



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 10, 2010

S. Bryce Farris
455 S. Third Street
P.O. Box 2773
Boise, ID 83701-2773

RE: SRBA Subcase Nos. 63-31937 & 63-32480 (Drainage Dist. No. 2)

Dear Bryce:

I am enclosing an SF5 for each of the above-referenced subcases. Please review the documents, and if they are acceptable, please sign on the indicated signature lines and initial the revised recommendations. After signature, please return the original SF5s to me. I will obtain the remaining signature and file the documents with the SRBA Court.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in blue ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

**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	)	Subcase No. 63-31937
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
_____	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/RESPONDENT:
Drainage Dist. No. 2

_____ S. Bryce Farris	_____ Date
Attorney for Claimant/Respondent	

Jan Shurte Date
Adjudication Supervisor


Nicholas B. Spencer Date 6-10-10
 Nicholas B. Spencer
 Deputy Attorney General
 Attorney for IDWR

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

RIGHT NUMBER: 63-31937

NAME AND ADDRESS: DRAINAGE DIST NO 2
C/O BRYCE FARRIS
RINGERT LAW ~~RINGERT CLARK CHARTERED~~
PO BOX 2773
BOISE ID 83701

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 100.000 CFS

PRIORITY DATE: 07/13/1923

POINT OF DIVERSION:

T03N R02E S5 SENE Within ADA County
T03N R02E S24 NWNE Lot 1 Within ADA County
T04N R01E S16 NESE Lot 8 Within ADA County
T04N R01E S23 NESE Lot 1 Within ADA County
T04N R01W S13 NENE Lot 1 Within ADA County
T04N R01W S14 NENW Lot 3 Within ADA County
T04N R01W S17 SWSW Lot 4 Within ADA CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	100.000 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.~~		

NBS

THE WATER AUTHORIZED BY THIS RIGHT IS CREDITED FOR DELIVERY TO THE FOLLOWING IRRIGATION CANALS AS A PERCENT OF THE TOTAL AUTHORIZED: FARMERS UNION CANAL--20.99 PERCENT; BOISE VALLEY CANAL--10.03 PERCENT; NEW DRY CREEK CANAL--9.47 PERCENT; NEW UNION CANAL--1.21 PERCENT; MIDDLETON CANAL--35.0 PERCENT; CANYON COUNTY CANAL--12.68 PERCENT; BALLENTYNE CANAL--3.04 PERCENT; BOISE CITY CANAL--3.01 PERCENT; LITTLE PIONEER CANAL--4.46 PERCENT.

PLACE OF USE:

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 29,309.15 ACRES WITHIN THE BOUNDARY OF DRAINAGE DISTRICT NO 2.~~This water is collected within the boundaries of Drainage District No. 2 and is limited to the irrigation of 31,536.3 ~~29,309.15~~ acres within the digital boundaries of the following ditch companies: Farmers Union Canal, Boise Valley Canal, New Dry Creek Canal, New Union Canal, Middleton Canal, Canyon County Canal, Ballentyne Canal, Boise City Canal, Little Pioneer Canal.

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.

The source of this right is wastewater collected by the rightholder and returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at points of diversion by the delivery organizations listed above, in the percentages indicated, to be used on the place of use within the boundaries for each individual delivery organization's rights.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01W, S13, NENE: 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01W, S14, NENE: ~~63-1~~, 63-183.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S23, NESE: 63-125K, 63-126G, 63-146, 63-161L, 63-205, 63-206, 63-207, 63-258B, 63-263, 63-286, 63-288B, 63-28977, 63-31778, 63-31806.

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

N135

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S16, NESE: 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, 63-31808.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, SENE: 63-120G, 63-123C, ~~63-123D, 63-123E, 63-123F, 63-123G~~, 63-124Q, 63-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31832.

THE FOLLOWING RIGHT IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S24, NWNE: 63-20041.

THE FOLLOWING RIGHTS IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01W, S17, SWSW: 63-163, 63-179B, 63-21761.

The source of this right is wastewater collected by the rightholder and returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at the points of diversion for each delivery organization. Because the source of this water right is based upon the water returned to the Boise River, and the historic administration of this right, the quantity of water exchanged and diverted upstream at the points of diversion for each delivery organization shall be curtailed only to the same extent that the amount of wastewater returned to the Boise River is reduced or less than the quantity provided in this right. This right is not subject to the Stewart Decree or the step down provisions and/or cuts provided in said Stewart Decree.

CERTIFICATE OF MAILING

I certify that on _____, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed 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

2. Copies to:

Drainage Dist. No. 2
Represented by:
S. BRYCE FARRIS
RINGERT LAW CHARTERED
455 S. THIRD ST.
P.O. BOX 2773
BOISE, ID 83701-2773

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney

**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	)	Subcase No. 63-32480
	)	<i>Uncontested Overlapping Right</i>
	)	<i>to 63-31937</i>
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
_____	)	WATER RIGHT

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The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Drainage Dist. No. 2

_____ S. Bryce Farris Attorney for Claimant	_____ Date
---	---------------

Jan Shurte
Adjudication Supervisor

Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-32480

NAME AND ADDRESS: DRAINAGE DISTRICT NO 2 OF ~~ADA COUNTY~~
C/O BRYCE FARRIS
RINGERT LAW ~~RINGERT CLARK CHARTERED~~
PO BOX 2773
BOISE ID 83701

SOURCE: UNNAMED DRAINS

TRIBUTARY: BOISE RIVER

QUANTITY: 50.000 CFS

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

PRIORITY DATE: 03/12/1923

POINT OF DIVERSION:

T04N R01W S5 NWSWSW Within ADA County

T04N R02W S10 SWNWSE Within CANYON County

This water right provides for the diversion of 36.5cfs from the Star Feeder in the NWSWSW, S5, T4N, R1W for the Middleton Mill Ditch Co and Middleton Irrigation Association, and 13.5 cfs from the Watts Check in the SWNWSE, S10, T4N, R2W for the Canyon County Water Co Ltd.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	50.000 CFS

PLACE OF USE:

~~9381.5 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.~~

The place of use for the 36.5 cfs from the Star Feeder is 5,193 acres to be used within the digital boundaries of the Middleton Mill Ditch Co and Middleton Irrigation Association Co Ltd. The place of use for the 13.5 cfs from the Watts Check is 1,916 acres to be used within the digital boundaries of the Canyon County Water Co Ltd.

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.

~~The place of use for the 36.5 cfs from the Star Feeder is 5,193 acres to be used within the boundaries of the Middleton Mill Ditch Co and Middleton Irrigation Association Co Ltd. The place of use for the 13.5 cfs from the Watts Check is 1,916 acres to be used within the boundaries of the Canyon County Water Co Ltd.~~

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.

NBS

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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BOISE, ID 83701-2773

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney