

Water Right(s)
63-32523
IDAHO DEPT
OF WATER
RESOURCES

1987 Photography
Date: December, 2006

● **Pt of Diversion**



Place of Use



1/4 1/4 Lines



Section Lines



Water Right(s) 63-32523 IDAHO DEPT OF WATER RESOURCES

1987 Photography
Date: December, 2006

● Pt of Diversion

Place of Use
1/4 1/4 Lines
Section Lines



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 63-32523
Date Received: 10/19/2006
Receipt No: W034807
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CANYON COUNTY WATER CO LTD Phone: (208)455-1735
C/O BETHA FOSTER
PO BOX 11
STAR ID USA 83669

2. Date of Priority: 04/01/1923

3. Source: LAWRENCE KENNEDY DRAIN Trib. to: BOISE RIVER

*SWXWSE
COMMONLY
KNOWN AS
WATTS CK*

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
04N	02W	10	SW	SE	SE	CANYON	

5. Description of diverting works:

Check in drain diverting water to Canyon County Canal commonly known as the
"Watts" check.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	26.5	

7. Total Quantity Appropriated is:
26.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

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

13. Other Water Rights Used: 63-163, 63-179B, 63-21761, 63-21762

14. Remarks:

Waters are used on 1,916 acres of land served by the Canyon County Water Company, Ltd. from water developed through Drainage District No. 2 drain system. Quantity claimed is in addition to 13.5 cfs delivered through the Watts Check under water right claimed by Drainage District No. 2, a copy of which is attached hereto.

15. Basis of Claim: Beneficial Use

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

ALB-32523

Date Received

10-19-06

Receipt Number

00034807

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 19 2006

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Canyon County Water Company Phone (208) 455-1735

Mailing Address P.O. Box 11, Star, Idaho Zip 83669

2. Date of Priority (Only one (1) per claim) April 1, 1923

3. Source of water supply (a) Lawrence Kennedy Drain

which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township 4 N Range 2 W Section 10

SW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of Canyon

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. Check in drain diverting water to Canyon County Canal
commonly known as the "Watts" check.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 03-01 to 11-15 amount 26.5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 26.5 (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use: 1,916 acres served by the Canyon County Water Company, Ltd.

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated 1,916

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

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.

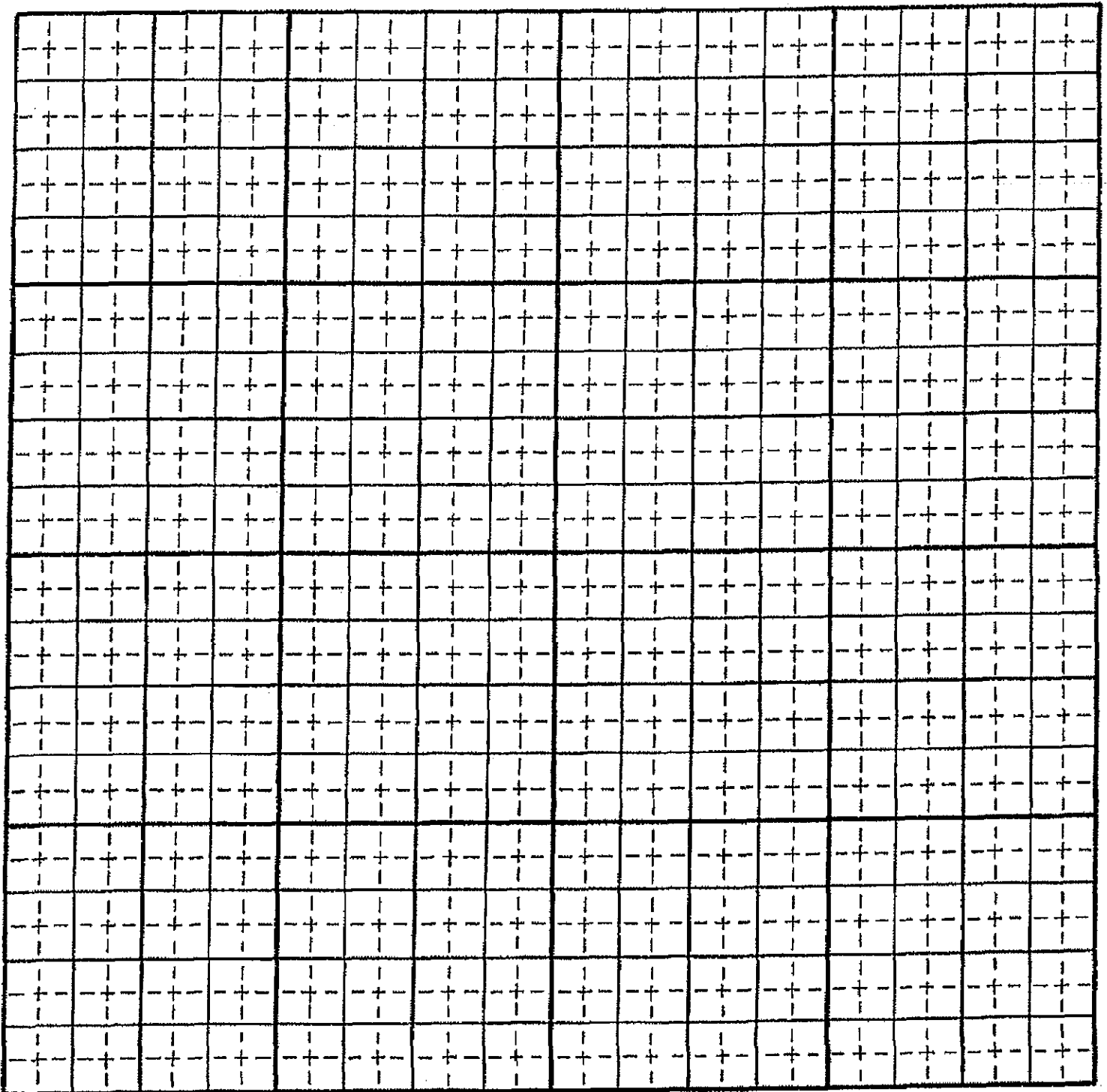
13. Describe any other water rights used at the same place and for the same purposes as described above.
63-163, 63-179B, 63-21761, 63-21762 or None ()

