

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP - 7 2010

By _____ Clerk

Deputy Clerk

**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

Water Rights: 63-12461, 63-12470

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer
 - ☐ Point of diversion
 - ☐ Period of use
 - ☐ Split of water right
 - ☐ Other
 - ☐ Place of use
 - ☐ Nature of use
 - ☐ Change in ownership

XX IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:

Jan Shute 9/2/10
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on September 3, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Director of IDWR
PO Box 83720
Boise ID 83720

☒ hand-delivered

3. Copies to all parties to the subcase:

City of Boise
Public Works Dept
PO Box 500
Boise ID 83701-0500

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

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

RIGHT NUMBER: 63-12461

NAME AND ADDRESS:

CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE ID 83701-0500

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

4.580 CFS ~~6.400 CFS~~
1,030.500 AFY ~~0.000 AFY~~

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.

Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate.

PRIORITY DATE:

07/22/1998

~~THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.~~

POINT OF DIVERSION:

T01N R01E S23 SESW
Within ADA County

T01N R01E S24 SWSW
Within ADA County

T01N R01E S25 SENW
Within ADA County

T01N R01E S25 SESW
Within ADA County

T01N R01E S25 NWSE
Within ADA County

~~T01N R01E S27 SNNW~~
~~Within ADA County~~

T01N R01E S27 NWSW
Within ADA County

T01N R01E S33 NENE
Within ADA County

T01N R01E S34 SWNE
Within ADA County

T01N R01E S34 NWNW
Within ADA County

T01N R01E S35 NENW
Within ADA County

T01N R01E S35 NWNW
Within ADA County

T01N R01E S36 NENE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

4.580 CFS 1,030.50 AFY

~~6.400 CFS~~

PLACE OF USE:

