

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-09661**
Date Received: 1/28/1993
Receipt No: C007069
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: STATE OF IDAHO 208-334-0200
Address: DEPT OF LANDS
1215 W STATE STREET
BOISE ID 83702

2. Date of Priority: JAN 16, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	02E	13		SW	NE		ADA
				NE	SW		ADA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	02E	13	NW	NE		IRR	35.0
			SW	NE		IRR	35.0
			NE	NW		IRR	35.0

MICROFILMED
OCT 08 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	13	SE	NW		IRR	5.0
Section Acres							110.0
Total Acres							110.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A63-10241

14. Remarks:
OWNERSHIP CHANGED BY LH 7/25/95.
CLAIM AMENDED PER APPLICATION FOR AMENDMENT OF A PERMIT DATED
01-19-96.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE
COPY OF APPROVED APPLICATION FOR AMENDMENT OF A PERMIT IN FILE.

15. Basis of Claim: PERMIT

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

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

MICROFILMED

OCT 08 1996

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

OCT 08 1996

10/93

 Receipt No. W018370
 Received By OS
 Date 11-21-94

RECEIVED

NOV 21 1994

 STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 03 1996

 WATER RESOURCES
 WESTERN REGION

Department of Water Resources

 Applicant State of Idaho, Idaho Historical Society Phone (208) 334-2682

 Address 210 W. Main Street, Boise, Idaho 83702

 I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-9661, and request that the permit and permit map be amended and/or changed as follows:

 Purpose of Amendment: Change point of diversion XX Add point of diversion
XX Change place of use Change nature of use Change period of use Other

 1. Point of diversion: 1/4 SW 1/4 NE 1/4, Section 13, Township 3N, Range 2E, B.M.,
 County of Ada. Other points of diversion NE 1/4 SW 1/4 sec. 13, T. 3 N., R. 2 E. B.M.
County of Ada

2. Period and nature of use: (Irrigation, domestic, stockwatering, industrial, etc.)

 Amount 2.20 cfs for Irrigation purposes from March 15 to November 15 (both dates inclusive)
 (cfs or acre feet per annum) (water use) (Begin month) (End month)

 Amount for purposes from to (both dates inclusive)
 (cfs or acre feet per annum) (water use) (Begin month) (End month)

 Amount for purposes from to (both dates inclusive)
 (cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2E	13		35	35		35			5									110

Total number of acres to be irrigated = 110

4. a. Who owns the property at the point of diversion? Boise City (added point of diversion)
- b. Who owns the land to be irrigated at the place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Pending agreement for joint use

MICROFILMED

OCT 08 1996

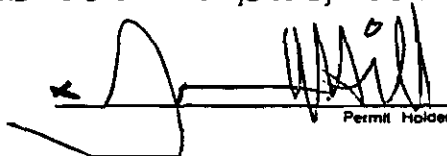
 NOTE: NEW NAME/ADDRESS (IDL) per 5/17/95 Assignment
 - SL 7/12/95

Complete the following map by showing land and point of diversion as proposed by this amendment.
 Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)

Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 19th day of November, 19 94


 Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by SL Publication prepared by SL Date _____
 Published in Snake Statesman Publication dates 1-19 + 26, 1995

I, L. GLEN SAXTON, of the Department of Water Resources hereby approve the above referenced application for amendment. See the attached sheet.

for the conditions of approval.

MICROFILMED

OCT 08 1990

Witness my hand this

19th

day of

January

19

96

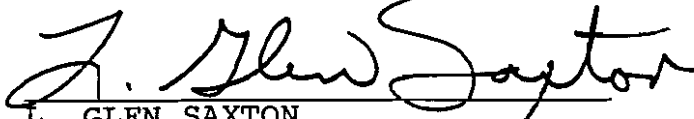
L. Glen Saxton

CONDITIONS OF APPROVAL

Amendment of Permit No. 63-09661

1. The previous conditions as set forth in Permit No. 63-09661 must be met.
2. 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 determine the amount of water diverted from power records and shall annually report the information to the department.
3. This permit does not authorize the construction of any new well or the deeping or enlargement of any existing well.
4. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
5. Use of water under this right may be affected by an agreement between the protestant and the right holder.

Dated this 19th day of January, 1996.


L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED
OCT 08 1990

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-09661**
Date Received: 1/28/1993
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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO 208-334-0200
Address: DEPT OF LANDS
1215 W STATE STREET
BOISE ID 83702

2. Date of Priority: JAN 16, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	13	SE	SW	NE		ADA
				NE	SW		ADA

5. Description of diverting works:
DRILLED WELL, 872 FT. DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.200		

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

8. Total consumptive use is 385.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	13	NW	NE		IRR	35.0
			SW	NE		IRR	
			NE	NW		IRR	35.0

MICROFILMED
OCT 08 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	13	SE	NW		IRR	5.0
Section Acres							110.0
Total Acres							110.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:
LEASED FROM STATE OF IDAHO, IDAHO HISTORICAL SOCIETY
THIS WELL FIRST USED FOR IRRIGATION IN 1965 BY STATE OF IDAHO,
DEPARTMENT OF CORRECTIONS; NO PERMIT ON FILE.
OWNERSHIP CHANGED BY LH 7/25/95.

15. Basis of Claim: PERMIT

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

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

MICROFILMED

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

JUL 20 1995

Department of Water Resources



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUN 22 1995

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 03N Range 02E
Section 13, 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

also SE 1/4 NE1/4 SW1/4; W1/2 NE1/4; E1/2 NW1/4 all in Sec. 13, T 3N, R 2E

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)

Assigned by IDWR: _____

A63-09661

[] Name and Address of Former
Owner/Claimant(s)(Seller):

State of Idaho, Dept of Education, Idaho Historical Society

210 Main St., Boise, ID 83702

(Lessee: Idaho Botanical Garden, 2355 E. Old Penitentiary Rd)

[] New Owner/Claimant
(Purchaser):

State of Idaho, Department of Lands

[] New Mailing Address:

1215 W. State Street, Boise, ID 83702

RECEIVED

JUL 21 1995

WATER RESOURCES
WESTERN REGION

[] New Telephone Number:

(208) 334-0200

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of
ownership, describe
proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New
Owner/Claimant(s)

JAY G BILADEAU - ASST DIRECTOR, LMR

Date

Date

[] Signature of Former
Owner/Claimant(s):

JOHN R HILL - DIRECTOR, IDAHO HISTORICAL SOCIETY

Date

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 7-25-95 By: JED

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 7-25-95 By: JED

Claim Numbers of Split, if any:

MICROFILMED

OCT 08 1995

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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IN RE THE GENERAL ADJUDICATION
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Receipt No: C007069
Received By: _____

~~AMENDED~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

FEB 1 1993

Department of Water Resources
Western Regional Office

1. Name: STATE OF IDAHO
Address: DEPT. OF EDUCATION
IDAHO HISTORICAL SOCIETY
610 N. JULIA DAVIS DR.
BOISE ID 83702

Name: IDAHO BOTANICAL GARDEN, LESSEE
Address: 2355 OLD PENITENTIARY RD.
BOISE ID 83712

208-343-8649

2. Date of Priority: JAN 16, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	02E	13	SE	SW	NE		ADA
				NE	SW		ADA

5. Description of diverting works:
DRILLED WELL, 872 FT. DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.200		

7. Total Quantity Appropriated is:
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8. Total consumptive use is 385.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
OCT 08 1996

A63-09661

Page 1

Date: 01/29/93

MICROFILMED
JUL 26 1994

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	02E	13	NW		NE		IRR	35.0
			SW		NE		IRR	35.0
			NE		NW		IRR	35.0
			SE		NW		IRR	5.0
							Section Acres	110.0
							Total Acres	110.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:
LEASED FROM STATE OF IDAHO, IDAHO HISTORICAL SOCIETY
THIS WELL FIRST USED FOR IRRIGATION IN 1965 BY STATE OF IDAHO,
DEPARTMENT OF CORRECTIONS; NO PERMIT ON FILE.

15. Basis of Claim: PERMIT

MICROFILMED
OCT 08 1996

~~MICROFILMED~~
~~JUL 26 1994~~

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
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CIVIL CASE NUMBER: 39576

Ident. Number: A63-09661
Date Received: 5/26/1989
Receipt No: C007069
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

RECEIVED

JAN 28 1993

Department of Water Resources

1. Name: STATE OF IDAHO
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IDAHO HISTORICAL SOCIETY
610 N. JULIA DAVIS DR.
BOISE ID 83702

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MICROFILMED
OCT 08 1996

A63-09661

Page 1

Date: 01/14/93

MICROFILMED
JUL 26 1994

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03N	02E	13	NW	NE		IRR	35.0
			SW	NE		IRR	35.0
			NE	NW		IRR	35.0
			SE	NW		IRR	5.0

Section Acres 110.0

Total Acres	110.0
-------------	-------

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Number of attachments:

MICROFILMED

061 08 1990

~~MICROFILMED~~

~~JUL 26 1994~~

For Organizations:

I do solemnly swear or affirm that I am President of
Title
Idaho Botanical Garden, that I have signed the foregoing
Organization
document in the space below as President of
Title
Idaho Botanical Garden and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Pres. Idaho Botanical Garden
Title and Organization

1/21/93
Date

State of Idaho)
County of) SS.

Subscribed and sworn (or affirmed) before me this 21st day

of January 19 93

Seal

[Signature]
Notary Public

Residing at Bonneville, Utah

My Commission Expires 10/20/93

MICROFILMED
OCT 08 1996

MICROFILMED
JUL 26 1994

POOR ORIGINAL

73N

R 2E

Sec. 13

2 PODs

SENESEW, SWNE

44T



THIS OWNERSHIP
CHANGE WAS
COMPLETED IN
1995.

NO ACTION NEEDED.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 03N Range 02E
Section 13, 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

- [] also SE1/4 NE1/4 SW1/4; N1/2 NE1/4; SE1/4 NE1/4 all in Sec. 13, T 3N R 2E
[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

- [] Water Right Number(s) _____
Assigned by IDWR: A63-10241

- [] Name and Address of Former Owner/Claimant(s)(Seller): State of Idaho, Dept of Education, Idaho Historical Society
210 Main St., Boise, ID 83702

- [] New Owner/Claimant (Purchaser): (Lessee: Idaho Botanical Garden, 2355 E. Old Penitentiary Rd)
State of Idaho, Department of Lands

- [] New Mailing Address: 1215 W. State Street, Boise, ID 83702

- [] New Telephone Number: (208) 334-0200

- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s) JAY G BILADEAU - ASST DIRECTOR, LMR Date 5/1/95
[] Signature of Former Owner/Claimant(s) JOHN R HILL - DIRECTOR IDAHO HISTORICAL SOCIETY Date 7/19/95

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

RECEIVED

JUN 22 1995

WATER RESOURCES
WESTERN REGION
RECEIVED

DEC 17 2002

Department of Water Resources

RECEIVED

MAY 13 2004

WATER RESOURCES
WESTERN REGION

SCANNED

MAY 17 2004

MAY 13 2004

Address http://wenet/apps/appsmisc/infoSearch.asp

WATER RESOURCES
WESTERN REGION

Information Search (WR/AJ)

B	Seq	S	Source Table	Basis	Status	Priority	Date	DL	Source List	Water Use List	Owner List	Ap
63	10241		wrAdjudicationClaim	License	Active	1984-05-30	0.26		GROUND WATER	DOMESTIC, IRRIGATION	STATE OF IDAHO (Current)	
63	10241		wrWaterApplication		Closed	1984-05-30	0.26		GROUND WATER	DOMESTIC, IRRIGATION		
63	10241		wrWaterRight	License	Active	1984-05-30	0.26		GROUND WATER	DOMESTIC, IRRIGATION	STATE OF IDAHO (Current)	
63	10241		wrWaterPermit		Closed	1984-05-30	0.26		GROUND WATER	DOMESTIC, IRRIGATION	STATE OF IDAHO (Current)	

The number of records is 4

View
DocumentsPrint Proof
ReportPrint Transfer
Part 2

Parameters

Results

Done

Start

Inbox - Microsoft Outlook

Search Information - ...

Wenet - Wenet - Microsof...

SCANNED

MAY 17 2004

RECEIVED

MAY 13 2004

WATER RESOURCES
WESTERN REGION

AGREEMENT

This AGREEMENT, made this 21st day of February, 1995, by and between the City of Boise, hereinafter referred to as CITY, the Idaho Botanical Garden, hereinafter referred to as IBG and the Department of Lands, hereinafter referred to as STATE, sets forth the agreement for the establishment, operation, and maintenance of a Joint Irrigation Project.

WHEREAS, CITY is a municipal corporation organized under the laws of the State of Idaho and is a lessee of state lands, lease #M-2033, formerly number M-276, located within the Old Penitentiary site known as Quarry View park; and

WHEREAS, IBG is a private non-profit corporation organized under the laws of the State of Idaho and is a lessee of state lands, lease #M-6026, located at the Old Penitentiary site known as the Idaho Botanical Garden; and

WHEREAS, STATE is acting on behalf of the State of Idaho; and

WHEREAS, STATE has a permit, number 63-09661 and a license, number 63-10241, for the diversion of water from a well generally known as the Old Penitentiary Well No. 1, hereinafter referred to as Well #1; and

WHEREAS, IBG has existing rights to use water from Well #1 under the above noted STATE permit and license pursuant to long term lease #M-6040 between STATE and IBG and;

SCANNED

MAY 17 2004

WHEREAS, CITY as lessee, has a permit, number 63-10022, for the diversion of water from a well located in CITY's Quarry View Park, hereinafter referred to as Quarry View Park Well; and

WHEREAS, the parties desire to enter into an agreement to establish a Joint Irrigation Project, hereinafter referred to as the PROJECT, as shown in Exhibit A hereof, and establish rights and responsibilities of the parties for funding, constructing, and operating the PROJECT; and

WHEREAS, an additional point of diversion for the existing water rights of STATE and CITY has been obtained for a well generally referred to as Old Penitentiary Well No. 2, hereinafter referred to as Well #2, which is located on CITY property at the Warm Springs Golf Course; and,

WHEREAS, the PROJECT will include the design, purchase, installation, and operation of an irrigation system to serve properties owned or leased by the parties, the estimated costs of such being set forth in Exhibit B hereof.

NOW, THEREFORE, in consideration of the mutual benefits to the parties, it is agreed as follows:

1. CITY shall:
 - a. Provide all routine engineering, survey, inspection, legal and management services for the design of the PROJECT, without charge or reimbursement from the parties or from loans or grants obtained for the PROJECT.

- b. Prior to completion of construction of the PROJECT, prepare an annual operating budget and operating procedures for review and approval by all parties.
- c. Arrange for electric service for operating the PROJECT and receive the PROJECT electric service billing from the Idaho Power Company. The PROJECT shall have water meters to measure the water use by each party and such meters shall be read monthly by CITY personnel coincidentally to the reading of the electric meter for the water pump.
- d. Timely pay its proportionate share of debt service and loan repayment costs of the PROJECT.
- e. Operate and maintain the PROJECT in the best interest of all parties.
- f. Agree that water from the PROJECT shall be used only for irrigation.
- g. When the PROJECT is completed, and so long as it remains operational and provides an adequate supply of water, agree to use Well #2 for irrigation purposes in lieu of the Quarry View Park Well.
- h. In the event the CITY obtains the rights to use of Well #2, as a supplemental or secondary source of irrigation water for the Warm Springs Golf Course, the CITY may use Well #2 for such use provided such use does not unreasonably interfere

with use of Well #2 by IBG or the STATE and provided said use is metered and paid for in accordance with Section i below.

- i. Timely pay its proportionate share of the charge for electric service based upon the metered water usage plus fifty percent (50%) thereof, for deposit into a special reserve fund, hereinafter referred to as FUND, in accordance with Section 4(b) hereof.

2. IBG shall:

- a. File an application with the Department of Water Resources seeking a grant from the Water Management Account or other available sources. All grant monies issued by the Water Management Account or other sources shall be applied to funding costs of constructing the main water line and related improvements from Well #2 to Well #1 as shown in Exhibits A and B hereof.
- b. File an application with the Department of Water Resources seeking a loan from the Revolving Development Account or other sources. All monies from loans shall, after payment of the costs of the loan application, be applied to funding costs of constructing the main water line and related improvements from Well #2 to Well #1 as shown in Exhibit A hereof. Loan monies received in excess of those necessary to construct the main water line and related improvements between Well #1 and Well #2 may be applied toward the costs of constructing the branch service lines for

CITY's Quarry View Park and the STATE's Old Penitentiary. Any loan monies remaining after construction of the main and branch service lines shall be applied to repayment of the loan principal.

- c. Using the PROJECT drawings and specifications prepared by the CITY, arrange for and administer construction of the PROJECT and keep a detailed accounting of all costs associated with the PROJECT and provide CITY and STATE copies of such accounting records upon request.
- d. Timely pay its portion of debt service and loan repayment costs.
- e. Agree that water from the PROJECT shall be used only for irrigation.
- f. When the PROJECT is completed, and so long as it remains operational and provides an adequate supply of water, agree to use Well #2 for irrigation purposes in lieu of Well #1.
- g. Timely pay its proportionate share of the electric service bill based upon the metered water usage plus fifty percent (50%) thereof, for deposit into the FUND, in accordance with Section 4(b) hereof.
- h. Agree to permit the use of the current existing reservoir for the PROJECT.

- i. Agree to allow CITY use of water from Well #2 for irrigation of Warm Springs Golf Course, subject to CITY receipt of water rights for the Warm Springs Golf Course provided such use does not interfere with use of Well #2 by IBG or STATE.
3. STATE or its designated representative shall:
- a. Pay all costs associated with the construction of any branch service line and/or water meter from the existing water line to the Old Penitentiary or other state land for state use.
 - b. Agree that water from the PROJECT shall be used only for irrigation.
 - c. When the PROJECT is completed, and so long as it remains operational and provides an adequate supply of water, agree to use Well #2 for irrigation purposes in lieu of Well #1.
 - d. Timely pay its proportionate share of the electric service bill based upon the metered water usage plus fifty percent (50%) thereof, for deposit into the FUND, in accordance with Section 4(b) hereof.
 - e. Agree to permit the use of the current existing reservoir for the PROJECT.

- f. Agree to permit installation of the main water line and branch service lines and related improvements upon its property as shown in Exhibit A. Said main water line and branch service lines to be incorporated into Lease M-6026 and Lease M-2033.. No additional rent will be charged for these water lines.
- g. Agree to allow CITY use of water from Well #2 for irrigation of Warm Springs Golf Course, subject to CITY receipt of water rights for the Warm Springs Golf Course provided such use does not interfere with use of Well #2 by IBG or STATE.

4. Proportionate sharing of costs:

- a. All parties agree that costs for construction of the PROJECT, debt service and related costs of funds borrowed for development of the PROJECT shall be shared as follows:
 - 1. Direct costs to third parties, debt service and loan expenses pertaining to construction of the main water line and related improvements from Well #1 to Well #2 to be shared as shown on Exhibit "B" between CITY and IBG.
 - 2. All costs, debt service, and loan expenses pertaining to extending the branch service line and a meter to serve CITY's Quarry View Park shall be paid by CITY.

3. All costs, debt service, and loan expenses for extending the branch service line and a meter to the Old Penitentiary or other state property for state use shall be paid by STATE, if such is installed.
- b. Each shall pay its share of charges for PROJECT electric services as billed monthly by CITY in proportion to their metered water usage. In addition, each party shall pay an additional sum, an amount over and above their monthly charge for electric service, equal to fifty percent (50%) of said charges for electric service.
1. Said additional sum shall be deposited by CITY into an interest bearing account which shall be a special reserve fund referred to herein as FUND.
 2. FUND shall be used for the express purpose of paying expenses necessary to repair, replace or maintain PROJECT as agreed upon by all parties.
 3. At such time as the FUND shall equal five thousand dollars (\$5,000), no additional contribution of the parties to the FUND shall be required, except as provided below.
 4. When authorized FUND expenditures reduce the balance to less than five thousand dollars (\$5,000), all parties shall resume monthly contributions in the manner described in 4(b) until FUND is replenished to five thousand dollars (\$5,000).

5. CITY shall provide a detailed statement of expenditures annually and at other times upon reasonable request of the parties.