14. Remarks: Waters are used on 1,916 acres of land served by the Canyon County Water Company, Ltd.
from water developed through Drainage District No. 2 drain system. Quantity claimed is in
addition to 13.5 cfs delivered through the Watts Check under water right claimed by Drainage
District No. 2, a copy of which is attached hereto.

Last Name Canyon County Water Co. Ident No. _____

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

Scale: 2 inches equals 1 mile



Last Name Canyon County Water Co. Ident No. _____

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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 0

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

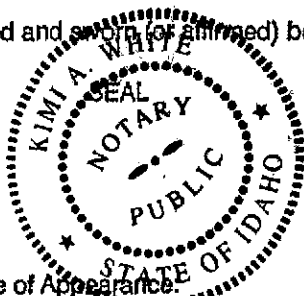
Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am V-President
of Canyon County Water Co. that I have signed the foregoing
document in the space below as V-President of Canyon County Water Co.
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent James H. Payne
Title and Organization V-President Canyon County Water Co. Date 10-17-06

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

Subscribed and sworn to (or affirmed) before me this 17th day of October 19-2006



Notary Public Kimi A. White

Residing at Boise, Idaho

My Commission Expires 04/01/10

Please Print Name

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

Signature Bryce Farris

Address 455 S. Third Street, P.O. Box 2773, Boise, ID 83701

Date 10/18/06

Last Name Canyon County Water Co. Ident. Number _____

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
Indent. Number _____
Date Received _____
Receipt Number _____

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

Please type or print clearly

1. Name of Claimant(s) Drainage District No. 2 of Ada County Phone (208) 342-4591

Mailing Address c/o Bryce Farris, Ringert Clark Chartered, P.O. Box 2773, Boise, Idaho Zip 83701

2. Date of Priority only (1) per claim) March 12, 1923

3. Source of water supply (a) Surface and subsurface seepage and percolating waters developed by Claimant's drainage system.

which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____, See Exhibit A
_____ 1/4 of _____ 1/4 _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: See Exhibit A

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 _____

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, Ect). Including the dates of any changes or enlargement in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. see Exhibit A.

Last Name _____ Drainage District No. 2 Ident. Number _____

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 50 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 50 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre fee per annum.