IRRIGATION

within ADA County

T01N R01E S23 NESW 30.0

T01N R01E S23 NWSW 35.0

T01N R01E S23 SWSW 40.0

T01N R01E S23 SESW 40.0

T01N R01E S23 NESE 31.0

T01N R01E S23 NWSE 33.0

T01N R01E S23 SWSE 40.0

T01N R01E S23 SESE 40.0

T01N R01E S24 NESW 32.0

T01N R01E S24 NWSW 33.0

T01N R01E S24 SWSW 40.0

T01N R01E S24 SESW 33.0

T01N R01E S25 NENE 40.0

T01N R01E S25 NWNE 40.0

T01N R01E S25 SWNE 40.0

T01N R01E S25 SENE 40.0

T01N R01E S25 NENW 40.0

T01N R01E S25 NWNW 40.0

T01N R01E S25 SWNW 40.0

T01N R01E S25 SENW 40.0

T01N R01E S25 NESW 40.0

T01N R01E S25 NWSW 40.0

T01N R01E S25 SWSW 40.0

T01N R01E S25 SESW 40.0

T01N R01E S25 NESE 40.0

T01N R01E S25 NWSE 40.0

T01N R01E S25 SWSE 40.0

T01N R01E S25 SESE 15.0

T01N R01E S26 NENE 40.0

T01N R01E S26 NWNE 40.0

T01N R01E S26 SWNE 40.0

T01N R01E S26 SENE 40.0

T01N R01E S26 NENW 40.0

T01N R01E S26 NWNW 40.0

T01N R01E S26 SWNW 40.0

T01N R01E S26 SENW 40.0

T01N R01E S26 NESW 40.0

T01N R01E S26 NWSW 40.0

T01N R01E S26 SWSW 40.0

T01N R01E S26 SESW 40.0

T01N R01E S26 NESE 40.0

T01N R01E S26 NWSE 40.0

T01N R01E S26 SWSE 40.0

T01N R01E S26 SESE 40.0

T01N R01E S27 NENE 40.0

T01N R01E S27 NWNE 40.0

T01N R01E S27 SWNE 40.0
T01N R01E S27 SENE 40.0
T01N R01E S27 NENW 32.0
~~T01N R01E S27 NENW 40.0~~
T01N R01E S27 NWNW 32.0
~~T01N R01E S27 NWNW 40.0~~
T01N R01E S27 SWNW 36.0
~~T01N R01E S27 SWNW 40.0~~
T01N R01E S27 SENW 40.0
T01N R01E S27 NESW 8.0
~~T01N R01E S27 NESW 40.0~~
T01N R01E S27 NWSW 2.0
~~T01N R01E S27 NWSW 40.0~~
~~T01N R01E S27 SWSW 40.0~~
~~T01N R01E S27 SESW 40.0~~
T01N R01E S27 NESE 40.0
T01N R01E S27 NWSE 40.0
T01N R01E S27 SWSE 40.0
T01N R01E S27 SESE 40.0
T01N R01E S33 NENE 40.0
T01N R01E S33 NWNE 40.0
T01N R01E S33 SWNE 40.0
T01N R01E S33 SENE 40.0
T01N R01E S33 NENW 40.0
T01N R01E S33 SENW 40.0
T01N R01E S34 NENE 40.0
T01N R01E S34 NWNE 40.0
T01N R01E S34 SWNE 40.0
T01N R01E S34 SENE 40.0
T01N R01E S34 NENW 40.0
T01N R01E S34 NWNW 40.0
T01N R01E S34 SWNW 40.0
T01N R01E S34 SENW 40.0
T01N R01E S34 NESW 40.0
T01N R01E S34 NWSW 40.0
T01N R01E S34 SWSW 40.0
T01N R01E S34 SESW 40.0
T01N R01E S34 NESE 40.0
T01N R01E S34 NWSE 40.0
T01N R01E S34 SWSE 40.0
T01N R01E S34 SESE 40.0
T01N R01E S35 NENE 40.0
T01N R01E S35 NWNE 40.0
T01N R01E S35 SWNE 40.0
T01N R01E S35 SENE 40.0
T01N R01E S35 NENW 40.0
T01N R01E S35 NWNW 40.0
T01N R01E S35 SWNW 40.0
T01N R01E S35 SENW 40.0
T01N R01E S35 NESW 39.0
T01N R01E S35 NWSW 39.0
T01N R01E S35 SWSW 30.0
T01N R01E S35 SESW 31.0
T01N R01E S35 NESE 39.0

T01N R01E S35 NWSE 40.0
T01N R01E S36 NENE 32.0
T01N R01E S36 NWNE 37.0
T01N R01E S36 SWNE 3.0
T01N R01E S36 SENE 27.0
T01N R01E S36 NENW 40.0
T01N R01E S36 NWNW 40.0
T01N R01E S36 SWNW 17.0
T01N R01E S36 SENW 10.0

3776 ACRES TOTAL

320 ACRES TOTAL

This right is limited to the irrigation of 229 acres within the place of use described above in a single irrigation season.

Right Nos. 63-12461 and 63-12470 are limited to the irrigation of a combined total of 595 acres in a single irrigation season.

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.

To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes

<u>Right No.</u>	<u>Use Changed to Mitigation</u>	<u>Mitigation Rate (cfs)</u>	<u>Mitigation Volume (AF)</u>	<u>Mitigation Acres</u>
2-2268B	Irrigation	9.8	2317.6	579

The land that will no longer be irrigated under this right is located within the W 1/2 NE, W 1/2 SE and SW 1/4, Section 20 and W 1/2NE, N 1/2SW, and NW 1/4, Section 29, Township 07S, Range 13E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this water right shall be reduced by the same proportion as the reduction to the mitigation rights.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License Permit

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

The following rights are diverted through points of diversion described above: 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-8435, 63-9243, 63-9359, 63-12461, and 63-12470.

Water bearing zone to be appropriated is 300 to 600 feet.

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

RIGHT NUMBER: 63-12470

NAME AND ADDRESS:

CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE ID 83701-0500

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

7.320 CFS ~~8.990 CFS~~
1,647.000 AFY ~~0.000 AFY~~

Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate.

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.

PRIORITY DATE:

09/09/1998

~~THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.~~

POINT OF DIVERSION:

T01N R01E S23 SESW
Within ADA County

T01N R01E S24 SWSW
Within ADA County

T01N R01E S25 SENW
Within ADA County

T01N R01E S25 SESW
Within ADA County

T01N R01E S25 NWSE
Within ADA County

T01N R01E S27 NWSW
Within ADA County

T01N R01E S33 NENE
Within ADA County

~~T01N R01E S33 NENW~~
~~Within ADA County~~
~~T01N R01E S33 SENW~~
~~Within ADA County~~

T01N R01E S34 SWNE
Within ADA County

T01N R01E S34 NWNW
Within ADA County

T01N R01E S35 NENW
Within ADA County

T01N R01E S35 NWNW
Within ADA County

T01N R01E S36 NENE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/01 11/15	7.320 CFS 1,647.00 AFY
		~~8.800 CFS~~
~~STOCKWATER~~	~~01/01 12/31~~	~~0.190 CFS~~

PLACE OF USE:

