SELECTION FILE: SS-BOISEPROJECT

IDAHO DEPARTMENT OF WATER RESOURCES
SELECTION FILE CONTENTS

DATE: 08/06/99
TIME: 10:09:11
PAGE: 1

63-22098	63-22099	63-22101	63-22102	63-23844	63-23845	63-23846	63-23847	63-23848	63-23849
63-23850	63-23851	63-23852	63-23853	63-23854	A63-00136	A63-00137	A63-00200A	A63-00233K	A63-22098
~~A63-22099~~	~~A63-22101~~	~~A63-22102~~	~~A63-23844~~	~~A63-23845~~	~~A63-23846~~	~~A63-23847~~	~~A63-23848~~	~~A63-23849~~	~~A63-23850~~
~~A63-23851~~	~~A63-23852~~	~~A63-23853~~	~~A63-23854~~						

TOTAL RECORDS IN SELECTION FILE: 34

Records changed, NCAP prepared.
8-6-99

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: A63-00200A
Date Received: 8/08/1989
Receipt No: C009160
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BOISE PROJECT BOARD OF CONTROL
Address: 214 BROADWAY
BOISE, ID 83706

2. Date of Priority: AUG 20, 1888

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03E	3	SW	NW			ADA
			NW	SW			ADA

5. Description of diverting works:
CONCRETE DIVERSION DAM AND HEADGATE ON THE NEW YORK CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	8.900		
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
65N	46E	36	NW	NW		IRR	

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN 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: A63-00200A
Date Received: 8-8-89
Receipt No: C009160
Received By: ARR
llt

RECEIVED
AUG 08 1989

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BOISE PROJECT BOARD OF CONTROL
Address: 214 BROADWAY
BOISE, ID 83706
2. Date of Priority: AUG 20, 1888
3. Source: BOISE RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
Twn. 3 North, Range 3 East, Sec. 3, NW $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ NW $\frac{1}{4}$
5. Description of diverting works:
Concrete diversion dam and head works of New York Canal
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION SUPPLEMENTAL			8.900		
DOMESTIC					
7. Total Quantity Appropriated is:
8.900 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use: Supplemental water to supply carriage loss in the New York Canal
Township Range Section 1/4 of 1/4 Lot Use Acres
11. Place of use in counties: ADA AND CANYON COUNTIES
12. Do you own the property listed above as place of use? ~~YES~~ NO

13. Other Water Rights Used:

14. Remarks:

TRANS. 466.

P/D HEAD OF NEW YORK CANAL.

P/U LANDS WITHIN NEW YORK IRR., BOISE-KUNA & WILDER IRR. DIST.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

FARMERS CO-OP DITCH CO.

Decree Plaintiff

vs

RIVERSIDE IRR. DIST.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ Manager _____ of _____ Title _____, that I have signed the foregoing document in the space below as _____ MANAGER _____ of _____ Title _____ of _____ BOISE PROJECT BOARD OF CONTROL _____ and that the statements contained in the foregoing document are true and correct.

Carl Salovey
Signature of Authorized Agent

MANAGER, BOISE PROJECT BOARD
Title and Organization

OF CONTROL

Date

State of Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of August 19 89

Raymond Sienra
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 9/23/92

Water Right Number - 63-00200A

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

[illegible]

*** C - CURRENT OWNER ***
BOISE PROJECT BOARD OF CONTROL

*** Q - ORIGINAL OWNER ***
NAMPA MERIDIAN IRRIGATION DISTRICT

Phone - 208-000-0000

State- ID Zip-

-	-	Priority Date	-	-	+
		08/20/1988			
				Region	- - - +
					14
				Stage	- - - +
				D - RECEIVED	
				Status	- - - +

```
+-----+ Source -----+
BOISE RIVER
+-----+ Tributary -----+
          SNAKE RIVER
```

Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)
own							

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01 -	IRRIGATION				
43 -	DOMESTIC			8.900	

- Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +	+ - Total Consumptive Use - +	+ - KW Usage - +
8.900				

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
-----	-----	-----	-------	-----	-------	--------------	-------------	--------

Total Acres:

- - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - -

TRANS. 466.		Remarks
		+

P/D HEAD OF NEW YORK CANAL.
P/U LANDS WITHIN NEW YORK IRR., BOISE-KUNA & WILDER IRR. DISTS.

MICROFILMED

AUG 17 1992

MICROFILMED
AUG 17 1992

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

In Re SRBA

Case No. 39576

A. Subcase 63-00200A
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau
of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Boise Project Board of Control; attn Albert Barker

Address: P.O. Box 2139; Boise, Idaho 83702-2139

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal public land.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

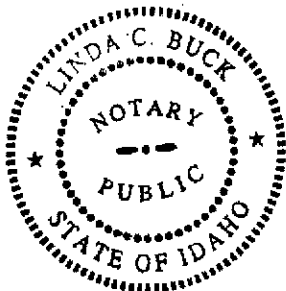
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 13, 2007

Linda C. Buck
Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on June 13th, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Boise Project Board of Control; attn Albert Barker

Address: P.O. Box 2139; Boise, Idaho 83702-2139

Name:

Address: ;

Name:

Address: ;

Name:

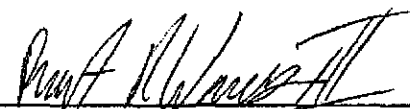
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

12/14/2006

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

RIGHT NUMBER: 63-200A

NAME AND ADDRESS: BOISE PROJECT BOARD OF CONTROL
ATTN ALBERT BARKER
BARKER RSHOLT
PO BOX 2139
BOISE ID 83702-2139

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 8.900 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 08/20/1888

POINT OF
DIVERSION: T02N R03E S3 NWSW Lot 6 Within ADA County
T02N R03E S3 NWSW Lot 9 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	8.900 CFS
DOMESTIC	01/01 12/31	0.020 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

167000 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of Use is 195,526 irrigated acres within the following irrigation district boundaries: Boise-Kuna Irrigation District, Nampa-Meridian Irrigation District, Wilder Irrigation District, New York Irrigation District, and the Big Bend Irrigation District.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is designated as No. 106 in the Stewart Decree and the Boise Water Distribution Report.

€ 235 £2161579 35/06

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

26 06574 81189 INFORMATION FILE 01 0000
8/11/19161 475615 1000 00
PAGE 5 6 4 0 0 0 1 1 3 24

Procs 2015 7/26/10-43 and Snake River Mts, All US
in Snake River, EQ 2111 Procs, 10.68er
19° NW

Sacs 17 18 26, 21, 29 20 24

1. The first step is to identify the key components of the system. This includes understanding the hardware, software, and data involved. For example, in a web application, this might involve identifying the server, database, and client-side code.

4300 YRMS of excess lead to CIA 8/30/87?
Sec 34: Unsurrounding Morning Island in Snake River

DL 015448 RSP Lond 11.14 am 11/29/1983
Sec. 0.21 ME

111. *See generally* *W.P.A. v. B.A.A.*, 2006 WL 1640916, 2006 U.S. Dist. LEXIS 44116 (S.D. Cal. 2006).

[illegible]

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

.....

For the case of $\mathcal{H}^1$, the following theorem shows that the above conditions are satisfied for $\mathcal{H}^1$ and $\mathcal{H}^2$ in the case of $\mathcal{H}^1$ and $\mathcal{H}^2$.

1. The first step in the process of identifying a problem is to define the problem. This involves identifying the symptoms of the problem and determining the scope of the problem. Once the problem has been defined, the next step is to identify the causes of the problem. This involves identifying the factors that are contributing to the problem and determining the underlying causes. Once the causes have been identified, the next step is to develop a plan to address the problem. This involves identifying the actions that need to be taken to address the problem and determining the resources that will be needed to implement the plan. Finally, the last step in the process is to implement the plan and monitor the results. This involves putting the plan into action and tracking the progress of the plan to ensure that the problem is being addressed effectively.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

[illegible]

1. The first step is to identify the key components of the system. This involves understanding the hardware, software, and data involved. For example, in a web application, this might include the server, the database, and the user interface.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