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

10. Description of place of use:

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

Twp.	Rgs.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			SEE EXHIBIT A																

Total number of acres irrigated See Exhibit A

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

12. Do you own the property listed above as place of use? Yes _____ No X

13. Describe any other water rights used a the same place and for the same purposes as described above.
 _____ or None ()

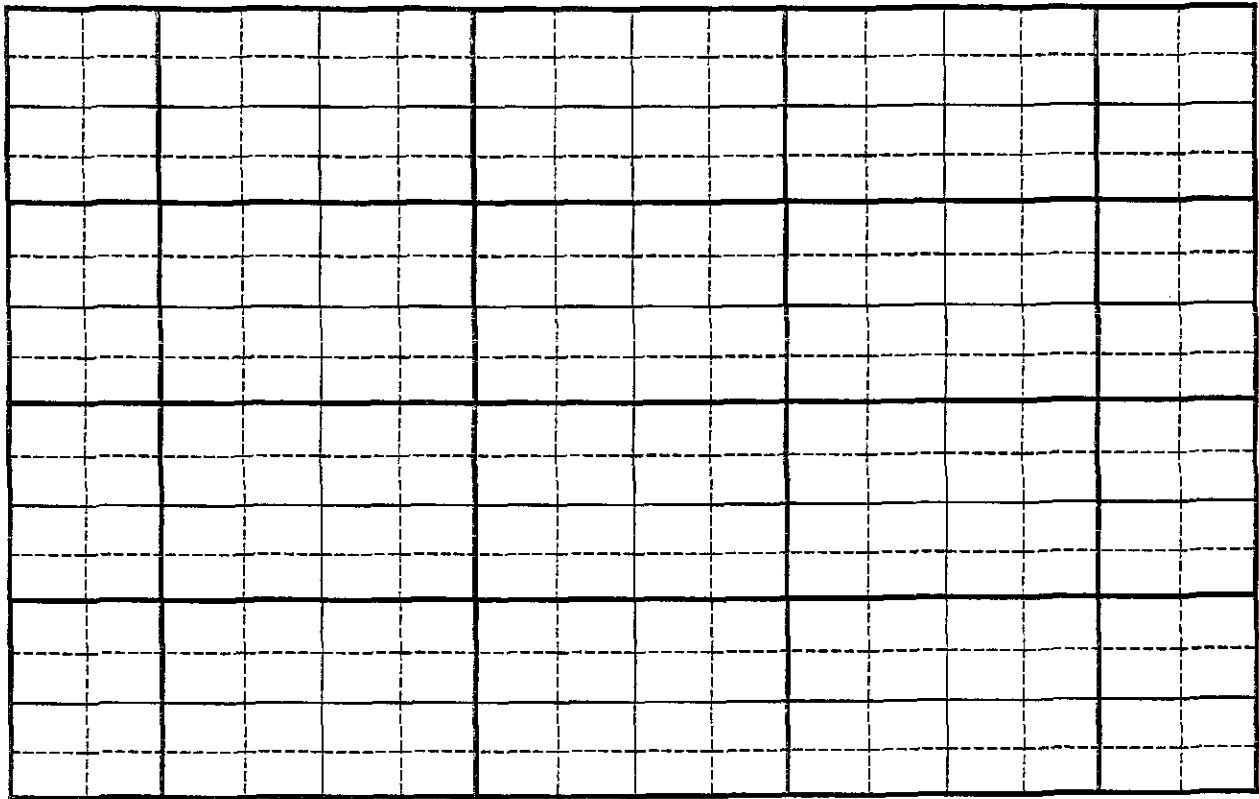
14. Remarks:

See Exhibit A

Form No. 42-1409 (2) a 9/88 (Internet)

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

SCALE: 2 inches equal 1 mile. Draw plan in ink. See Exhibit A



Last Name _____ Drainage District No. 2 _____ Ident. Number _____

15. Basis or Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐

If applicable provide IDWR Water Right Number See Exhibit A
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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 1

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

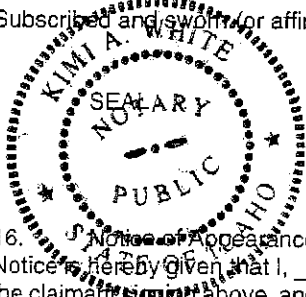
Signature or Claimant (s) Date
 Date

For Organizations: I do solemnly swear or affirm that I am Chairman Sec.
Title
of Drainage District No. 2, that I have signed the foregoing
Organization
document in the space below as Chairman Sec. of Drainage District No. 2
Title organization
and that the statements contained in the foregoing document are true and correct.

Signed of Authorized Agent B. James Monczynski
Title and Organization Chairman, Drainage District No. 2 Date 10/04/06

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

Subscribed and sworn to (or affirmed) before me this 4th day of October 20 06.



Notary Public Kimi A. White
Residing at Boise, Idaho
My Commission Expires 04/01/10

16. **Notice of Appearance:**
Notice is hereby given that I, S. Bryce Farris will be acting as attorney at law on behalf of the claimant signing above, and 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 [Signature]
Address 455 S. Third Street, P.O. Box 2773, Boise, Idaho 83701
Date 9/19/06

EXHIBIT A

Claimant is a drainage district organized and existing by virtue of the laws of the State of Idaho, Title 42, Chapter 29, since 1918 and consisting of more than 29,000 acres in Ada and Canyon County. Claimant's drainage system, ditches, check gates and headgates have drained, developed and collected surface and subsurface water within the statutory boundaries of Claimant since 1922.

Claimant has the statutory authority to file upon and appropriate, "waters created or made available for irrigation purposes, by the construction of drainage works within" its boundaries pursuant to I.C. § 42-2902. The water which is the subject of this claim is water that is drained, developed and collected in Claimant's drainage system and then directly discharges into the irrigation delivery systems of Canyon County Water Company, Middleton Mill Ditch Company and Middleton Irrigation Association and then is used for irrigation purposes by said organizations/canal companies within their respective boundaries. Based upon this historic/beneficial use, Claimant claims the following conditions and remarks relative to the elements of this water right:

1. Source and Points of Diversion. The source of this water right is the Claimant's drainage system which discharges drainage/waste water into:
 - a. Star Feeder, which provides water to Middleton Mill Ditch Company and Middleton Irrigation Association, and is located in the NW1/4, SW1/4, SW1/4 of Section 5, T.4N, R.1W; and
 - b. Watts Check, which provides water to Canyon County Water Company, and is located in the SW1/4, SE1/4, SE1/4 of Section 10, T.4N, R.2W.
2. Place of Use and Quantity. The place of use for 36.5 cfs of this water right, which is from the Star Feeder diversion of this water right, is for the irrigation of 5,193 acres served by Middleton Mill Ditch Company and Middleton Irrigation Association. The place of use for 13.5 cfs of this water right, which is from the Watts Check diversion for this water right, is for the irrigation of 1,916 acres served by Canyon County Water Company.

RECEIVED

JUN 13 2007

DEPARTMENT OF
WATER RESOURCES

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 63-32523

(Insert water right no.)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: CANYON COUNTY WATER COMPANY
c/o Betha Foster
Address: P.O. Box 11
Star, Idaho 83669

Daytime Phone: 208-455-1735

Name & Address of Attorney, if any:
S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

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

Name: Canyon County Water Company
c/o Betha Foster
Address: P.O. Box 11
Star, Idaho 83669

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: 26.5 cfs.
4. ☐ **Priority Date**
Should be: _____.
5. ☐ **Point(s) of Diversion**
Should be: _____.
6. ☐ **Instream Flow Description**
Should be: N/A
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):** The quantity for this water right should be a total of 26.5 cfs as claimed.

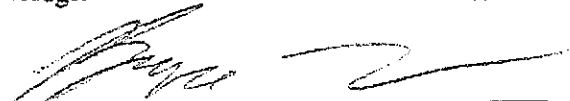
F.

VERIFICATION (must be completed)

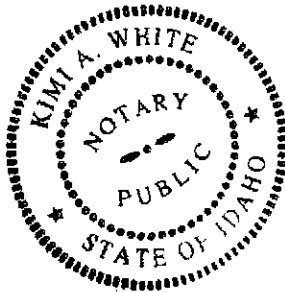
State of Idaho)
) ss.
County of Ada)

S. Bryce Farris, duly sworn, upon oath, deposes and says:

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.


