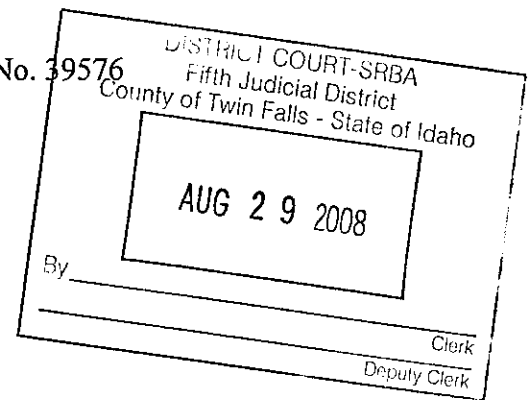


AMENDED DIRECTOR'S REPORTS

COPY

Subcase Nos. 63-132, 63-133 & 63-134

In Re SRBA
Twin Falls County Civil Case No. 39576



Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
David R. Tuthill, Jr., Director
Donald V. Shaff, Adjudication Bureau Chief

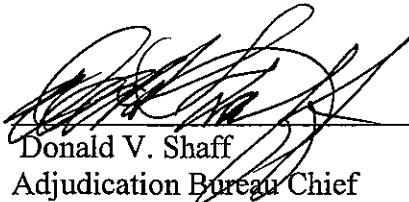
August 29, 2008

DESCRIPTIVE SUMMARY

These are Amended Director's Report submitted by the Director of the Idaho Department of Water Resources ("IDWR").

DISCUSSION

On June 4, 2008, Special Master Booth issued a *Memorandum Decision and Order on Cross Motions for Summary Judgment, Request for Amended Director's Reports from IDWR and Order Vacating Trial and Setting Status Conference*. Based upon that Order, the Director submits the attached Amended Director's Reports for filing with the Court.



Donald V. Shaff
Adjudication Bureau Chief

08/14/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
63-132	MACE CATLIN DITCH CO C/O BOB KELL 1820 MACE RD EAGLE ID 83616	Disallowed	Recommended as 63-33067 and 63-33068.

08/14/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
63-133	MACE CATLIN DITCH CO C/O BOB KELL 1820 MACE RD EAGLE ID 83616	Disallowed	Recommended as 63-33069 and 63-33070.

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

RIGHT NUMBER: 63-134

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE ID 83720-0065

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.300 CFS

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

PRIORITY DATE: 06/01/1864

POINT OF
DIVERSION:

T04N R01E S17 NWNW Within ADA County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

3.300 CFS

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

PLACE OF USE:

IRRIGATION in ADA County

T04N R01E S18 Lot 3 NENW	9.00	T04N R01E S18 Lot 4 NWNW	34.70
T04N R01E S18 Lot 4 SWNW	35.60	T04N R01E S18 Lot 3 SENW	29.50
T04N R01E S18 NESW	28.10	T04N R01E S18 NWSW	35.50
T04N R01E S18 SWSW	30.50	T04N R01E S18 SESW	19.80
T04N R01W S13 NENE	25.00	T04N R01W S13 NWNE	15.60
T04N R01W S13 SWNE	23.30	T04N R01W S13 SENE	17.80
T04N R01W S13 NESE	36.80	T04N R01W S13 NWSE	35.80
T04N R01W S13 SWSE	23.50	T04N R01W S13 SESE	37.50
T04N R01W S24 NENE	3.30	T04N R01W S24 NWNE	7.70

449 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 449 acres in a single irrigation season. Combined Right Nos.: 63-134, 63-33068, 63-33070.

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 RIGHT NO. 6 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS.

RIGHT NO. 63-31772 IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH THE HARTON DAVIS CANAL.

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

RIGHT NUMBER: 63-382B

NAME AND ADDRESS: MACE CATLIN DITCH CO
C/O BOB KELL
1820 MACE RD
EAGLE ID 83616

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.440 CFS

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

PRIORITY DATE: 06/14/1912

Pursuant to a call in times of scarcity, this right is senior to Bryan decreed Right Nos. 63-297, 63-372, 63-301, 63-294, 63-296, 63-298, 63-295, 63-302, 63-367, 63-373, 63-299, 63-304, 63-303 and any future splits of these rights.

POINT OF
DIVERSION:

T04N R01E S16 SESWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.440 CFS

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

PLACE OF USE:

230.5 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.

Total acres authorized for irrigation under Rights 63-33067, 63-33069 and 63-382B are a total of 230.5 acres.

This right is limited to the irrigation of 230.5 acres within the boundary of the Mace-Catlin Ditch Company.

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

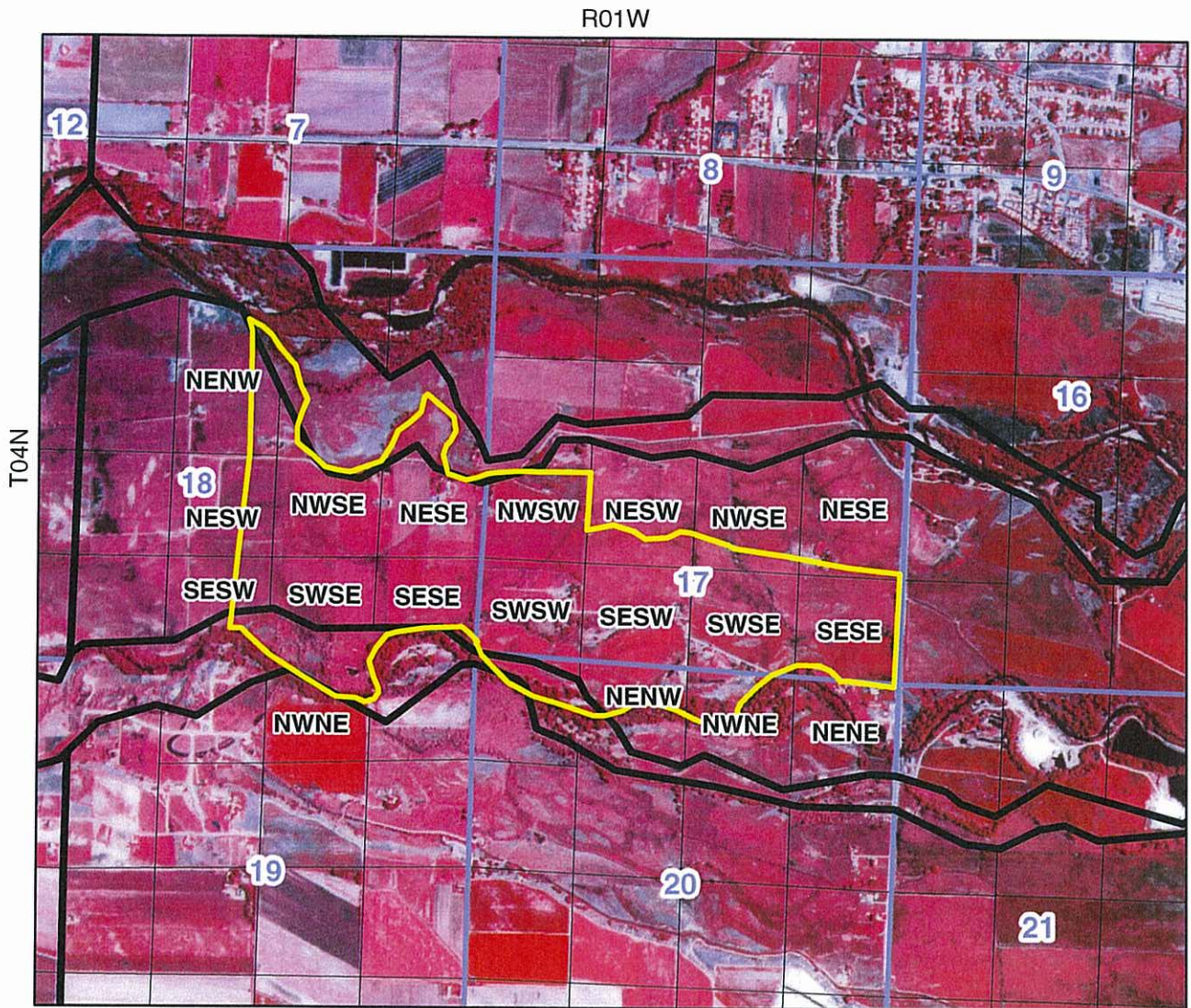
WATER IS DELIVERED THROUGH THE MASON-CATLIN CANAL

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-33067, 63-33068, 63-33069, 63-33070, 63-382B, 63-31312, 63-31313.

DESIGNATED AS RIGHT NO 138 IN THE STEWERT DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

Total acres authorized for irrigation under Rights 63-33067, 63-33069, and 63-382B are reduced by 1.0 acre per approval of Transfer 72169, and 14.5 acres under Transfer 72596, to a total of 230.5 acres based on the acres claimed under these rights in the Snake River Basin Adjudication.

State of Idaho
Department of Water Resources
Water Right Recommendation
63-382B, 63-33067, 63-33069
Water Service Area Boundary for Mace Catlin Ditch Co
August 12, 2008



0 0.25 0.5 1 Miles

Legend

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



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

RIGHT NUMBER: 63-31772

NAME AND ADDRESS: HART-DAVIS DITCH CO INC
C/O JIM BRESZINSKY
1111 TROUT RD
EAGLE ID 83616

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 6.660 CFS

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

PRIORITY DATE: 06/01/1872

POINT OF
DIVERSION:

T04N R01E S17 NWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

6.660 CFS

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

PLACE OF USE:

209 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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 209 ACRES WITHIN THE BOUNDARY OF HART-DAVIS DITCH COMPANY.

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

RIGHT NO. 63-134 IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

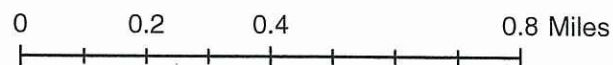
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-186 AND 63-187.

THIS RIGHT IS DESIGNATED AS RIGHT NOS. 57 AND 58 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS.

WATER IS DELIVERED THROUGH THE HART-DAVIS DITCH

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

August 14, 2008



 Place Of Use Boundary
 Townships
 PLS Sections
 Quarter Quarters



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

RIGHT NUMBER: 63-33067

NAME AND ADDRESS: MACE CATLIN DITCH CO
C/O BOB KELL
1820 MACE RD
EAGLE ID 83616

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.170 CFS

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

This right when combined with all other 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 of the lands above.

PRIORITY DATE: 06/01/1864

POINT OF
DIVERSION:

T04N R01E S16 SESWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.170 CFS
AESTHETIC STORAGE	01/01 12/31	45.20 AFY
DIVERSION TO STORAGE	03/01 11/15	0.310 CFS

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

PLACE OF USE: AESTHETIC STORAGE in ADA County

T04N R01E S17 SWSW T04N R01E S17 SESW

230.5 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 within the boundary of the Mace-Catlin Ditch Company.

Total acres authorized for irrigation under Rights 63-33067, 63-33069 and 63-382B are a total of 230.5 acres.

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

Total acres authorized for irrigation under Rights 63-33067, 63-33069, and 63-382B are reduced by 1.0 acre per approval of Transfer 72169, and 14.5 acres under Transfer 72596, to a total of 230.5 acres based on the acres claimed under these rights in the Snake River Basin Adjudication.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

Rights 63-33067, 63-4695, 63-31312 and 63-31313 under Transfer No. 72596 authorize the combined total diversion of water for aesthetic storage in the amount of 42.2 af to be used for replacement of losses caused by evaporation from 14.5 acres total surface area of seven (7) aesthetic ponds authorized for aesthetic storage under right 63-32235.

DESIGNATED AS RIGHT NO 5 IN THE STEWERT DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

This right is a split from former right 63-132.

The right holder shall accomplish the change authorized by Transfer 72596 within three years of the date of this approval.

WATER IS DELIVERED THROUGH THE MASON-CATLIN CANAL

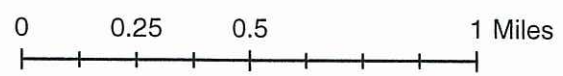
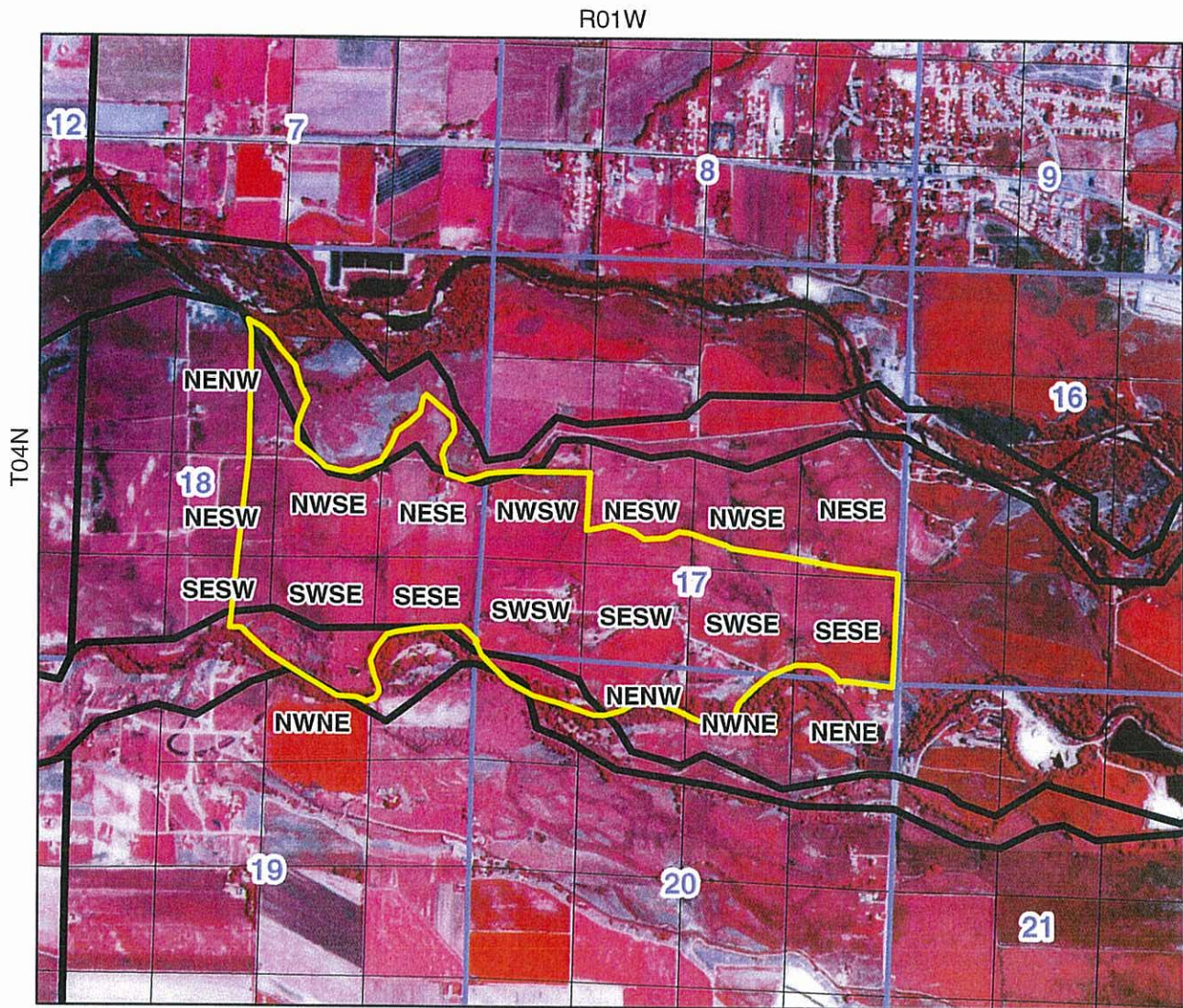
The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-33067, 63-33068, 63-33069, 63-33070, 63-382B, 63-31312, 63-31313.

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

Transfer 72169 authorizes the diversion of water for aesthetic storage in the amount of 3.0 af to be used for replacement of losses caused by evaporation from one acre total surface area of one aesthetic pond authorized for aesthetic storage under right 63-32151.

State of Idaho
Department of Water Resources
Water Right Recommendation
63-382B, 63-33067, 63-33069
Water Service Area Boundary for Mace Catlin Ditch Co
August 12, 2008



Legend

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



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

RIGHT NUMBER: 63-33068

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF PARKS AND REC STATEHOUSE MAIL
PO BOX 83720
BOISE ID 83720-0065

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.520 CFS

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

PRIORITY DATE: 06/01/1864

POINT OF
DIVERSION:

T04N R01E S16 SESWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	1.520 CFS

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

PLACE OF USE: IRRIGATION in ADA County

T04N R01E S18 Lot 3 NENW	9.00	T04N R01E S18 Lot 4 NWNW	34.70
T04N R01E S18 Lot 4 NWNW	35.60	T04N R01E S18 Lot 3 SENW	29.50
T04N R01E S18 NESW	28.10	T04N R01E S18 NWSW	35.50
T04N R01E S18 SWSW	30.50	T04N R01E S18 SESW	19.80
T04N R01W S13 NENE	25.00	T04N R01W S13 NWNE	15.60
T04N R01W S13 SWNE	23.30	T04N R01W S13 SENE	17.80
T04N R01W S13 NESE	36.80	T04N R01W S13 NWSE	35.80
T04N R01W S13 SWSE	23.50	T04N R01W S13 SESE	37.50
T04N R01W S24 NENE	3.30	T04N R01W S24 NWNE	7.70

449 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 449 acres in a single irrigation season. Combined Right Nos.: 63-134, 63-33068, 63-33070.