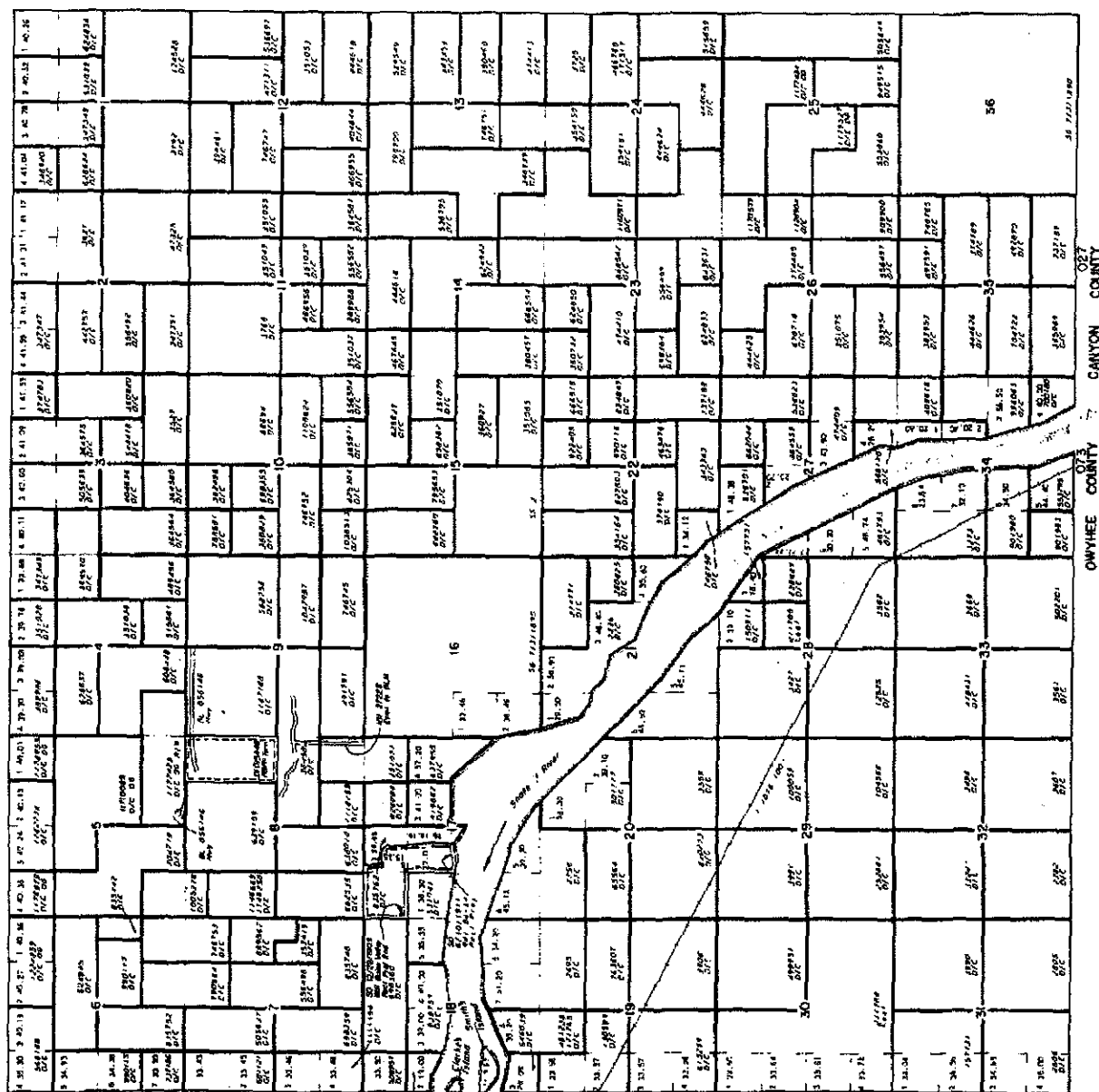
OR ORDERS EFFECTING DISPOSAL OR USE OF

IDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

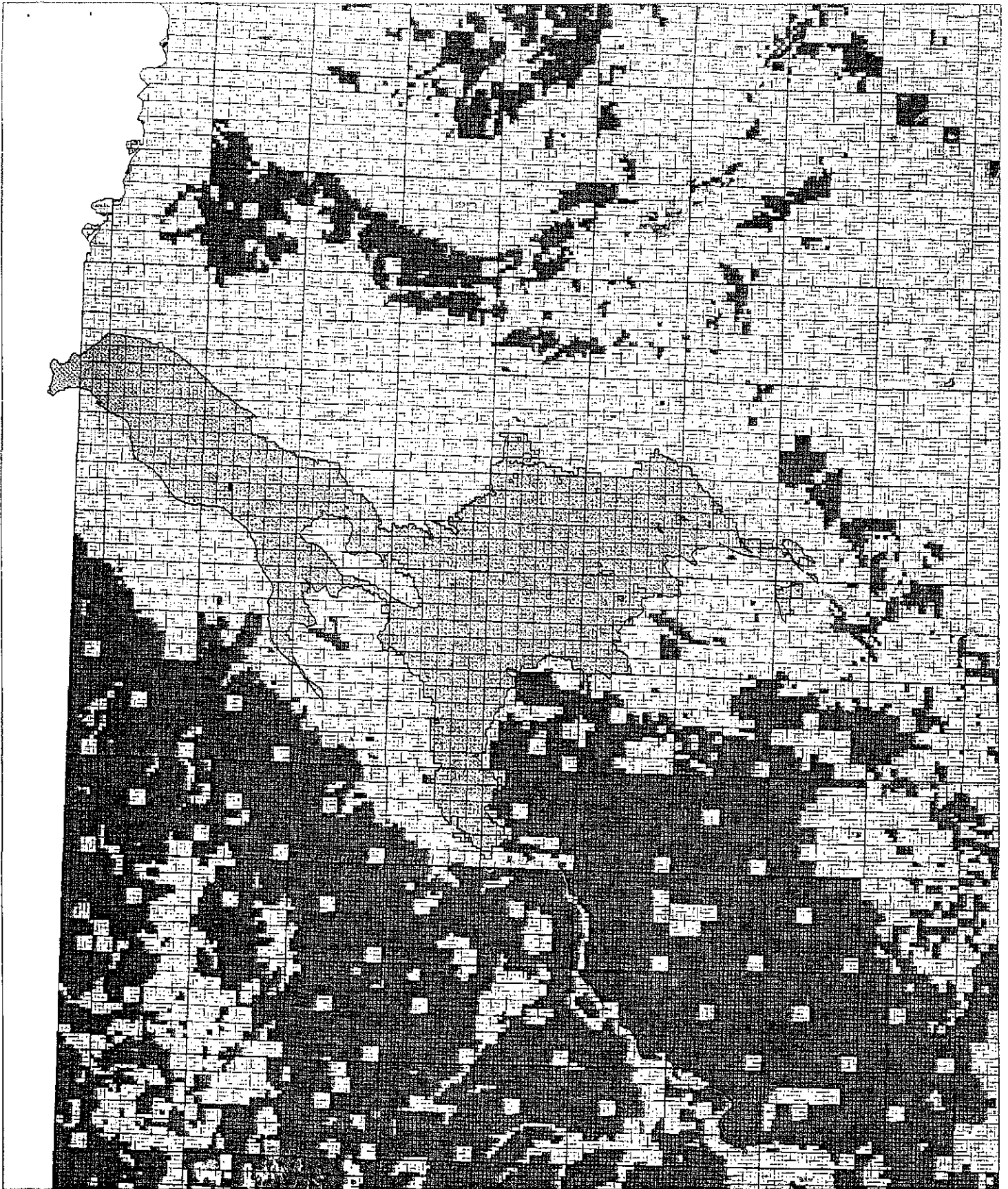
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601 53 214	

USE PLATE:

Boxing Men	341	342
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DE 22 1 10 1



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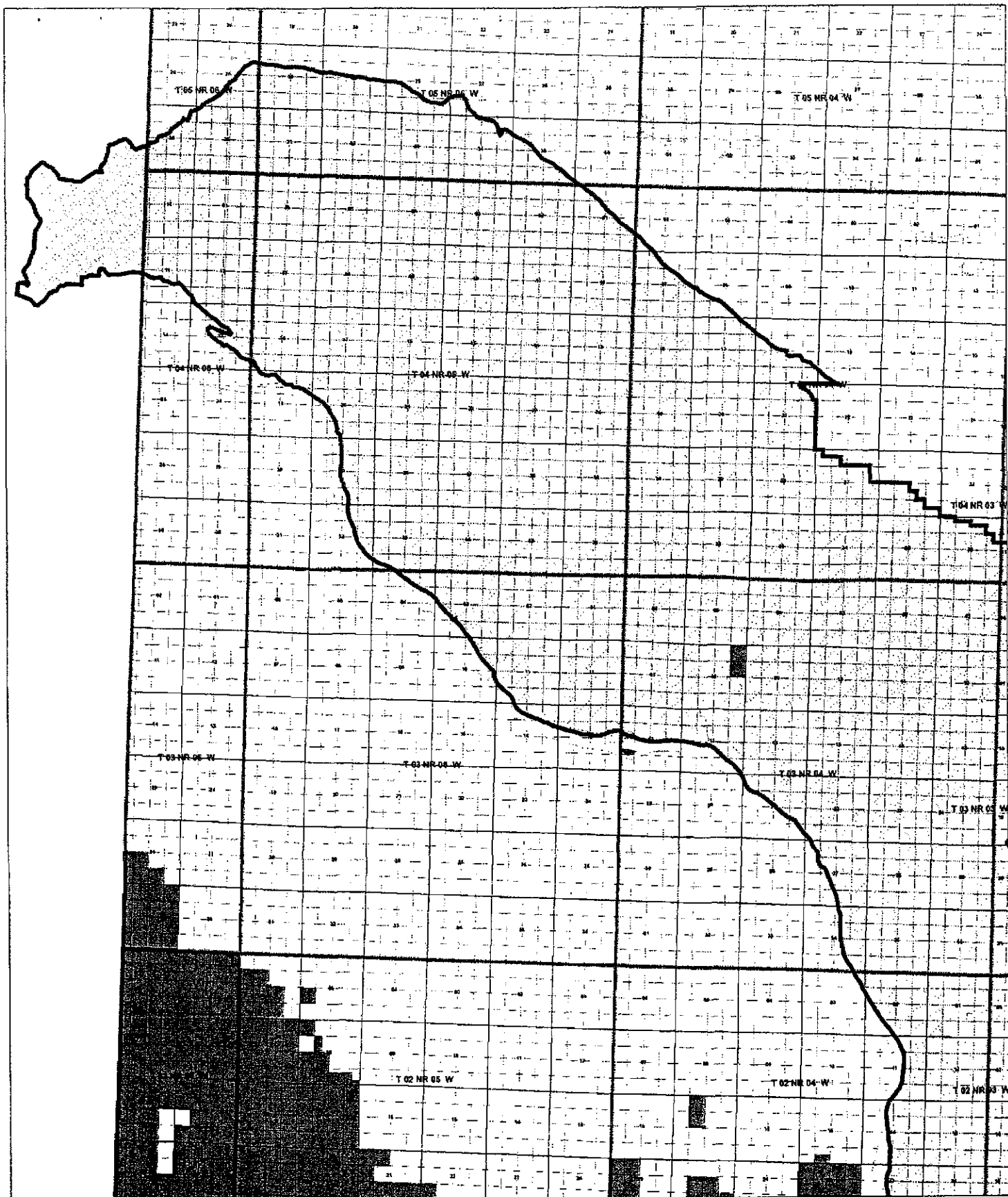
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-  BLM
-  TOWNSHIPS_ID24_POLY
-  bpbcbndy 63-00136 et. al.

0 1 2 3 4
Miles



BLM
Bureau of Land Management
U.S. Department of the Interior
1666 North Lincoln Avenue
Salt Lake City, UT 84116
801-771-6000
www.blm.gov





Legend

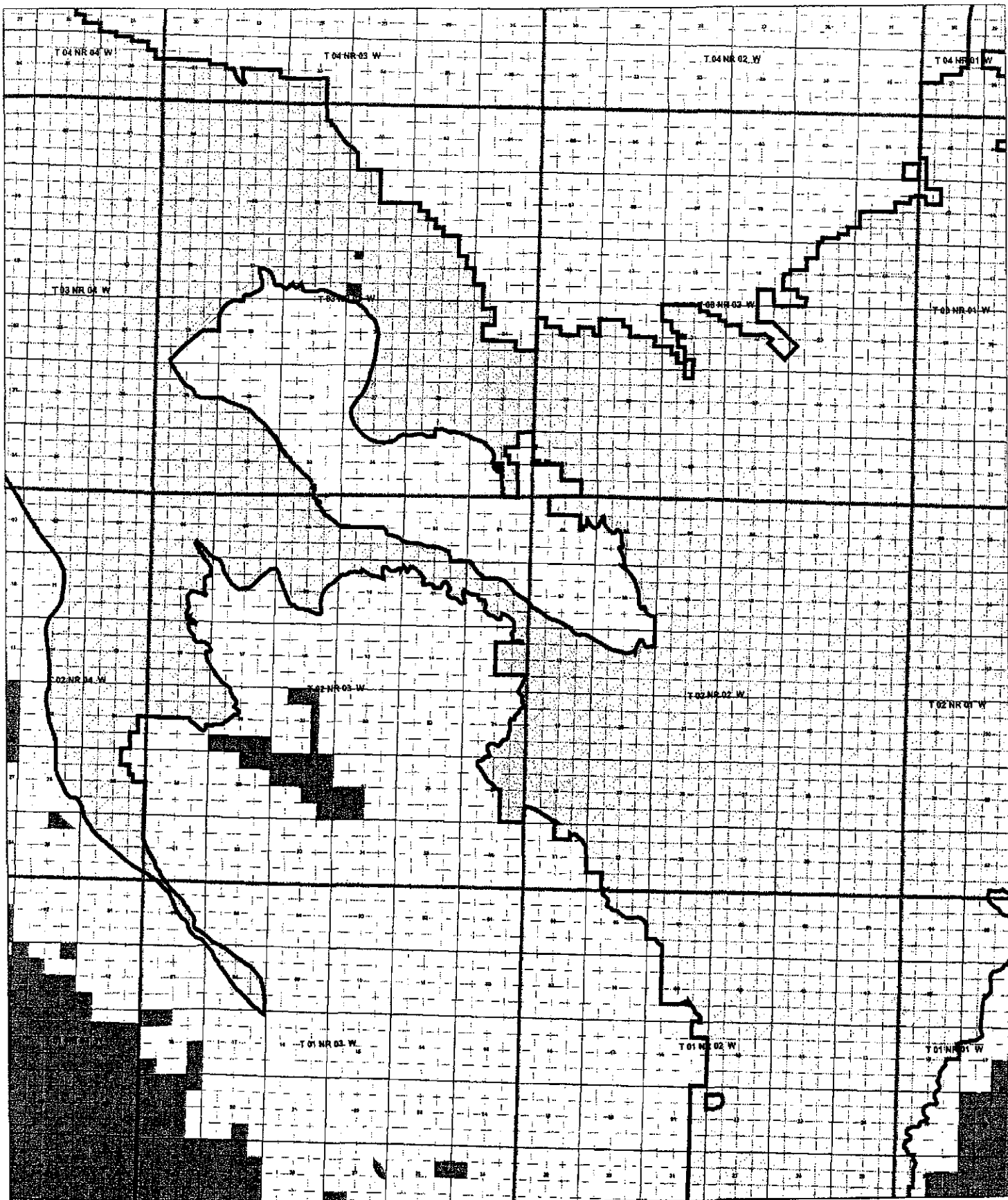
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-  BLM
-  TOWNSHIPS_ID24_POLY
-  bpbcbndy 63-00136 et. al.

02850.50.75 1
Miles



BLM
BUREAU OF LAND MANAGEMENT
U.S. DEPARTMENT OF THE INTERIOR
NATIONAL SYSTEM OF PUBLIC LANDS



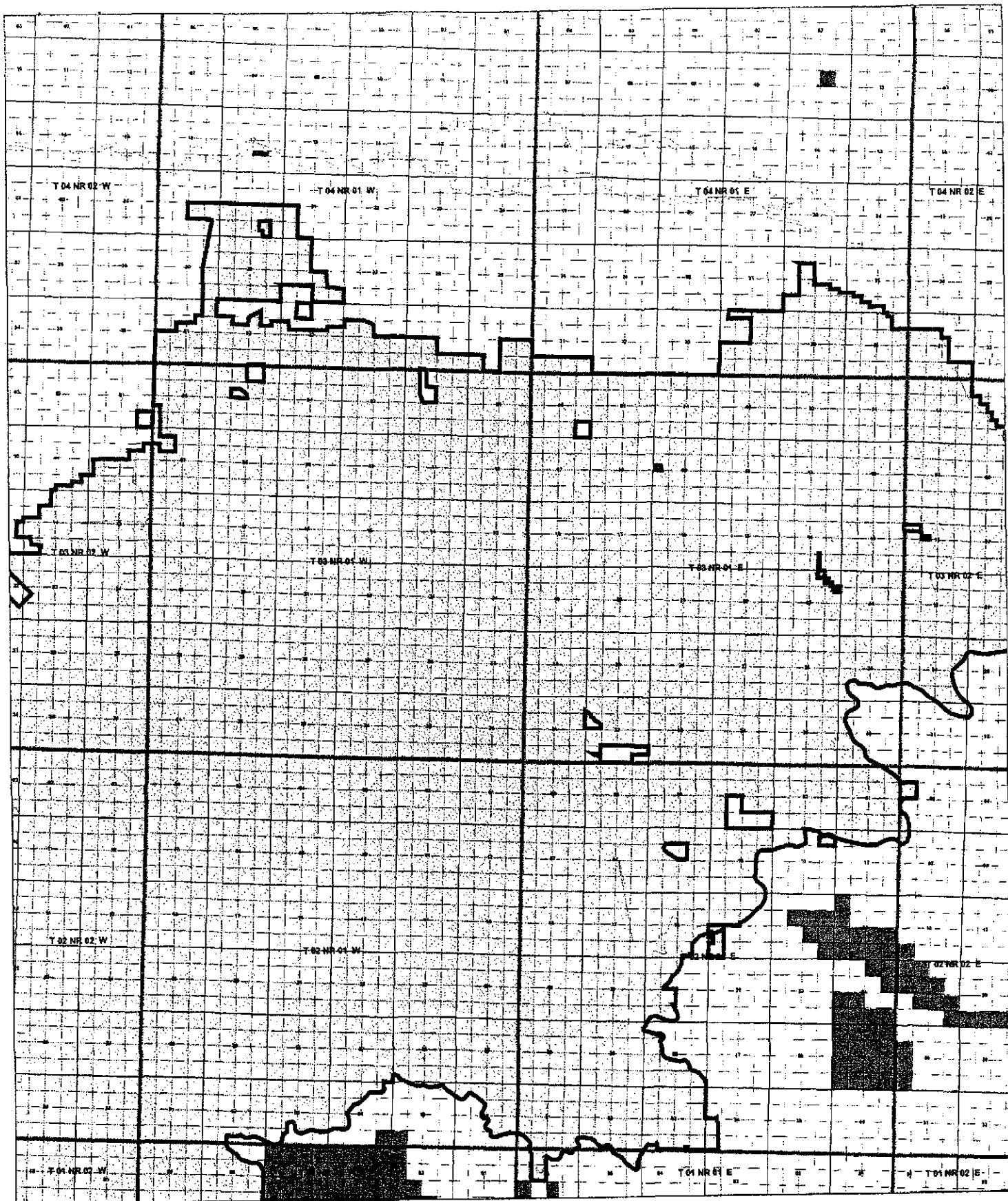


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- TOWNSHIPS_ID24_POLY
- bpbcbndy 63-00136 et. al.

@ 12850.50.75 1
Miles





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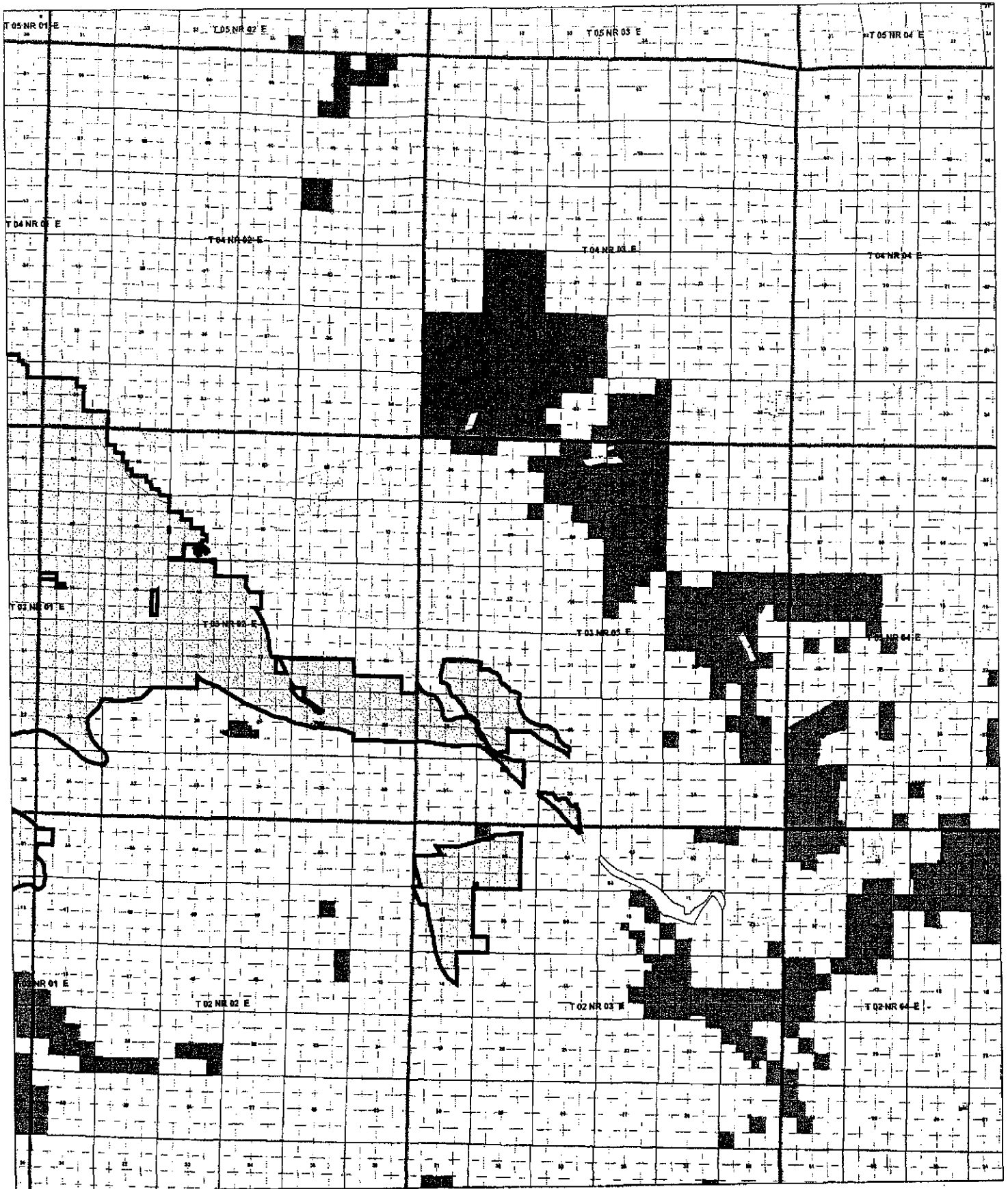
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- TOWNSHIPS_ID24_POLY
- bpbcbndy 63-00136 et. al.