S. Bryce Farris

Subscribed and sworn to before me on: June 12, 2007




Notary Public for Adair
Residing at: 3100 Main
My Commission Expires: 2/1/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on June 12, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

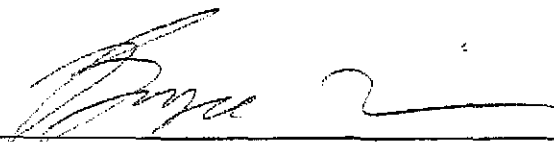
Name: Canyon County Water Company
c/o Betha Foster
Address: P.O. Box 11
Star, Idaho 83669

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

12/09/2006

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

RIGHT NUMBER: 63-32523

NAME AND ADDRESS: CANYON COUNTY WATER CO LTD
C/O BETHA FOSTER
PO BOX 11
STAR ID 83669

SOURCE: LAWRENCE KENNEDY DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 13.000 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.

PRIORITY DATE: 04/01/1923

POINT OF DIVERSION:

T04N R02W S10 SWNWSE Within CANYON County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	13.000 CFS

PLACE OF USE:

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.

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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

This drainage water can be used to irrigate up to 1,916 acres within the boundaries of the Canyon County Water Co Ltd.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32523 V1

WATER RIGHT NUMBER: 63-32523 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CANYON COUNTY WATER CO LTD C/O BETHA FOSTER PO BOX 11 STAR, ID 83669 (208)455-1735
Attorney	RINGERT CLARK CHARTERED S BRYCE FARRIS 455 S 3RD ST PO BOX 2773 BOISE, ID 83701 (208)342-4591

Priority Date: 04/01/1923

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
LAWRENCE KENNEDY DRAIN	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	13.000 CFS	
	<u>Total Diversion:</u>	13.000 CFS	

Location of Point(s) of Diversion

LAWRENCE KENNEDY DRAIN	SW1/4NW1/4SE1/4	Sec. 10, Twp 04N, Rge 02W, B.M.
CANYON County		

Place of UseConditions of Approval:

1. 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.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.
3. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4. G16 This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
5. This drainage water can be used to irrigate up to 1,916 acres within the boundaries of the Canyon County Water Co Ltd.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32523 V1

Remarks:

Comments:

1. jshurte 12/9/2006 Quantity

Comment: Quantity recommended is 13 cfs. This would be the difference of the high flow shown in the 1980 Boise River Water Distribution Book for the Watts Check of 26.5 cfs in July. Right No. 63-32480 already covers a flow of 13.5 cfs from the Watts Check for the Canyon County Water Co, so this right must be limited to the difference between the two.

2. jshurte 12/9/2006 Priority Date

Comment: This priority date is after the date that license no. 63-2408 which is now recommended as 63-31937. 63-2406 was the original right supporting the 100 cfs of wastewater that the watermaster credits back up to several ditch company points of diversion. This wastewater comes from Drainage District No. 2. The licensed priority date was 3-12-1923, proof was not submitted and it was advanced. Thus, the claiming of beneficial use claim no. 63-31937 for the original 1923 priority date. 63-31937 is only recommended for 100 cfs per the watermaster book. This is acceptable to the drainage district no. 2. To insure the other 50 cfs does get filed upon they have filed a bu claim 63-32480 to cover it. This will not be listed as credited back to the points of diversion. This claim is being filed for wastewater in addition to both 63-31937 and 63-31480. The priority date is documented through affidavits in the claim file.

Water Supply Bank:

TABLE IN ACRE FEET, SHOWING TOTAL
MONTHLY DRAIN DISCHARGES INTO THE BOISE RIVER
DURING THE IRRIGATION SEASON OF 1980

CHART NO. 13

NAME OF DRAIN	APRIL	MAY	JUNE	JULY	AUGUST	SEPT.	OCT.	TOTALS
BOISE SEWER	1334	1876	1696	1770	1706	1708	770	10860
CONWAY GULCH	1512	2906	3354	3800	3958	4514	2040	22084
DIXIE DRAIN (SLOUGH)	8472	14288	14528	15434	16066	18166	8238	95192
FIVE MILE CREEK	2526	10014	9040	8538	10734	11684	3136	55672
INDIAN CREEK	5452	8172	7974	6896	8142	14180	4438	55254
MASON CREEK	400	1330	1104	816	704	914	312	5580
MASON DRAIN	3664	7218	9668	9064	9762	10716	3854	53946
TOTALS	23,360	45,804	47,364	46,318	51,072	61,882	22,788	298,588

DRAINAGE DISTRICT #2 (ENTERS INTO THE BOISE RIVER)

EAGLE DRAIN	1056	3072	3046	3780	3534	2692	1048	18228
HARTLEY DRAIN	1388	3864	3496	4050	4496	4074	1304	22672
HARTLEY GULCH	556	1616	1746	1972	1856	1188	480	9414
NORTH MIDDLETON DRAIN	2208	4936	4208	4712	2940	3168	978	23150
SOUTH MIDDLETON DRAIN	2528	7466	7182	6956	6900	7238	2372	40642
WILLOW CREEK	1172	3712	2142	1542	1838	3452	452	14310
TOTALS	8,908	24,666	21,820	23,012	21,564	21,812	6,634	128,416

DIVERTED INTO CANALS

LONG FEEDER	174	772	636	496	470	388	150	3086
STAR FEEDER	644	1426	2112	2656	4262	3372	1062	15534
WATTS CHECK	290	1258	1536	1606	1538	896	348	7472
TOTALS	1,108	3,456	4,284	4,758	6,270	4,656	1,560	26,092
TOTAL DRAINAGE DISTRICT #2	10,016	28,122	26,104	27,770	27,834	26,468	8,194	154,508

DRAINAGE DISTRICT #3

RIDENBAUGH, BOOTH & MYERS DRAINS	190	342	446	570	606	494	220	2,868
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DRAINAGE DISTRICT #4

THURMAN DRAIN	1214	1166	1292	1166	1490	1396	642	8,366
TOTAL ALL DRAINS	34,780	75,434	75,206	75,824	81,002	90,240	31,844	464,330

1606 AF IN 31 DAYS = 51.8 AF/DAY ÷ 1.9835 =
26.5 CFS.

12/02/2006

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

RIGHT NUMBER: 63-32523

NAME AND ADDRESS: CANYON COUNTY WATER CO LTD
C/O BETHA FOSTER
PO BOX 11
STAR ID 83669

SOURCE: LAWRENCE KENNEDY DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: ~~26.500 CFS~~ **13 CFS**
This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.

PRIORITY DATE: 04/01/1923

POINT OF DIVERSION:
T04N R02W S10 SWNWSE Within CANYON County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	~~26.500 CFS~~ 13 CFS

PLACE OF USE:

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.

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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

This drainage water can be used to irrigate up to 1,916 acres within the boundaries of the Canyon County Water Co Ltd.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

1980 - WATTS CHECK - 26 CFS IN JUNE
63-32480 COVERS 13.5 CFS OF THIS
FLOW FROM THE WATTS CHECK. THIS
RIGHT SHOULD ONLY BE REC. FOR 13 CFS.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32523 V1

WATER RIGHT NUMBER: 63-32523 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CANYON COUNTY WATER CO LTD C/O BETHA FOSTER PO BOX 11 STAR, ID 83669 (208)455-1735
Attorney	RINGERT CLARK CHARTERED S BRYCE FARRIS 455 S 3RD ST PO BOX 2773 BOISE, ID 83701 (208)342-4591

Priority Date: 04/01/1923

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
LAWRENCE KENNEDY DRAIN	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	26.500 CFS	
	<u>Total Diversion:</u>	26.500 CFS	

Location of Point(s) of Diversion

LAWRENCE KENNEDY DRAIN	SW1/4NW1/4SE1/4	Sec. 10, Twp 04N, Rge 02W, B.M.
CANYON County		

Place of UseConditions of Approval:

1. 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.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.
3. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4. G16 This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
5. This drainage water can be used to irrigate up to 1,916 acres within the boundaries of the Canyon County Water Co Ltd.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32523 V1

Remarks:

Comments:

1. jshurte 12/2/2006 Priority date

Comment: This priority date is after the date that license no. 63-2406 which is now recommended as 63-31937. 63-2406 was the original right supporting the 100 cfs of wastewater that the watermaster credits back up to several ditch company points of diversion. This wastewater comes from Drainage District No. 2. However, the license priority date was 3-12-1923, proof was not submitted and it was advanced. Thus, the claiming of beneficial use claim no. 63-31937. 63-31937 is only issued for 100 cfs per watermaster records. That is acceptable to the Drainage District. To insure the other 50 cfs does get filed upon they have filed a beneficial use claim 63-32480 to cover it. This will not be listed as credited back up to the points of diversion. This claim is being filed for wastewater in addition to both 63-31937 and 63-32480, thus the later priority date.

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:

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:

Water Supply Bank:

Water Right(s)
63-32523

**IDAHO DEPT
OF WATER
RESOURCES**

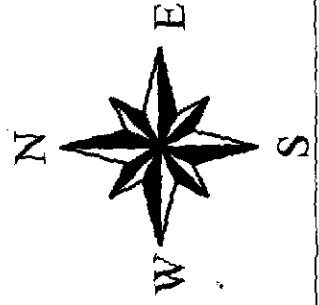
1987 Photography
Date: December, 2006

● ***Pt of Diversion***

□ ***Place of Use***

1/4 1/4 Lines

□ ***Section Lines***



Water Right(s)

63-32523

**IDAHO DEPT
OF WATER
RESOURCES**

1987 Photography
Date: December, 2006

● **Pt of Diversion**

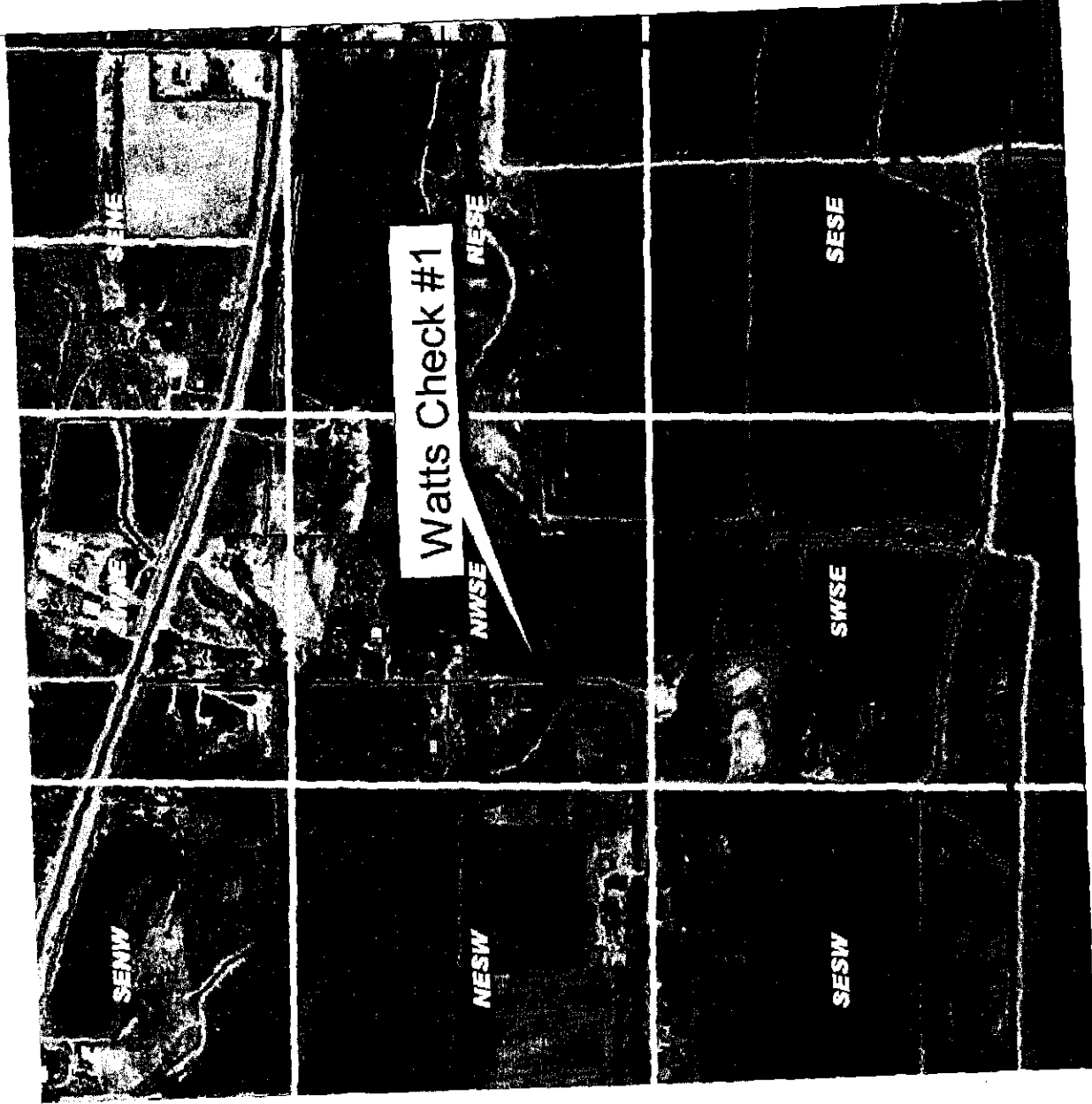
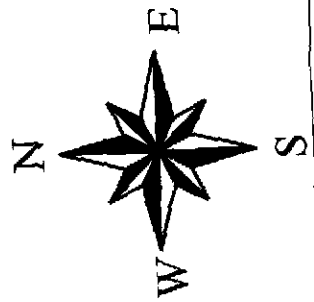