5. Additional terms:

- a. Costs of necessary easements, if any, to be acquired from third parties are to be included as a cost of constructing the main water line from Well #1 to Well #2.
- b. The parties may use water from the PROJECT in the quantities and for the uses permitted at any time their respective water right/permit allows.
- c. Any money received from the Boise Warm Springs Water District shall be applied to costs incurred for extending the water system from Well #1 to Well #2.
- d. If anticipated or quoted cost estimates exceed the projected costs, as described in Exhibit B hereof, the parties, by mutual agreement, may (1) make alternative financing arrangements to cover the additional costs; or (2) cancel the PROJECT if construction has not begun or if all parties consent by written agreement to do so.
- e. If significant expenditures are required to keep the PROJECT operational and there is not adequate money in the FUND, the parties shall have the option to (1) no longer use the PROJECT, provided that all other financial obligations required by this Agreement have been met or (2) secure additional funds to pay for repair,

replacement, and maintenance expenditures. Repair, replacement, and maintenance costs shall be split on a proportional basis based upon the metered water usage by the parties over the immediately preceding three year period.

- f. All parties hereby grant mutual rights of access to all portions of the PROJECT for the operation, repair, and maintenance of the PROJECT. If any party chooses to forfeit their right to use the PROJECT, the remaining parties shall have the right to continue to repair, maintain, and operate the PROJECT and shall continue to have access to all properties, including the existing reservoir and piping, for said repair, maintenance, and operation. The forfeiting party shall be reimbursed any uncommitted monies in the FUND in the amount of its actual contribution of the then existing FUND balance.
- g. Should the parties, by written mutual agreement, consent to abandon the PROJECT, any costs relating thereto shall be first paid from the FUND balance, if any, and then shared by each party proportionate to metered water usage during the immediately preceding three (3) year period. If the PROJECT is to be abandoned, any party may, with the written approval of all other participants and at its own expense, salvage all or a portion of the PROJECT, and shall be entitled to retain the value of such salvaged portion.

- h. Should the parties fail to obtain adequate funding as described in 2(a) and (b) above, or the PROJECT system is not operational within five (5) years from the execution of this AGREEMENT, then any party may declare this agreement null and void.
- i. This AGREEMENT may be amended at any time by the agreement of all parties. Any party seeking an amendment shall provide thirty (30) days written notice to the other parties. All parties shall conduct negotiations for amendment terms in good faith.
- j. All parties shall meet annually, at the beginning of the irrigation season, to review payments, policies and procedures.

6. Insurance

Each party will maintain and keep in force and effect during the life of this AGREEMENT public liability and property damage insurance in the minimum amounts required by Idaho Code Section 6-924.

7. Termination - Default

IBG, STATE and CITY agree that in the event of a default by any party, the non-defaulting party(s) shall give sixty (60) days notice to the defaulting party(s) of the default. The defaulting party(s) shall have said sixty (60) days to correct the default. If the default is not

corrected within sixty (60) days, the non-defaulting party(s) may institute further proceedings due to the default, however, it is the intent and agreement of the parties that connection of water facilities shall occur, if at all possible, and any default shall be remedied by the defaulting party with the defaulting party paying any cost or expense of the non-defaulting party as a result of the default. The defaulting party shall pay, all reasonable costs and attorney's fees incurred in enforcing the provisions of this AGREEMENT.

8. Dispute Resolution

If a dispute between the parties arises out of or relates to this AGREEMENT, or the breach thereof, and if the dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by mediation before resorting to litigation or other dispute resolution procedure. The parties shall share equally the mediator's fees and expenses.

9. Attorneys Fees and Engineers

IBG, STATE, and CITY agree that in the event of a default by any party, the non-defaulting party shall be entitled to recover and the defaulting party shall pay, all reasonable costs and attorney's fees incurred in enforcing the provisions of this Agreement. It is further agreed by IBG, STATE and CITY that each of them is represented by its own counsel and engineer; that neither party has relied on statements or representation by others counsel or engineer, and have been advised and counseled by its own attorney, engineer or other competent persons regarding all matters which pertain to this transaction.

10. Notices

Any notices required or allowed in this AGREEMENT shall be effectively given if placed in a sealed envelope, postage prepaid, and deposited in the mail, registered or certified, addressed as follows:

To the CITY: Boise City Department of Parks and Recreation
 Attn: Director
 1104 Royal Blvd.
 Boise, ID 83706-2898

To IBG: Idaho Botanical Garden
 P.O. Box 2140
 Boise, ID 83702

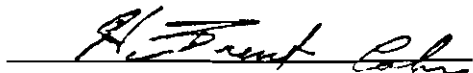
To The STATE: State of Idaho Department of Lands
 PO Box 83720
 Boise, ID 83720-0050

11. This AGREEMENT may not be assigned or transferred without the express written consent of all parties.

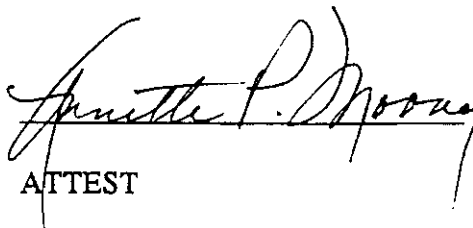
12. Term: This AGREEMENT shall be for a period of ten (10) years with automatic annual renewal, with approval of all parties.

END OF AGREEMENT

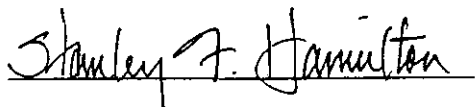
Executed this day and year above written.



CITY OF BOISE

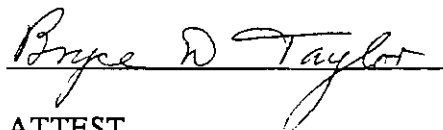


ATTEST

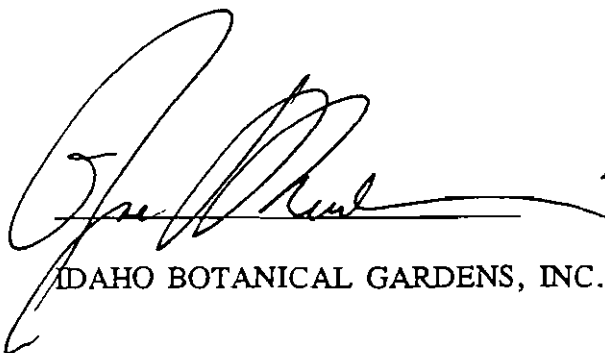


STATE OF IDAHO

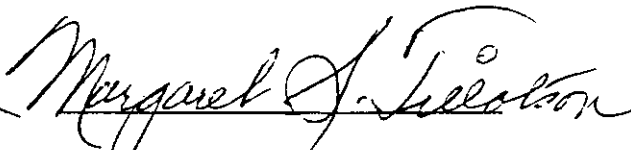
DEPARTMENT OF LANDS



ATTEST



IDAHO BOTANICAL GARDENS, INC.

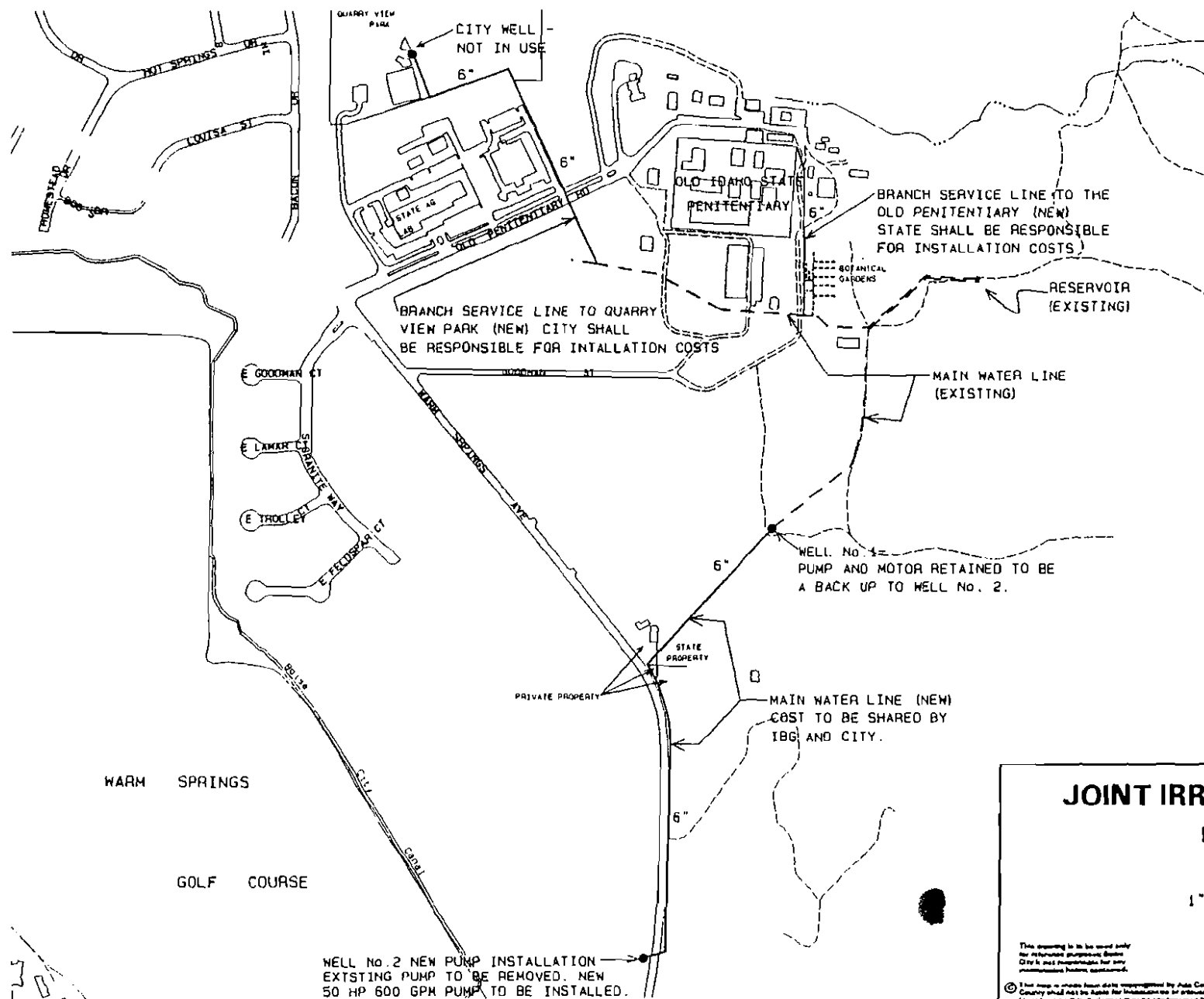


ATTEST

Exhibit "A" - PROJECT Map

Exhibit "B" - PROJECT Cost Estimate

2WP/4WP/AL/GEO-91.Agr



JOINT IRRIGATION PROJECT

EXHIBIT "A"

1" = 400 Feet

This drawing is to be used only for reference purposes. Before City it shall be responsible for any modifications herein suggested.

© This map is made from data copyrighted by Ada County. Ada County shall not be liable for installation or otherwise of this map. Except bearing this disclaimer they are not intended for any purpose, use in any other form requires the written consent of Ada County.



CH019302

SCANNED
MAY 17 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 • (208) 334-2190
FAX (208) 334-2348

JULY 3, 1995

RECEIVED

PHILIP E. BATT
GOVERNOR

MAY 13 2004

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
DEPARTMENT OF LANDS
1215 W STATE STREET
BOISE ID 83702

WATER RESOURCES
WESTERN REGION

Dear Wateruser(s):

This office has reviewed the **Notice of Change of Water Right Ownership** form submitted to our office. However, due to the items checked below, we cannot continue to process this ownership change. We are returning the Notice of Change of Ownership to you to COMPLETE OR RESEARCH ONLY THE FOLLOWING ITEM(S) SHOWING A CHECKMARK IN THE BLANK FOR THAT ITEM(S). SEE PAGE 2.

There is no existing water right in our records either under the former owner's name or for the legal description given. If, after contacting the former owner, you find more information concerning a water right, please contact us.

Legal description of property. Please complete showing the legal description by 1/41/4 (40-acre tract), section, township and range for the property changing ownership. If you only have a subdivision lot & block legal description, please send us a copy of your subdivision plat map.

It appears you receive your water from an irrigation district, ditch company, municipality or community water company. If this is the case, then the water right remains in the name of this entity and you should contact them concerning the ownership change.

Name and address of former owner (seller). This will clarify the original owner of the water right.

Name, address and phone number of new owner (purchaser).

This change in ownership appears to result in a splitting of the water right. A split of the water right occurs when the ownership change affects only a portion of the original right. In order to accurately split this right we must know what portion of the right was sold. The amount of water in CFS, the place of use by 1/4 1/4 with the number of acres in each 1/41/4 (if applicable) and the point of diversion by 1/41/4, Section, Township and Range is needed. If this right is not being split, please submit proof of ownership for the remaining portion.
Enclosed is a computer copy of this right for your review.

Proof of ownership is needed. This proof can be a copy of the warranty deed, sales contract or tax assessment in your name which includes a description of this property by 1/41/4, Section, Township and Range.

SCANNED

MAY 17 2004

542
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-09661
Date Received: 5/26/1989
Receipt No: C007069
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF EDUCATION
IDAHO HISTORICAL SOCIETY
610 N. JULIA DAVIS DR.
BOISE, ID 83702

Name: IDAHO BOTANICAL GARDEN, LESSEE 208-343-8649
Address: 2355 OLD PENITENTIARY RD.
BOISE, ID 83712

2. Date of Priority: JAN 16, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	13	SW	NE			ADA

5. Description of diverting works:
DRILLED WELL, 872 FT. DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.200		

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

8. Total consumptive use is 385.0 Acre Feet Per Annum.

9. Non-irrigation uses:

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OCT 08 1990

A63-09661

Page 1

Date: 04/15/91

MICROFILMED
AUG 24 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	13	NW	NE		IRR	35.0
			SW	NE		IRR	35.0
			NE	NW		IRR	35.0
			SE	NW		IRR	5.0
					Section Acres		110.0
					Total Acres		110.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:
LEASED FROM STATE OF IDAHO, IDAHO HISTORICAL SOCIETY
THIS WELL FIRST USED FOR IRRIGATION IN 1965 BY STATE OF IDAHO,
DEPARTMENT OF CORRECTIONS; NO PERMIT ON FILE.

15. Basis of Claim: PERMIT

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:

MICROFILMED
OCT 08 1994

~~MICROFILMED~~
AUG 24 1992

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

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OCT 08 1990

MICROFILMED
AUG 24 1992

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-09661
Date Received: 5/26/1989
Receipt No: C007069
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
APR 11 1991

Department of Water Resources

1. Name: STATE OF IDAHO
Address: DEPT. OF EDUCATION
IDAHO HISTORICAL SOCIETY
210 Main Street
BOISE, ID

83702

Name: IDAHO BOTANICAL GARDEN, LESSEE
Address: 2355 OLD PENITENTIARY RD.
BOISE, ID

208-343-8649

83712

2. Date of Priority: JAN 16, 1981

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	13	SW	NE			ADA

5. Description of diverting works:
DRILLED WELL, 872 FT. DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.200		

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

A.F.A.

8. Total consumptive use is 385.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
OCT 08 1990

A63-09661

Page 1

Date: 03/07/91

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AUG 24 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	13	NW	NE		IRR	35.0
			SW	NE		IRR	~~40.0~~ 35.0 CUB, BEM
			NE	NW		IRR	35.0
			SE	NW		IRR	5.0 CUB, BEM
						Section Acres	110.0
						Total Acres	110.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:
LEASED FROM STATE OF IDAHO, IDAHO HISTORICAL SOCIETY
THIS WELL FIRST USED FOR IRRIGATION IN 1965 BY STATE OF IDAHO,
DEPARTMENT OF CORRECTIONS; NO PERMIT ON FILE.