© 12350.50.75 1
 0 1 2 Miles



BLM
 Bureau of Land Management
 U.S. Department of the Interior





Legend

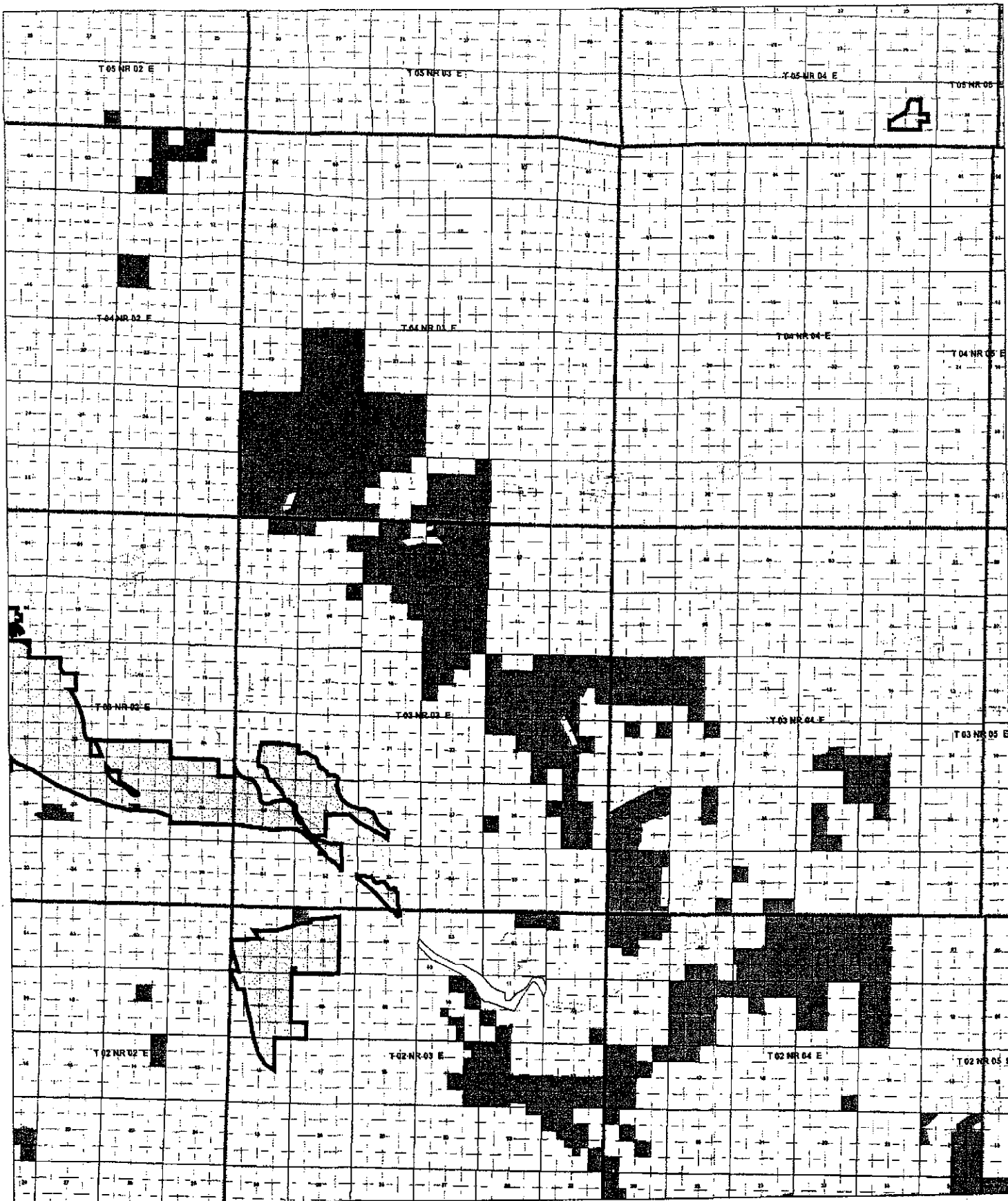
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- BLM
- TOWNSHIPS_ID24_POLY
- bpbcbndy 63-00136 et. al.

@ 12850.50.75 1
Miles



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
1997





Legend

- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- bpbc_bndy 63-00136 et. al.

© 1985, 50.75 1
 1:50,000 Miles



Idaho Department of
 Lands and Conservation
 Boise, Idaho 83720
 208/333-1111



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

In Re SRBA

Case 39576

A. Subcase 63-200A

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Ray Obendorf

Address: 24034 Batt Corner Road

Parma, Idaho 83660

Daytime Phone: (208) 482-7397

Name & Address of Attorney, if any:

Dana L. Hofstetter

Hofstetter Law Office, LLC

608 West Franklin Street

Boise, Idaho 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Boise Project Board of Control

Attn: Albert Barker

Barker Rosholt

Address: P.O. Box 2139

Boise, ID 83702-2139

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)):

1. ☒ **Name and Address**
Should be: Consistent with *United States of America v. Pioneer Irrigation Dist.*, Idaho Supreme Court Case No. 31790 (March 9, 2007)
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above

E. **REASONS SUPPORTING OBJECTION(S):** *United States of America v. Pioneer Irrigation Dist.*, Idaho Supreme Court Case No. 31790 (March 9, 2007)
applies.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

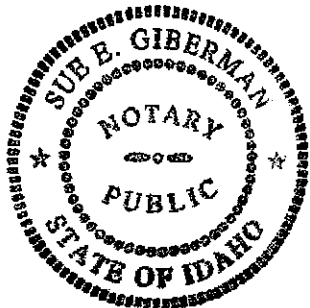
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection

Dana L. Hofstetter
Attorney signing in representative capacity

Subscribed and sworn to before me on: June 15, 2007



Sue E. Giberman
Notary Public for the State of Idaho
Residing at: Bainbridge Idaho
My Commission expires: 2-25-09

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on June 19, 2007, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

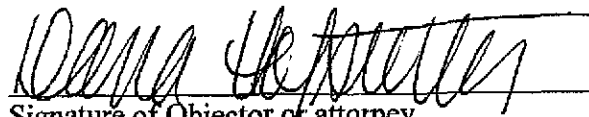
Name: Albert Barker
Address: Barker Rosholt
P. O. Box 2139
Boise, Idaho 83702-2139

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MCS 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

08/17/2006

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

RIGHT NUMBER: 63-200A

NAME AND ADDRESS: BOISE PROJECT BOARD OF CONTROL
ATTN ALBERT BARKER
BARKER ROSHOLT
PO BOX 2139
BOISE ID 83702-2139

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 8.900 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 08/20/1888

POINT OF DIVERSION:

T02N R03E S3 NWSW Lot 6 Within ADA County
T02N R03E S3 NWSW Lot 9 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	8.900 CFS
DOMESTIC	01/01 12/31	0.020 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

195526 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of Use is 195,526 irrigated acres within the following irrigation district boundaries: Boise-Kuna Irrigation District, Nampa-Meridian Irrigation District, Wilder Irrigation District, New York Irrigation District, and the Big Bend Irrigation District.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is designated as No. 106 in the Stewart Decree and the Boise Water Distribution Report.



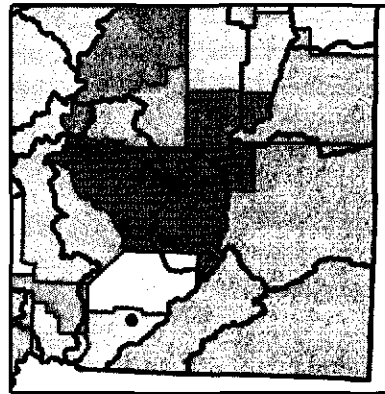
Idaho Department of Water Resources

Adjudication Claim:

63-200A

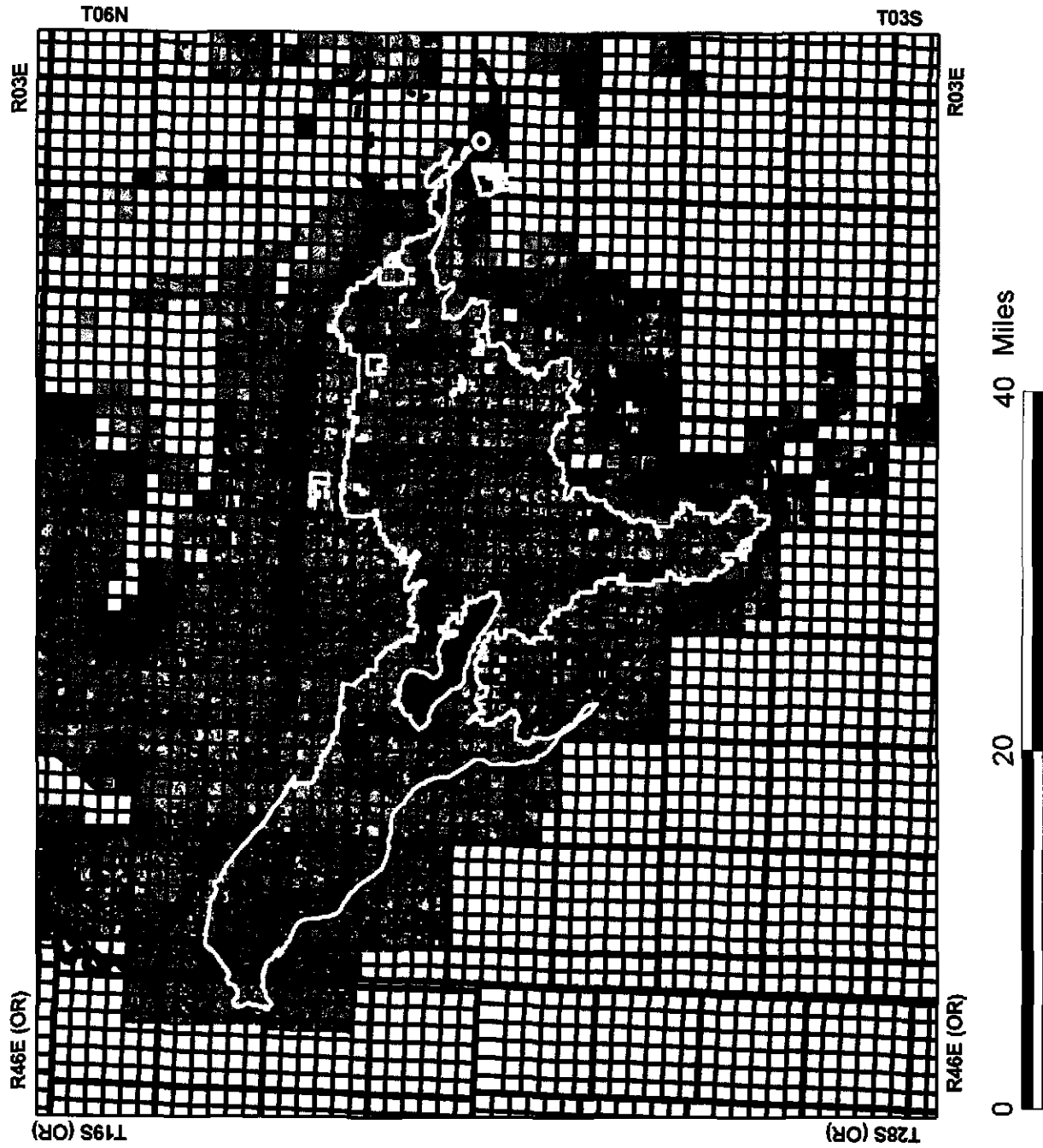
Legend

- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections



Ada, Canyon, Owyhee Counties
IDWR Basin 63

Prepared by A. Warnijes
On Tuesday, April 4, 2006
1987/88 Aerial Photography



63-0200

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

In the Matter of the Application
of Wm. H. Tuller, Project Manager,
Boise Irrigation Project, for
Transfer of Water Right;
Water District 12-A

ORDER AMENDING

CERTIFICATE OF TRANSFER NO. 466.

WHEREAS, On the 1st day of July, 1929, at the Department of Reclamation, at Boise, the matter of the application of Wm. H. Tuller, Project Manager, Boise Irrigation Project, for a transfer of water right, came regularly on for hearing pursuant to the published notice; and,

WHEREAS, On July 6, 1929, Certificate of Water Right, Transferred Right No. 466, was issued to said applicant upon the said application; and,

WHEREAS, Through an inadvertance, this department, in issuing the said Certificate of Transferred Right, No. 466, failed to segregate the amount of water of each priority which was sought to be transferred, issuing the certificate in accordance with the application, which, likewise, did not specify the respective amounts of each priority which was petitioned to be transferred; and,

WHEREAS, An agreement was reached as between the two irrigation districts concerned, that this department was to fix the amounts of each priority in accordance with any stipulation which might be signed by both parties; and,

WHEREAS, Such stipulation has now been agreed upon and filed in the department of reclamation, signed by C. L. Tucker, Manager of the Nampa & Meridian Irrigation District, and Wm. H. Tuller, Project Manager, Boise Project Board of Control, requesting that Transferred Right No. 466 be amended to show the priority of 8.9 cubic feet per second of water to be August 20, 1888:

IT IS, THEREFORE, Hereby ORDERED That Transferred Right No. 466, approved by the Commissioner of Reclamation the 6th day of July, 1929, be, and the same is hereby AMENDED to read -

8.9 cubic feet per second, dated August 20, 1888 .

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office, at Boise, Idaho, this 2nd day of June, 1931.

R. W. FARIS

Commissioner of Reclamation.

(SEAL)

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application
of Wm. H. Tuller, Project Manager,
Boise Irrigation Project, for
Transfer of Water Right;
Water District 12-A.

ORDER AMENDING

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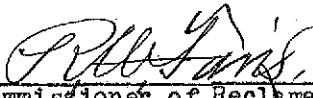
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WHEREAS, Such stipulation has now been agreed upon and filed in the department of reclamation, signed by C. L. Tucker, Manager of the Nampa & Meridian Irrigation District, and Wm. H. Tuller, Project Manager, Boise Project Board of Control, requesting that Transferred Right No. 466 be amended to show the priority of 8.9 cubic feet per second of water to be August 20, 1888:

IT IS, THEREFORE, Hereby ORDERED That Transferred Right No. 466, approved by the Commissioner of Reclamation the 6th day of July, 1929, be, and the same is hereby AMENDED to read -

8.9 cubic feet per second, dated August 20, 1888.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office, at Boise, Idaho, this 2nd day of June, 1931.


Commissioner of Reclamation.

RECORDED
INDEXED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 466

Should be in name
of Boise Project -
Used by NY, BK &
Wilder

This is to certify that Wm. H. Tuller, Project Manager, Boise Irrigation Project, of Boise, County of Ada, State of Idaho, is a representative of the irrigation districts having rights to the use of the waters of Boise River, for irrigation and domestic purposes, and that said rights have been confirmed by decree of the District Court of the Seventh Judicial District of the State of Idaho, in and for Ada and Canyon counties, in the case of Farmers Co-operative Ditch Company, plaintiffs, vs. Riverside Irrigation District, Limited, et al, defendants, wherein 8.9 second feet of the waters of Boise River, in Water District No. 12-A, were dedicated to Sections 26 and 35, Township 3 North, Range 3 West, and Sections 1 and 12, Township 2 North, Range 3 West, Boise Meridian, said rights bearing dates of priority of May 1, 1878 and August 20, 1888, said decree being on file in the Department of Reclamation of the State of Idaho, at Boise,

That, upon the application Wm. H. Tuller, Project Manager, Boise Irrigation Project, for a transfer of water right made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 8.9 second feet of the waters of Boise River upon the lands above described is hereby abandoned, and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

Amended to read-8.9 cubic feet per second, dated August 20, 1888

The lands of the following irrigation districts:
New York, Boise-Kuna and Wilder

That the water right to be transferred has heretofore been diverted at the head of the Ridenbaugh Canal, but will hereafter, by virtue of this certificate, be diverted at the head of the New York Canal.

That the right to the use of the waters aforesaid, and hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of the State of Idaho.

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 8th day of July, 1929.

Geo. M. Carter
Commissioner of Reclamation

REPRODUCTION

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application)
of Wm. H. Tuller, Project Mana-)
ger, Boise Irrigation Project,)
for Transfer of Water Right: Wa-)
ter District 12-A)

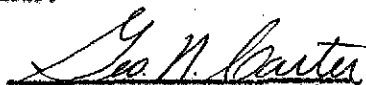
ORDER GRANTING TRANSFER

WHEREAS, On the 1st day of July, 1929, at the Department of Reclamation at Boise, Idaho, the matter of the application of Wm. H. Tuller, Project Manager, Boise Irrigation Project, for a transfer of water right came regularly on for hearing, pursuant to the published notice; and,

WHEREAS, No one appeared at the hearing, either in person or by affidavit, to protest the said application, and the evidence filed by the applicant with the said application shows that a greater duty of water would result by reason of the transfer, and that no one would be injured thereby:

IT IS, THEREFORE, HEREBY ORDERED, That the said application for transfer be granted and that the certificate for such transfer be issued the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office, at Boise, Idaho, this 6th day of July, 1929.


Commissioner of Reclamation

MICROFILMED

08/17/2006

NOTICE OF ERROR

RECEIVED

REPLY

SEP 29 2006

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 29, 2006

Water right number: 63-200A

BOISE PROJECT BOARD OF CONTROL

ATTN: ALBERT BARKER

BARKER ROSHOLT & SIMPSON LLP

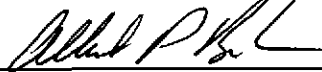
PO BOX 2139

BOISE ID 83702-2139

Telephone Number: (208)336-0700

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
 - (a) Period of use
 - (b) Place of use
2. Describe the changes you wish to make in the proposed recommendation:
 - (a) Period of use should not contain subordination language
 - (b) Place of use should be 167,000 acres
3. Give a brief explanation as to why you disagree with these portions:
 - (a) Water right is used to fill Lake Lowell via New York Canal in off-season
 - (b) Correct number of Boise Project acres within the five Irrigation Districts

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 9/29/2006 SIGNATURE: 

Please print your name: ALBERT P. BARKER

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
OCT 03 2006

Boise Project Board of Control Claim Filings

The following claims will be recommended in Part 3 rather than Part 2 since they cover the Boise Project Board of Control filings for either or all of Boise-Kuna ID, New York ID, Wilder ID, Big Bend ID & Nampa-Meridian ID which are all being recommended in Part 3, Canyon County rather than Part 2, Ada County. The reason behind this is because the Boise Project contains and manages water rights for these 5 irrigation districts, of which, a portion of their lands are in Canyon County. It was decided that these would be recommended in Part 3.

63-137B

63-200A

63-233K

9-12-03

js



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 33720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 25, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

NAMPA & MERIDIAN IRRIGATION DISTRICT
1503 FIRST STREET SOUTH
NAMPA ID 83651

Re: Water Right Nos. 63-00200A&B

Dear Applicant:

NOTICE TO RESUME WATER USE

On November 7, 1996, the department approved your Application for Extension of Time to Avoid Forfeiture of a Water Right as submitted to the department. One condition of approval was that diversion and use of water must resume on or before January 1, 2001. Failure to resume use of the water and to notify the department of the resumed use will be cause for the water to revert back to the state and again be subject to appropriation.

Therefore, I am enclosing a form for your use to notify the department of the resumption of use of the water right, and a copy of the application for your information. Please complete the form and return it to my attention at the above address.

If you have questions, please feel free to contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only: No Insurance Coverage Provided)

Article Sent To:
Nampa & Meridian Irrig Dist

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Name (Please Print Clearly) (To be completed by mailer)

Street, Apt. No., or PO Box No.
1503 First St. So.
City, State, Zip
Nampa, ID. 83651

PS Form 3800, July 1999 See Reverse for Instructions

**A NOTICE OF PROPOSED EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHTS**

Notice is given that NAMPA & MERIDIAN IRRIGATION DISTRICT of 1503 First St. South, Nampa ID 83651 has applied to the Dept. of Water Resources for an Extension of Time to Avoid Forfeiture pursuant to I.C. § 42-222 for a portion of 2 decreed irrigation rights recorded as follows:

Both rights are diverted from the Boise River with an 8/20/1888 priority date and used within NMID service area in Ada & Canyon Counties.

#63-00200A, 8.90 cfs diverted at the New York Canal.
#63-00200B, 351.94 cfs diverted at the Ridenbaugh Canal.

EXTENSION REQUESTED FOR

4.8 cfs for 313 acres excluded from NMID during 1994 in T2N R2W, T3N R1-2E & 1-3W, T4N R1-2E. The applicant wishes to preserve its ability to transfer the rights from the excluded land.

Any protest against the approval of the proposed water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705-5082, together with a protest fee of \$25.00 for each application on or before June 6, 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Press Tribune on May 20 and 27, 1999.

Water Right No. 63-00200A&B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 07 1999

WATER RESOURCES
WESTERN REGION

APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A WATER RIGHT

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

1. Name of water right holder Nampa & Meridian Irrigation District
2. Mailing address 1503 First Street South, Nampa, Idaho 83651
3. The right was obtained or is evidenced by:
- a. Decree to Nampa & Meridian Irrigation Dist. in Case of Farmers Co-op Ditch Co.
vs. Riverside Irrigation District, Dated _____ in District Court, 7th District
(Name of Court)
Court, County of Canyon, Fully describe decree entered Jan. 18, 1906
Hon. Geo. H. Stewart, District Judge
- b. License No. _____ c. Claim No. _____
- d. SRBA No. 63-00200A, 63-00200B
4. Source of water Boise River tributary to Snake River
(Name of stream or source)
5. Date of priority of right August 20, 1888
6. Description of Right:
amount 370.84 for agricultural purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
7. Point of Diversion ¼ lot 6 ¼ of Sec. 29 Twp. 3N Rge. 3E County Ada

8. Lands Irrigated or Place(s) of Use: See Attachment A & B

[illegible]

Total Acres _____

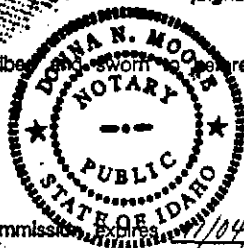
9. Give the last date when water was put to beneficial use See Attachment A
Length of extension of time requested 5 years, or until beginning of irrigation season
2004 (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use See Attachment A

The information contained in this application is true to the best of my knowledge.

Daren R Coon
(Signature of Applicant)

Subscribed and sworn to before me this 5th day of April, 1999.



Donna N. Moore
(Notary Public)

My commission expires 1/04/2000 Residing at Caldwell, Idaho

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby approve said application subject to the following conditions or reasons:

The right holder shall resume beneficial use of water on or before the beginning of the 2004 irrigation season.

This extension applies to 4.8 cfs of water for the irrigation of 312.7 acres.
This approval does not preclude the review of the extent and validity of the water right in the Snake River Basin Adjudication.

Signed this 7th day of January, 2000.

J. Glen Saylor
(DIRECTOR)

FOR DEPARTMENT USE ONLY

Date Received 1/17/99 \$100 FEE Receipted by K6 Date 4/17/99 Receipt # W025021
Preliminary ☒ by 6 Publication prepared by ST Pub. approved by ST Date 6-18-99
Published in Price Tribune Dates Published 5-20+27-99
Protests filed by N/A
Copies of protests forwarded by — Hearing held by — Date —
Recommended for ☐ APPROVAL / ☐ DENIAL By —

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5273
WATER RIGHT NO(S). 63-00120F/63-00198Q/63-00199B/63-00200B

This is to certify that: NAMPA & MERIDIAN IRRIGATION DISTRICT
1503 FIRST ST S
NAMPA ID 836514395

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>
Right No. 63-00120F :		
Priority: 06/01/1864		
IRRIGATION	03/15 to 11/15	0.40 CFS
Right No. 63-00198Q :		
Priority: 06/01/1877		
IRRIGATION	03/15 to 11/15	0.40 CFS
Right No. 63-00199B :		
Priority: 05/01/1878		
IRRIGATION	03/15 to 11/15	169.60 CFS
INDUSTRIAL	03/15 to 11/15	0.64 CFS
GROUNDWATER RECHARGE	03/15 to 11/15	2.56 CFS
SUBTOTAL:		169.60 CFS
Right No. 63-00200B :		
Priority: 08/20/1888		
IRRIGATION	03/15 to 11/15	361.94 CFS
INDUSTRIAL	03/15 to 11/15	1.36 CFS
GROUNDWATER RECHARGE	03/15 to 11/15	5.44 CFS
SUBTOTAL:		361.94 CFS
TOTAL:		532.34 CFS

SOURCE

BOISE RIVER

TRIBUTARY OF

SNAKE RIVER

PAGE 2

TRANSFER NO. 5273
WATER RIGHT NO(S). 63-00120F/63-00198Q/63-00199B/63-00200B

LOCATION OF POINT(S) OF DIVERSION:

Surprise Valley Diversion	Lot 6(NWNE), Sec. 4, Township 02N, Range 03E
Ridenbaugh Canal	Lot 6(NWSW), Sec. 29, Township 03N, Range 03E
	ADA County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Prior to March 15 of each year the right holder shall report to the department the number and location of acres to be irrigated by these rights from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and groundwater recharge purposes at the Surprise Valley diversion. Use of water under these rights each year shall not exceed the reported amounts.
5. The amount of water diverted from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights these rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
6. The number of acres available for irrigation under these rights from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and groundwater recharge purposes divided by 0.0156 cfs per acre.
7. Each year the amount of water available for irrigation at the Surprise Valley diversion shall be reduced by the amount of water to be diverted for industrial and groundwater recharge purposes under these rights.
8. Diversion and use of water for industrial purposes under these rights shall not be more consumptive nor more depletive of water flowing in the Boise River than an equivalent diversion and use of water for irrigation purposes under these rights.

PAGE 3

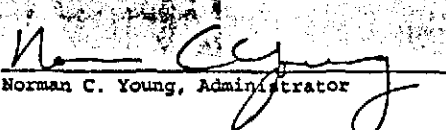
TRANSFER NO. 5273

WATER RIGHT NO(S). 63-00120F/63-00198Q/63-00199B/63-00200B

CONDITIONS OF APPROVAL AND REMARKS

9. The rate of flow diverted under these rights at the Surprise Valley Diversion shall not exceed a combined total of 20.34 cfs.
10. When the authorized diversion of water under these rights is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under these rights at the Surprise Valley diversion must also be reduced by an equivalent proportion.
11. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
12. The annual volume of water used for industrial and groundwater recharge purposes shall be measured using separate totalizing measuring devices and the right holder shall report the totals to the department by Dec. 31 of each year.
13. Place of use is within the Nampa and Meridian Irrigation District boundaries.
14. Right 63-00198Q is limited to the irrigation of 40 acres within the authorized place of use.
15. The place of use for industrial and groundwater recharge purposes under these rights is limited to the lands served by the Surprise Valley diversion.

Dated this 27TH day of JANUARY, 2000.


Norman C. Young, Administrator

A63-200A

24

LVII.

That the defendant the ~~Boise City Irrigation & Land Company~~,
(substituted for defendant the Boise City Irrigation & Land Company)
a corporation, be and it is hereby awarded the use of the waters of
Boise River, diverted at a point on the south side of said river in
Lot 6, Sec. 29, T. 3 N. R. 3 E. B.M., for use upon the lands lying
under its canal system, in the following amounts, from the following
dates;

33 0199 8500 inches, from ~~May 1, 1878~~; and hereby designated as Right No. 67.

33 0200 18542 inches, from ~~August 30, 1898~~; and hereby designated as Right No. 1.

And be adjudged to pay \$1892.84 costs in addition to the costs in-
curred by it.

LVIII.

That the defendant ~~Boise City Irrigation & Land Company~~ be, and she is hereby awarded the
use of the waters of Boise River, diverted from said river at a point
in NW corner of Sec. 36, T. 5 N. R. 5 W. B.M., for use upon the SE $\frac{1}{4}$
of SW $\frac{1}{4}$, and S. $\frac{1}{2}$ of SE $\frac{1}{4}$, and lot 7 in Sec. 26, T. 3 N. R. 5 W. B.M.,
in the following amount from the following date;

33 0201 138 inches, from ~~June 1, 1878~~; and hereby designated as Right No. 68.

And be adjudged to pay \$11.73 costs in addition to the costs in-
curred by her.

370.84 cfs

A = 8.90 cfs - BPBC

B = 361.94 cfs - NMID

370.84

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-200A

WATER RIGHT NUMBER: 63-200A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	NAMPA MERIDIAN IRRIGATION DISTRICT
	, ID
Current Owner	BOISE PROJECT BOARD OF CONTROL 2465 OVERLAND RD BOISE, ID 837053173 (208)344-1141

Priority Date: 08/20/1888

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
IRRIGATION	/ to /	8.900 CFS	
	<u>Total Diversion:</u>	8.900 CFS	

Location of Point(s) of Diversion
BOISE RIVER

Place of UseConditions of Approval:Remarks:

1. General TRANS. 466.
P/D HEAD OF NEW YORK CANAL.
P/U LANDS WITHIN NEW YORK IRR., BOISE-KUNA & WILDER IRR. DIST.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-200A

Dates and Other Information:

Licensed Date:
Decreed Date: 1/18/1906
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Adjudication Claim Report 63-200A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BOISE PROJECT BOARD OF CONTROL 2465 OVERLAND RD BOISE, ID 837053173 (208)344-1141
Attorney	BARKER ROSHOLT & SIMPSON LLP 205 N 10TH ST STE 520 PO BOX 2139 BOISE, ID 83701-2139
Attorney	RAYMOND D GIVENS GIVENS PURSLEY LLP 277 N 6TH ST #200 PO BOX 2720 BOISE, ID 83701-2720 (208)388-1200
Original Owner	NAMPA-MERIDIAN IRR DIST , ID

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	8.900 CFS	
DOMESTIC	1/01 to 12/31	0.020 CFS	
	Total Diversion:	8.900 CFS	

BOISE RIVER ADA County	SW1/4NW1/4	Sec. 3,	Twp 03N,	Rge 03E, B.M.
BOISE RIVER ADA County	NW1/4SW1/4	Sec. 3,	Twp 03N,	Rge 03E, B.M.

IRRIGATION

[illegible]

DOMESTIC same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-200A

Conditions of Approval:

Remarks:

1. General TRANS. 466.
 P/D HEAD OF NEW YORK CANAL.
 P/U LANDS WITHIN NEW YORK IRR., BOISE-KUNA & WILDER IRR. DIST. | ADDRESS
 CHANGE BY CLAIMANT LETTER 8/6/99 SS.

Comments:

Dates and Other Information:

Claim Received Date: 8/8/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

DATE: 08/06/99
PAGE: 1

Misc: Water District Number: 63 Field Inspection Flag: Presumption Flag:

Plz fill in both A63-00200A
+ A63-00200B

REGIONAL STAFF REVIEW FOR EXTENSION OF TIME TO AVOID FORFEITURE

Water Right 63-00200 A+B Applicant NMID
REVIEW BY: ALLOCATION JL 4/27/98 SRBA SUPERVISOR _____
(initial & date for both reviewers)

ADVERTISING & PROCESSING INFORMATION

WP File Name NMID-EXTENSION

Legal Notice electronically sent to State Office _____
(initials & date)

Comment Letters ☐ No ☒ Yes, see attached name(s)/addresses(s)

Extension published correctly ☒ Yes ☐ No

Affidavit of publication received ☒ Yes ☐ No

Protests received (deadline & fee?) ☐ No ☐ Yes, acknowledgement sent

→ Copy for Regional File ☒ Appl. ☒ Staff Review page ☒ Legal Notice

NA Other, list: _____

STAFF REVIEW COMMENTS - same type of review as 1996 + 1997 Extensions.

~~Right as recorded~~ This is 3rd portion of rights to be protected
w/ extension - each ext. is for separate name.

~~SRBA factors~~ WR + AJ Reconciliation to be later. Also, pending
transfer filed (not advertised yet) JAN. 1998 to move
e 20 cfs upstream to new pump station & nearby

~~Verification & other comments~~ annexed lands in SE Boise. *

From previous extensions, appears dept. will not do
for forfeiture analysis at this time - no review memo needed.

Additional review memorandum attached? ☐ Yes ☒ No

REGIONAL MANAGER'S RECOMMENDATIONS ☐ Deny ☐ Approve as follows

(initials & date)

* transfer to be processed once NMID replies to reviewers
4/3/98 letter. Transfer is example of fate of water filed upon
in multiple extensions of time to avoid forfeiture.

Remains to be done - I'll
discuss w/ JAN
JL

After
major
Review

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

Application for Extension of Time to Avoid Forfeiture
of a Water Right

APR 01 1998

WATER RESOURCES
WESTERN REGION

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee.

1. Name of water right holder NAMPA & MERIDIAN IRRIGATION DISTRICT
Post office address 1503 First Street South, Nampa, Idaho 83651
2. The right was obtained or is evidenced by:
 - a. Decree to Nampa & Meridian Irr. Dist. in Case of FARMERS CO-OP DITCH CO.
(Name)
vs. RIVERSIDE IRRIGATION DIST. Dated _____ in District Court, 7th District
(Name of Court)
Court, County of Canyon. Fully describe decree entered Jan. 18, 1906
Hon. Geo. H. Stewart, District Judge
 - b. License No. _____ issued by the Department of Water Resources.
 - c. Claim No. 63-00200A
63-00200B on file with the Department of Water Resources.
3. Source of water Boise River tributary to Snake River
(Name of stream or source)
4. Date of priority of right August 20, 1888
5. Amount of water a. 370.84 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for agricultural from 3/15 to 11/15
from _____ to _____
from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is 1/4 Lot 6 1/4 of Section 29
Township 3N, Range 3E, B.M., in Ada County;
Additional points of diversion, if any _____
8. Lands irrigated or place of use: See Attachment A and B

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 number of acres irrigated _____

9. Give last date when water was applied to beneficial use See Attachment A
Length of extension of time requested 5 years, or until beginning of irrigation
2003 (Date) season
10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use _____

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

Dawn R. Coen
(Signature of Applicant)

Subscribed and sworn to before me this 31st day of March, 1998.



Kelly L. Maier
(Notary Public)

My commission expires 3/12/2000

Residing at Base ID

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby _____ said application subject to the following conditions or reasons.

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

(Director)

For Department Use Only

Received by KL Date 4/1/98 Time 2:39 Preliminary check by SL
Fee \$ 100.00 Receipted by KL Date 4/1/98 Publication prepared by _____
Published in Idaho Statesman & Press-Tribune Dates 5-7 & 14-98
Publication approved by DD Date 5-18-98 Protests filed by: _____
Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for ☒ Approval ☐ Denial by _____

ATTACHMENT A

8. Lands irrigated or place of use:

The places of use for the Application for Extension of Time to Avoid Forfeiture of Water Right are lands excluded from the Nampa & Meridian Irrigation District (NMID) by resolution and order of the Board of Directors of the NMID during the period January 1, 1993 to December 31, 1993. Due to the large number of parcels excluded during this period, NMID is providing a general description of the township, range, and section within which the excluded lands are located. Descriptions of the individual excluded parcels are contained in the exclusion orders, which are on file with NMID.