Place of Use

114114 Lines



Section Lines



13210829 WATTS CHECK
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1987 TO OCTOBER 1988
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	---	---	---	---	---	---	11	15	11	12	12	10
2	---	---	---	---	---	---	12	15	11	12	11	10
3	---	---	---	---	---	---	13	14	11	12	11	10
4	---	---	---	---	---	---	13	14	12	12	10	10
5	---	---	---	---	---	---	13	13	12	12	9.5	10
6	---	---	---	---	---	---	14	13	12	12	9.0	10
7	---	---	---	---	---	---	14	12	13	12	9.0	10
8	---	---	---	---	---	---	14	12	13	12	9.0	10
9	---	---	---	---	---	---	15	12	14	12	9.0	10
10	---	---	---	---	---	---	15	12	14	12	9.0	10
11	---	---	---	---	---	---	15	12	15	12	9.0	10
12	---	---	---	---	---	---	15	12	15	12	9.0	10
13	---	---	---	---	---	---	15	12	15	12	9.0	10
14	---	---	---	---	---	---	15	12	15	12	9.0	10
15	---	---	---	---	---	---	15	12	14	12	9.2	10
16	---	---	---	---	---	---	15	12	14	12	9.3	10
17	---	---	---	---	---	---	15	11	13	12	9.5	10
18	---	---	---	---	---	---	15	11	13	12	9.7	10
19	---	---	---	---	---	---	15	11	12	12	9.8	10
20	---	---	---	---	---	0.0	15	10	12	12	10	10
21	---	---	---	---	---	1.0	15	10	12	12	10	10
22	---	---	---	---	---	2.0	15	10	12	12	10	10
23	---	---	---	---	---	3.0	15	10	12	12	10	10
24	---	---	---	---	---	4.0	15	10	12	12	10	10
25	---	---	---	---	---	5.0	15	10	12	12	10	10
26	---	---	---	---	---	6.0	15	10	12	12	10	10
27	---	---	---	---	---	6.0	15	10	12	12	10	10
28	---	---	---	---	---	7.2	15	10	12	12	10	10
29	---	---	---	---	---	8.3	15	10	12	12	10	10
30	---	---	---	---	---	9.5	15	10	12	12	10	10
31	---	---	---	---	---	---	15	---	12	12	---	10
TOTAL						52	449	346	390	372	291	310
MEAN						4.7	14	12	13	12	9.7	10
MAX						9.5	15	15	15	12	12	10
MIN						0.0	11	10	11	12	9.0	10
AC-FT						103	890	686	773	738	577	615

RECEIVED

OCT 19 2006

WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles J. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson

William F. Ringert, of Counsel
Allyn L. Sweeney of Counsel
Samuel Kaufman (1921-1986)

October 18, 2006

Jan Shurte
Idaho Department of Water Resources
Western Regional Offices
2735 Airport Way
Boise, Idaho 83705

Re: Canyon County Water Company

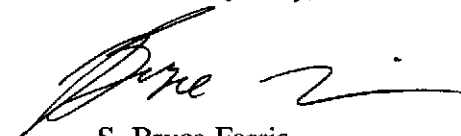
Dear Jan:

Enclosed please the original and copy of two Notices of Claim to a Water Right, that I am filing on behalf of Canyon County Water Company. Please conform the copy of each Notice and return them to me in the enclosed pre-paid, self-addressed envelope. A check in the amount of \$200.00 for the filing fees is also included.

Also, enclosed please find a aerial photo with the diversion points marked for your reference.

Thank you for your assistance in this matter. Please feel free to contact me if you have any questions or comments regarding this matter.

Yours very truly,



S. Bryce Farris

SBF:kw
Enclosures

cc: CCWC