IRRIGATION within ADA County

T01N R01E S23 NESW 30.0
T01N R01E S23 NWSW 35.0
T01N R01E S23 SWSW 40.0
T01N R01E S23 SESW 40.0
T01N R01E S23 NESE 31.0
T01N R01E S23 NWSE 33.0
T01N R01E S23 SWSE 40.0
T01N R01E S23 SESE 40.0
T01N R01E S24 NESW 32.0
T01N R01E S24 NWSW 33.0
T01N R01E S24 SWSW 40.0
T01N R01E S24 SESW 33.0
T01N R01E S25 NENE 40.0
T01N R01E S25 NWNE 40.0
T01N R01E S25 SWNE 40.0
T01N R01E S25 SENE 40.0
T01N R01E S25 NENW 40.0
T01N R01E S25 NWNW 40.0
T01N R01E S25 SWNW 40.0
T01N R01E S25 SENW 40.0
T01N R01E S25 NESW 40.0
T01N R01E S25 NWSW 40.0
T01N R01E S25 SWSW 40.0
T01N R01E S25 SESW 40.0
T01N R01E S25 NESE 40.0
T01N R01E S25 NWSE 40.0
T01N R01E S25 SWSE 40.0
T01N R01E S25 SESE 15.0
T01N R01E S26 NENE 40.0
T01N R01E S26 NWNE 40.0
T01N R01E S26 SWNE 40.0
T01N R01E S26 SENE 40.0
T01N R01E S26 NENW 40.0
T01N R01E S26 NWNW 40.0
T01N R01E S26 SWNW 40.0
T01N R01E S26 SENW 40.0
T01N R01E S26 NESW 40.0
T01N R01E S26 NWSW 40.0
T01N R01E S26 SWSW 40.0
T01N R01E S26 SESW 40.0
T01N R01E S26 NESE 40.0
T01N R01E S26 NWSE 40.0
T01N R01E S26 SWSE 40.0
T01N R01E S26 SESE 40.0
T01N R01E S27 NENE 40.0

T01N R01E S27 NWNE 40.0
T01N R01E S27 SWNE 40.0
T01N R01E S27 SENE 40.0
T01N R01E S27 NENW 32.0
T01N R01E S27 NWNW 32.0
T01N R01E S27 SWNW 36.0
T01N R01E S27 SENW 40.0
T01N R01E S27 NESW 8.0
T01N R01E S27 NWSW 2.0
T01N R01E S27 NESE 40.0
T01N R01E S27 NWSE 40.0
T01N R01E S27 SWSE 40.0
T01N R01E S27 SESE 40.0
T01N R01E S33 NENE 40.0
T01N R01E S33 NWNE 40.0
T01N R01E S33 SWNE 40.0
T01N R01E S33 SENE 40.0
T01N R01E S33 NENW 40.0
T01N R01E S33 SENW 40.0
~~T01N R01E S33 NESW 40.0~~
~~T01N R01E S33 NESE 40.0~~
~~T01N R01E S33 NWSE 40.0~~
T01N R01E S34 NENE 40.0
T01N R01E S34 NWNE 40.0
T01N R01E S34 SWNE 40.0
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T01N R01E S34 NENW 40.0
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T01N R01E S34 NESW 40.0
T01N R01E S34 NWSW 40.0
T01N R01E S34 SWSW 40.0
T01N R01E S34 SESW 40.0
T01N R01E S34 NESE 40.0
T01N R01E S34 NWSE 40.0
T01N R01E S34 SWSE 40.0
T01N R01E S34 SESE 40.0
T01N R01E S35 NENE 40.0
T01N R01E S35 NWNE 40.0
T01N R01E S35 SWNE 40.0
T01N R01E S35 SENE 40.0
T01N R01E S35 NENW 40.0
T01N R01E S35 NWNW 40.0
T01N R01E S35 SWNW 40.0
T01N R01E S35 SENW 40.0
T01N R01E S35 NESW 39.0
~~T01N R01E S35 NESW 40.0~~
T01N R01E S35 NWSW 39.0
~~T01N R01E S35 NWSW 40.0~~
T01N R01E S35 SWSW 30.0
~~T01N R01E S35 SWSW 40.0~~
T01N R01E S35 SESW 31.0
~~T01N R01E S35 SESW 40.0~~

T01N R01E S35 NESE 39.0
T01N R01E S35 NESE 40.0
T01N R01E S35 NWSE 40.0
T01N R01E S35 SWSE 40.0
T01N R01E S35 SESE 40.0
T01N R01E S36 NENE 32.0
T01N R01E S36 NWNE 37.0
T01N R01E S36 SWNE 3.0
T01N R01E S36 SENE 27.0
T01N R01E S36 NENW 40.0
T01N R01E S36 NWNW 40.0
T01N R01E S36 SWNW 17.0
T01N R01E S36 SENW 10.0

~~STOCKWATER Same as IRRIGATION~~

3776 ACRES TOTAL

~~440 ACRES TOTAL~~

This right is limited to the irrigation of 366 acres within the place of use described above in a single irrigation season.

Right Nos. 63-12461 and 63-12470 are limited to the irrigation of a combined total of 595 acres in a single irrigation season.

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.

To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
2-2268B	Irrigation	9.8	2317.6	579

The land that will no longer be irrigated under this right is located within the W 1/2 NE, W 1/2 SE and SW 1/4, Section 20 and W 1/2NE, N 1/2SW, and NW 1/4, Section 29, Township 07S, Range 13E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this water right shall be reduced by the same proportion as the reduction to the mitigation rights.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License Permit

The following rights are diverted through points of diversion described above: 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-8435, 63-9243, 63-9359, 63-12461, and 63-12470.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Water bearing zone to be appropriated is 300 to 600 feet.