9. When water was last put to beneficial use:

Lands excluded during 1993 are not entitled to receive water from NMID's system. However, since 1993, NMID has continuously applied to beneficial use the water previously delivered to the excluded lands. Water previously delivered to the excluded lands continues to be diverted from the Boise River at NMID's point of diversion to charge the Ridenbaugh Canal System and for delivery to the remaining lands within NMID through the Ridenbaugh Canal System. NMID's water deliveries, prior to and after the exclusions, do not exceed one inch to the acre.

NMID's position is that the exclusion of lands does not subject its water rights to forfeiture of any portion of the water quantity or place of use elements of its water rights. In 1994, the Idaho Department of Water Resources (IDWR) communicated to NMID the opinion that exclusions do subject NMID's water rights to forfeiture. In order to ensure that NMID's water rights are protected from such a claim of forfeiture, and preserve NMID's right to transfer its water rights from the excluded lands, NMID filed Applications for Extension of Time to Avoid Forfeiture for those portions of its water rights which had been delivered to lands excluded during the periods 1989-1990 and 1991-1992. As with its prior Applications for Extension of Time, NMID does not waive the right to assert its position that exclusions do not subject its water rights to forfeiture.

The total quantity of water delivered from the water rights identified in No. 3 to the excluded lands is 7.87 cfs and the total number of acres of excluded lands is 506.79.

10. Reasons for extension of time:

See Response to No. 9.

Attachment B

Sec	T	R	RA	
SEC 5	2N	1W	2.29	
SEC 2	2N	2W	0.18	
SEC 1	3N	1E	30.56	
SEC 10	3N	1E	24.78	
SEC 11	3N	1E	14.22	
SEC 12	3N	1E	38.54	
SEC 13	3N	1E	1.68	
SEC 14	3N	1E	3.09	
SEC 15	3N	1E	21.49	
SEC 17	3N	1E	4.42	
SEC 19	3N	1E	0.77	
SEC 2	3N	1E	25.56	
SEC 22	3N	1E	1.93	
SEC 23	3N	1E	0.80	
SEC 3	3N	1E	31.81	
SEC 5	3N	1E	16.80	
SEC 6	3N	1E	0.74	
SEC 7	3N	1E	14.52	
SEC 8	3N	1E	0.69	
SEC 1	3N	1W	27.07	
SEC 11	3N	1W	21.70	
SEC 12	3N	1W	18.54	
SEC 13	3N	1W	3.16	
SEC 19	3N	1W	0.14	

SEC 2	3N	1W	30.77	
SEC 7	3N	1W	11.89	
SEC 9	3N	1W	2.10	
SEC 17	3N	2E	2.79	
SEC 18	3N	2E	6.80	
SEC 5	3N	2E	2.74	
SEC 6	3N	2E	46.22	
SEC 7	3N	2E	15.99	
SEC 9	3N	2E	0.33	
SEC 14	3N	2W	0.93	
SEC 20	3N	2W	1.02	
SEC 25	3N	2W	1.01	
SEC 14	3N	3W	1.02	
SEC 26	4N	1E	14.96	
SEC 34	4N	1E	11.25	
SEC 35	4N	1E	23.51	
SEC 36	4N	1E	22.80	
SEC 31	4N	2E	5.18	
Total			506.79	

NOTICE OF EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHTS

Notice is given that **NAMPA & MERIDIAN IRRIGATION DISTRICT** of 1503 First St. South, Nampa ID 83651 has applied to the Dept. of Water Resources for an Extension of Time to Avoid Forfeiture pursuant to I.C. § 42-222 for a portion of 2 decreed irrigation rights recorded as follows:

Both rights are diverted from the Boise River with a 8-20-1888 priority date and used within NMID service area in Ada & Canyon Counties.

#63-00200A, 8.90 cfs diverted at the New York Canal.

#63-00200B, 361.94 cfs diverted at the Ridenbaugh Canal.

EXTENSION REQUESTED FOR

7.87 cfs for 507 acres excluded from NMID during 1993 in T2N R1-2W, T3N R1-2E & 1-3W, and T4N R1-2E. The applicant wishes to preserve its ability to transfer the rights from the excluded land.

Any protest against approval of the proposed water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705-5082, together with a protest fee of \$25.00 on or before May 26, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho Statesman and the Press-Tribune on May 7 and 14, 1998.

SD-1601-2 Last Name: BOISE PROJECT

W.O.

STATE

S	E	L	First Name	O	W	Water Right No.	Priority Date	Source	Total Diversion	Use Code	Desc
BOISE PROJECT BOARD OF CONTROL											
				C	A63-00136		09/01/1864	BOISE RIVER	20.000	01	IRR
				C	A63-00137B		06/01/1869	BOISE RIVER	0.340	01	IRR
				C	A63-00233K		10/01/1887	BOISE RIVER	1.200	01	IRR
				C	A63-22098		01/01/1987	GROUNDWATER	0.040	43	DOMEST
				C	A63-22099		01/01/1964	GROUNDWATER	0.040	43	DOMEST
				C	A63-22101		01/01/1949	GROUNDWATER	0.040	43	DOMEST
				C	A63-22102		01/01/1950	GROUNDWATER	0.040	43	DOMEST
				C	A63-23844		12/31/1948	GROUNDWATER	0.040	43	DOMEST
				C	A63-23845		12/31/1948	GROUNDWATER	0.040	43	DOMEST
				C	A63-23846		12/31/1980	GROUNDWATER	0.040	43	DOMEST
				C	A63-23847		12/31/1948	GROUNDWATER	0.040	43	DOMEST
				C	A63-23849		12/31/1947	GROUNDWATER	0.040	43	DOMEST
				C	A63-23850		12/31/1948	GROUNDWATER	0.040	43	DOMEST
										04	STOCK
				C	A63-23853		12/31/1950	GROUNDWATER	0.040	43	DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

2 NOA.5

Hawley Troxell
and

Givens as attorney

MICROFILMED

JUL 25 1994

SD-0601-2 Last Name: BOISE PROJECT

STATE

First Name	W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
BOISE PROJECT BOARD OF CONTROL						
	C	A63-23854	12/31/1950	GROUNDWATER	0.040	43 DOMEST
	C	A63-00200A	08/20/1888	BOISE RIVER	8.900	01 IRR
						43 DOMEST
	C	A63-23848	12/31/1949	GROUNDWATER	0.040	43 DOMEST
	C	A63-23851	12/31/1958	GROUNDWATER	0.040	43 DOMEST
						04 STOCK
	C	A63-23852	12/31/1948	GROUNDWATER	0.040	43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

JUL 25 1994

Don A. Olowinski
Albert P. Barker
Richard B. Burleigh
HAWLEY TROXELL ENNIS & HAWLEY
P.O. Box 1617
Boise, Idaho 83701
Telephone: (208) 344-6000
Fax: (208) 342-3829

COPY

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	)	Case No. 39276
from the Snake River Basin	)	
Water System	)	MOTION FOR LEAVE
	)	TO FILE
	)	NOTICE OF APPEARANCE
The State of Idaho, <u>ex rel.</u>	)	
R. Keith Higginson in his official	)	
capacity as director of the	)	
Idaho Department of Water	)	
Resources,	)	
	)	
Petitioner,	)	
	)	
vs.	)	
	)	
The United States;	)	
The State of Idaho;	)	
and All Claimants to the Use	)	
of Water from the Snake River	)	
Basin Water System,	)	
	)	
Defendants.	)	

COME NOW Wilder Irrigation District and the Boise
Project Board of Control, by and through their attorneys, Hawley
Troxell Ennis & Hawley, and, request that this Court grant them

MICROFILMED

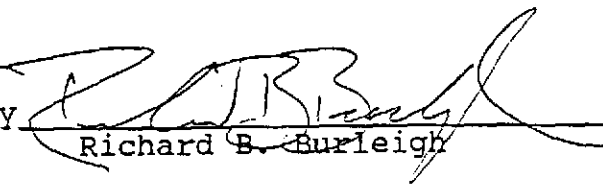
JUL 25 1994

leave to file a Notice of Appearance pursuant to the Order of this Court entered December 17, 1991. The Courts Order required that all interested parties file their Notice of Appearance by January 2, 1992. Due to scheduling errors this deadline was permitted to pass without filing a Notice of Appearance. Wilder Irrigation District and the Boise Project Board of Control wish to remain on the Certification of Mailing and to continue to receive all mailing at this point in the proceeding. The Notice of Appearance is filed in conjunction with this Motion.

DATED this 6th day of January, 1992.

HAWLEY TROXELL ENNIS & HAWLEY

By


Richard B. Burleigh

MICROFILMED

JUL 25 1994

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 1992, I caused to be served a true copy of the foregoing NOTICE OF APPEARANCE by the method indicated below, and addressed to each of the following:

Larry Echohawk
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State of Idaho
Statehouse, Room 210
Boise, Idaho 83720

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

David Shaw
Adjudication Bureau Chief
Idaho Department of Water
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Statehouse Mail
Boise, Idaho 83720 (6 copies)

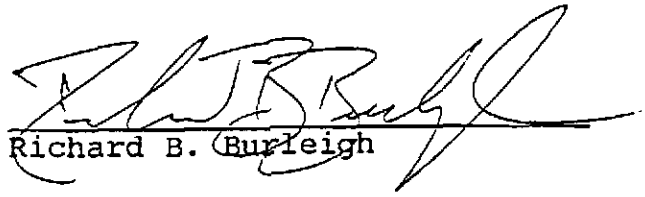
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MICROFILMED

JAN 25 1992

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Michael C. Creamer
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1035
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JAN 02 1992

Department of Water Resources

Attorneys for Boise Project Board of Control, New York Irrigation District, Blaine
Larsen and Other Parties

**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

Case No. 39576

The State of Idaho, ex rel. R. Keith Higginson
in his official capacity as Director of the Idaho
Department of Water Resources,

NOTICE OF APPEARANCE

Petitioner,

vs.

The United States; the State of Idaho; and all
Claimants to the use of water from the Snake
River Basin Water System

SUMMARY DESCRIPTION

Notice of Appearance of Raymond D. Givens, Jeffrey C. Fereday, Michael C.
Creamer, and Christopher H. Meyer of the Firm of Givens, Pursley, Webb &
Huntley as Attorneys for Boise Project Board of Control, New York Irrigation
District, Blaine Larsen and Other Parties

Raymond D. Givens, Jeffrey C. Fereday, Michael C. Creamer, and Christopher H.
Meyer of the firm of Givens, Pursley, Webb & Huntley hereby enter their appearance as

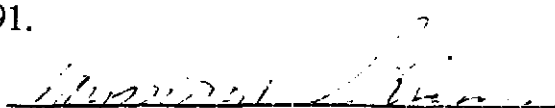
MICROFILMED

NOTICE OF APPEARANCE - 1

JUL 25 1994

attorneys for Boise Project Board of Control, New York Irrigation District, Blaine Larsen and other parties in the above matter.

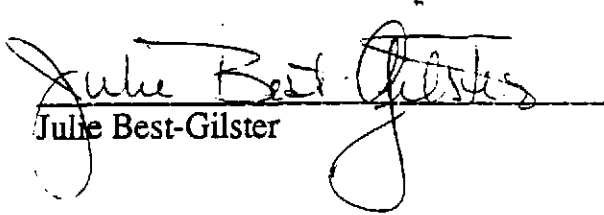
Dated this 30th day of December, 1991.