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

WATER IS DELIVERED THROUGH THE MASON-CATLIN CANAL

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-33067, 63-33068, 63-33069, 63-33070, 63-382B, 63-31312, 63-31313.

This right is a split from former right 63-132.

DESIGNATED AS RIGHT NO 5 IN THE STEWERT DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

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

RIGHT NUMBER: 63-33069

NAME AND ADDRESS: MACE CATLIN DITCH CO
C/O BOB KELL
1820 MACE RD
EAGLE ID 83616

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.630 CFS

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

PRIORITY DATE: 06/01/1871

POINT OF
DIVERSION:

T04N R01E S16 SESWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.630 CFS

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

PLACE OF USE:

230.5 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.

This right is limited to the irrigation of 230.5 acres within the boundary of the Mace-Catlin Ditch Company.

Total acres authorized for irrigation under Rights 63-33067, 63-33069 and 63-382B are a total of 230.5 acres.

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 a split from former right 63-133.

WATER IS DELIVERED THROUGH THE MASON-CATLIN CANAL

DESIGNATED AS RIGHT NO 52 IN THE STEWERT DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-33067, 63-33068, 63-33069, 63-33070, 63-382B, 63-31312, 63-31313.

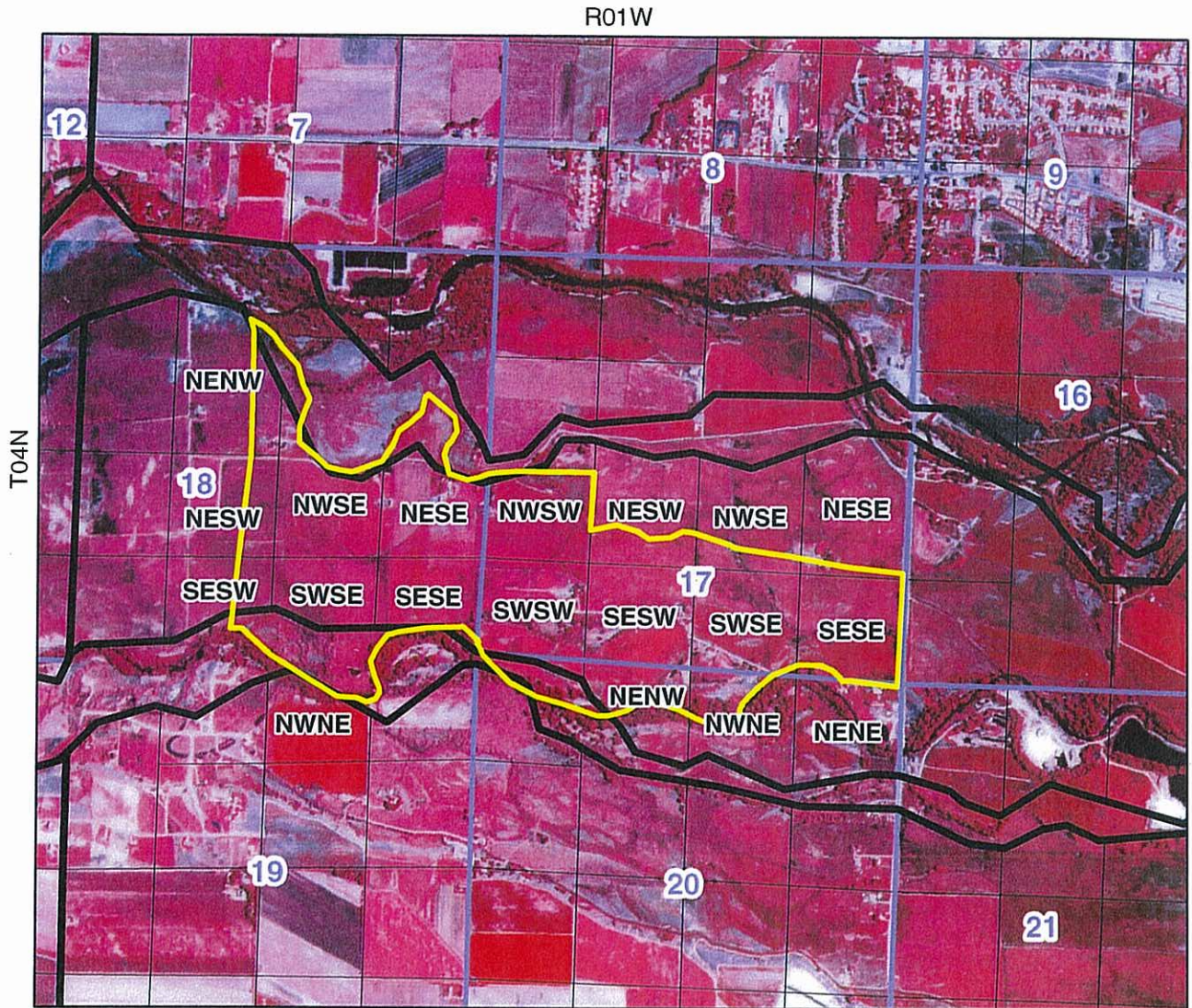
Total acres authorized for irrigation under Rights 63-33067, 63-33069, and 63-382B are reduced by 14.5 acre per approval of Transfer 72596 to a total of 230.5 acres based on the acres claimed under these rights in the Snake River Basin Adjudication.