Raymond D. Givens
Givens, Pursley, Webb & Huntley

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing Notice of Appearance was mailed this 30th day of December, 1991 in an envelope with sufficient first-class postage prepaid thereon to the following:

SEE ATTACHMENT A


Julie Best-Gilster

MICROFILMED

JUL 7 1994

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J.R. Simplot
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Ed Thomas
Bureau of Reclamation
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Boise, ID 83724

The Honorable Darla Williamson
Judge, Magistrate Division
Valley County Courthouse
Cascade, ID 83611

U.S. Department of Justice
Environment & Natural Resources
Division
550 West Fort Street, Box 33
Boise, ID 83724

Last Name: BOISE PROJECT

STATE

First Name	W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
BOISE PROJECT	BOARD OF CONTROL	344-1141				
	~~le~~ A63-23851	12/31/1958	GROUNDWATER	0.040	43 DOMEST	
	~~le~~ A63-23853	12/31/1950	GROUNDWATER	0.040	43 DOMEST	
	~~le~~ A63-23854	12/31/1950	GROUNDWATER	0.040	43 DOMEST	
	~~le~~ A63-00136	09/01/1864	BOISE RIVER	20.000	01 IRR	
	~~le~~ A63-00137B	06/01/1869	BOISE RIVER	0.340	01 IRR	
	~~le~~ A63-00200A	08/20/1888	BOISE RIVER	8.900	01 IRR	
					43 DOMEST	
	~~le~~ A63-00233K	10/01/1887	BOISE RIVER	1.200	01 IRR	
	~~le~~ A63-22098	01/01/1987	GROUNDWATER	0.040	43 DOMEST	
	~~le~~ A63-22099	01/01/1964	GROUNDWATER	0.040	43 DOMEST	
	~~le~~ A63-22101	01/01/1949	GROUNDWATER	0.040	43 DOMEST	
	~~le~~ A63-22102	01/01/1950	GROUNDWATER	0.040	43 DOMEST	
	~~le~~ A63-23844	12/31/1948	GROUNDWATER	0.040	43 DOMEST	
	~~le~~ A63-23845	12/31/1948	GROUNDWATER	0.040	43 DOMEST	

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

2/7/92 AT DON SHAFF'S REQUEST, I HAVE MODIFIED EACH OF THE RECORDS FOR THIS CLAIMANT BY ADDING A 2ND ATTORNEY, RAYMOND D GIVENS OF GIVENS PURSLEY WEBB & HUNTLEY. BOTH ATTORNEYS WANT TO RECEIVE THE DIRECTOR'S REPORT.

S. FRAZEE

*also added Ph.#s where needed.**[Signature]*

MICROFILMED

AUG 17 1992

Don A. Olowinski
Albert P. Barker
Richard B. Burleigh
HAWLEY TROXELL ENNIS & HAWLEY
P.O. Box 1617
Boise, Idaho 83701
Telephone: (208) 344-6000
Fax: (208) 342-3829

Boise Project
A63-22098 A63-23848
A63-22099 A63-23849
A63-22101 A63-23850
A63-22102 A63-23851
A63-00136 A63-23852
A63-00137B A63-23853
A63-00200A A63-23854
A63-00233K de complete
A63-23844 1-28-92
A63-23845 RTIF
A63-23846
A63-23847

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

Case No. 39276

NOTICE OF APPEARANCE

The State of Idaho, ex rel.
R. Keith Higginson in his official
capacity as director of the
Idaho Department of Water
Resources,

Petitioner,

vs.

The United States;
The State of Idaho;
and All Claimants to the Use
of Water from the Snake River
Basin Water System,

Defendants.

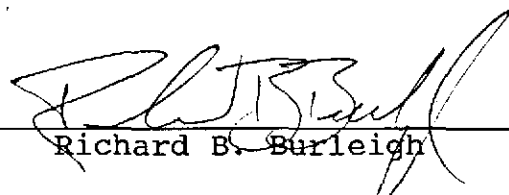
COME NOW Wilder Irrigation District and the Boise
Project Board of Control, by and through their attorneys, Don A.
Olowinski, Albert P. Barker and Richard B. Burleigh, of the firm

Hawley Troxell Ennis & Hawley, and, pursuant to the Order of this Court entered December 17, 1991 enter their appearance in the above-captioned case.

DATED this 6th day of January, 1992.

HAWLEY TROXELL ENNIS & HAWLEY

By


Richard B. Burleigh

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 1992, I caused to be served a true copy of the foregoing NOTICE OF APPEARANCE by the method indicated below, and addressed to each of the following:

Larry Echohawk
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720

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P.O. Box 2139
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☐ Telecopy (Fax)


Richard B. Burleigh

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED**APR 07 1999****WATER RESOURCES
WESTERN REGION**

**APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT**

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

1. Name of water right holder Nampa & Meridian Irrigation District
2. Mailing address 1503 First Street South, Nampa, Idaho 83651
3. The right was obtained or is evidenced by:
 - a. Decree to Nampa & Meridian Irrigation Dist. in Case of Farmers Co-op Ditch Co.
 - vs. Riverside Irrigation District, Dated _____ in District Court, 7th District
(Name of Court)
 - Court, County of Canyon Fully describe decree entered Jan. 18, 1906
Hon. Geo. H. Stewart, District Judge
 - b. License No. _____ c. Claim No. _____
 - d. SRBA No. 63-00200A, 63-00200B
4. Source of water Boise River tributary to Snake River
(Name of stream or source)
5. Date of priority of right August 20, 1888
6. Description of Right:

amount 370.84 for agricultural purposes from 3/15 to 11/15
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
7. Point of Diversion 1/4 Lot 6 1/4 of Sec. 29 Twp. 3N Rge. 3E County Ada
8. Lands irrigated or Place(s) of Use: See Attachment A & B

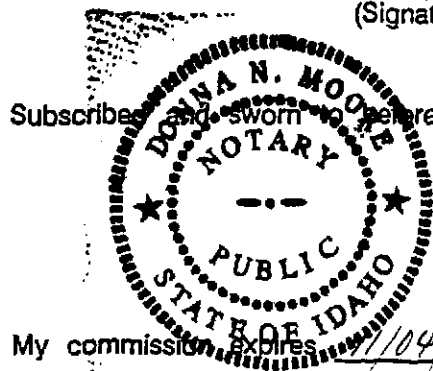
TWP	RGE	SEC	NE				NW				SW				SE				Totals

Total Acres _____

9. Give the last date when water was put to beneficial use See Attachment A
Length of extension of time requested 5 years, or until beginning of irrigation season
2004 (Date)
10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use See Attachment A

The information contained in this application is true to the best of my knowledge.

Daren R Coon
(Signature of Applicant)



Subscribed and sworn to before me this 5th day of April, 19 99.

Donna N. Moore
(Notary Public)

My commission expires 11/04/2000 Residing at Caldwell, Idaho

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby _____ said application subject to the following conditions or reasons:

Signed this _____ day of _____, 19 _____.

(DIRECTOR)

FOR DEPARTMENT USE ONLY

Date Received 4/17/99 \$100 FEE Receipted by Kb Date 4/17/99 Receipt # W025021
Preliminary ☒ by _____ Publication prepared by st Pub. approved by st Date 6-18-99
Published In Price Tribune Dates Published 5-20 + 27-99
Protests filed by _____
Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for - ☐ APPROVAL / ☐ DENIAL By _____

ATTACHMENT A

8. Lands irrigated or place of use:

The places of use for the Application for Extension of Time to Avoid Forfeiture of Water Right are the lands excluded from the Nampa & Meridian Irrigation District (NMID) by resolution and order of the Board of Directors of the NMID during the period January 1, 1994 to December 31, 1994. Due to the large number of parcels excluded during this period, NMID is providing a general description of the township, range, and section within which the excluded lands are located. Descriptions of the individual excluded parcels are contained in the exclusion orders, which are on file with NMID.

9. When water was last put to beneficial use:

Lands excluded during 1994 are not entitled to receive water from NMID's system. However, since 1994, NMID has continuously applied to beneficial use the water previously delivered to the excluded lands. Water previously delivered to the excluded lands continues to be diverted from the Boise River at NMID's point of diversion to charge the Ridenbaugh Canal System and for delivery to the remaining lands within NMID through the Ridenbaugh Canal System. NMID's water deliveries, prior to and after the exclusions, do not exceed an inch to the acre.

NMID's position is that the exclusion of lands does not subject its water rights to forfeiture of any portion of the water quantity or place of use elements of its water rights. In 1994, the Idaho Department of Water Resources (IDWR) communicated to NMID the opinion that exclusions do subject NMID's water rights to forfeiture. In order to ensure that NMID's water rights are protected from such a claim of forfeiture, and preserve NMID's right to transfer its water rights from excluded lands, NMID filed Applications for Extension of Time to Avoid Forfeiture for those portions of its water rights which had been delivered to lands excluded during the periods 1989-1990, and 1991-1992, which were subsequently approved. Additionally, NMID filed Applications for Extension of Time to Avoid Forfeiture for those portions of its water rights which had been delivered to lands excluded during 1993, which is currently being processed by IDWR. As with prior Applications for Extension of Time, NMID does not waive the right to assert its position that exclusions do not subject its water rights to forfeiture.

The total quantity of water delivered from the water rights for those lands excluded in 1994 is 4.80 cfs and the total number of acres of excluded lands is 312.69.

10. Reasons for extension of time:

See Response to No. 9.

Section	Township	Range	RA	Section	Township	Range	RA
SEC 1	3N	1E	12.60	SEC 28	3N	2W	0.26
SEC 1	3N	1W	14.26	SEC 3	2N	2W	1.50
SEC 10	3N	1E	66.88	SEC 3	3N	1E	14.41
SEC 11	3N	1E	10.50	SEC 31	4N	1E	1.17
SEC 11	3N	1W	4.51	SEC 31	4N	2E	2.04
SEC 12	3N	1E	14.35	SEC 34	4N	1E	4.43
SEC 12	3N	1W	5.80	SEC 35	4N	1E	11.36
SEC 13	3N	1E	0.67	SEC 36	4N	1E	9.38
SEC 13	3N	1W	5.46	SEC 4	2N	2W	0.18
SEC 14	3N	1E	0.25	SEC 5	3N	1E	6.29
SEC 14	3N	2W	11.57	SEC 5	3N	2E	1.07
SEC 14	3N	3W	0.97	SEC 6	3N	1E	8.34
SEC 16	3N	1E	10.45	SEC 6	3N	2E	11.84
SEC 17	3N	1W	0.51	SEC 7	3N	1E	8.95
SEC 17	3N	2E	3.66	SEC 7	3N	1W	5.58
SEC 18	3N	1E	3.21	SEC 7	3N	2E	13.21
SEC 18	3N	2E	3.98	SEC 8	3N	1E	1.35
SEC 19	3N	1E	1.17	SEC 8	3N	2E	0.24
SEC 2	2N	2W	0.91	SEC 9	3N	2E	0.36
SEC 2	3N	1E	19.62				312.69
SEC 2	3N	1W	10.15				
SEC 20	3N	2W	2.02				
SEC 22	3N	1E	0.33				
SEC 23	3N	1E	0.42				
SEC 26	3N	2W	2.24				
SEC 26	4N	1E	4.24				

Attachment B