Water Right Recommendation

63-382B, 63-33067, 63-33069

Water Service Area Boundary for Mace Catlin Ditch Co

August 12, 2008



0 0.25 0.5 1 Miles

Legend

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

DRAFT



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

RIGHT NUMBER: 63-33070

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE ID 83720-0065

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 4.160 CFS

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

PRIORITY DATE: 06/01/1871

POINT OF
DIVERSION:

T04N R01E S16 SESWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	4.160 CFS

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

PLACE OF USE: IRRIGATION in ADA County

T04N R01E S18 Lot 3 NENW	9.00	T04N R01E S18 Lot 4 NWNW	34.70
T04N R01E S18 Lot 4 SWNW	35.60	T04N R01E S18 Lot 3 SENW	29.50
T04N R01E S18 NESW	28.10	T04N R01E S18 NWSW	35.50
T04N R01E S18 SWSW	30.50	T04N R01E S18 SESW	19.80
T04N R01W S13 NENE	25.00	T04N R01W S13 NWNE	15.60
T04N R01W S13 SWNE	23.30	T04N R01W S13 SENE	17.80
T04N R01W S13 NESE	36.80	T04N R01W S13 NWSE	35.80
T04N R01W S13 SWSE	23.50	T04N R01W S13 SESE	37.50
T04N R01W S24 NENE	3.30	T04N R01W S24 NWNE	7.70

449 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 449 acres in a single irrigation season. Combined Right Nos.: 63-134, 63-33068, 63-33070.

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

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-33067, 63-33068, 63-33069, 63-33070, 63-382B, 63-31312, 63-31313.

DESIGNATED AS RIGHT NO 52 IN THE STEWERT DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

WATER IS DELIVERED THROUGH THE MASON-CATLIN CANAL

This right is a split from former right 63-133.

CERTIFICATE OF SERVICE

I certify that on August 29, 2008, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☒ Facsimile
E-mail

2. Copies to:

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

Ron Sali & Sali Properties
Represented by:
Michael C. Creamer
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720

State of Idaho, Dept. of Parks and Rec.
Represented by:
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 & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83734

Hart-Davis Ditch Co., Inc.

Represented by:

S. Bryce Farris

455 S. Third Street

P.O. Box 2773

Boise, ID 83701-2773

Mace Catlin Ditch Co.

Represented by:

Jon C. Gould

Ringert Clark Chartered

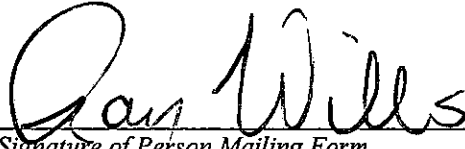
P.O. Box 2773

Boise, ID 83701

Ada County Courthouse

200 W. Front Street

Boise, ID 83702-7300


Signature of Person Mailing Form