15. Basis of Claim: PERMIT

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: _____

MICROFILMED
AUG 24 1992

For Organizations:

I do solemnly swear or affirm that I am Historical Sites Administrator of
Idaho Historical Society, that I have signed the foregoing
Organization
document in the space below as Historical Sites Administrator of
Idaho Historical Society and that the statements contained in the
Organization
foregoing document are true and correct.

Christine N. Brady
Signature of Authorized Agent
Historical Sites Administrator
of the Idaho Historical Society
Title and Organization
April 11, 1991
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of April 19 91

Maureen Savitt
Notary Public

Seal

Residing at Boise Id
My Commission Expires 5/30/94

17. Notice of Appearance:

Notice is hereby given that I, Elaine F. Eberharter-Maki will be
Print Name
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 Elaine Eberharter-Maki

Address Attorney General's Office
Department of Education
620 West State Street, Boise, Idaho 83720
Date April, 1991

With a copy to: Dale G. Higer
Eberle, Berlin, Kading, Turnbow & McKlveen, Chartered
P. O. Box 1368
Boise, Idaho 83701

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OCT 08 1996

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AUG 24 1992

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A63-09661

Date Received

5-24-1989

Receipt Number

C007069

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAY 24 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Idaho Botanical Garden Phone (208) 343-8649
Mailing Address 2355 Old Penitentiary Road, Boise, Idaho Zip 83712
2. Date of Priority (Only one (1) per claim) January 16, 1981
3. Source of water supply (a) Groundwater
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 3N. Range 2E. Section 13,
_____ 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Ada
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.
Drilled well, 872 ft. deep.

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MICROFILMED

AUG 24 1992

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 2.20 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 2.20 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is 3.0 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:

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	
3N	2E	13		35	40		35												110

Total number of acres irrigated 110

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

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.
or None ()

14. Remarks: Leased from State of Idaho, Idaho Historical Society

This well first used for irrigation in 1965 by State of Idaho

Department of Corrections; no permit on file.

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OCT 08 1990

Last Name Idaho Botanical Garden Ident No.

MICROFILMED

Copies: White - State, Yellow - Claimant

AUG 24 1992

Scale: 2 inches equals 1 mile

T3N R3E

[illegible]

Copies: White-State, Yellow-Claimant

~~MICROFILMED~~

~~-Claimant~~
AUG 24 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit X
Decree _____
If applicable provide IDWR Water Right Number 63-9661
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 X do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments None

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 President Title _____
of Idaho Botanical Garden Organization _____, that I have signed the foregoing
document in the space below as President Title _____ of Idaho Botanical Garden Organization _____
and that the statements contained in the foregoing document are true and correct.

X Signature of Authorized Agent [Signature]
Title and Organization President, Idaho Botanical Garden Date May 22, 1989

State of Idaho Xor _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22nd day of May 19 89

SEAL

Notary Public [Signature]

Residing at Boise, Idaho

My Commission Expires 5/30/94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Dale G. Higer 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.

X Signature [Signature]
Dale G. Higer
Address Eberle, Berlin, Kading, Turnbow
& Gillespie, Chartered
Date P.O. Box 1368
Boise, Idaho 83701

May 22, 1989

Last Name Idaho Botanical Garden Ident. Number _____

MICROFILMED
OCT 08 1990

MICROFILMED
AUG 24 1992

Copies White-~~Red~~ Yellow-~~Green~~ Blue-~~Black~~

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 63-09661 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
STATE OF IDAHO

1 - DEPT. OF EDUCATION
2 - IDAHO HISTORICAL SOCIETY
3 - 610 N. JULIA DAVIS DR.
City- BOISE State- ID Zip- 83702
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/16/1981 14 P - PERMIT

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

03N 02E 13 SW NE (1) ADA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 2.200

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
2.200

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

03N 02E 13 NW NE 35.0 01 IRRIGATION (1) ADA
03N 02E 13 SW NE 40.0 01 IRRIGATION (1) ADA
03N 02E 13 NE NW 35.0 01 IRRIGATION (1) ADA

Total Acres: 110.0

+ - - Diversion Means - WELL & PUMP.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Conditions of Approval - - - - - +
01C - A flow measurement port or other device as specified by the
- Department shall be installed by the permit holder to provide for
- the installation of measuring equipment and the determination of

MICROFILMED
OCT 08 1996

MICROFILMED
AUG 24 1992

Proof Due Date	- 03/01/1991	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 03/03/1981	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

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OCT 08 1996

MICROFILMED

AUG 24 1992

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

RIGHT NUMBER: 63-9661

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST 954 W JEFFERSON
PO BOX 83720
BOISE ID 83720-0050

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.550 CFS ~~2.20 CFS~~
123.800 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 of the lands above.

PRIORITY DATE: 01/16/1981

~~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:

T03N R02E S13 NESW Within ADA County
~~T03N R02E S13 SWNE Within ADA County~~

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	~~03/15~~ <u>03/01</u> 11/15	<u>0.550 CFS</u> ~~2.20 CFS~~ <u>123.80 AFY</u>

PLACE OF USE: IRRIGATION in ADA County

T03N R02E S13	NWNE	<u>24.00</u>	~~35.0~~	T03N R02E S13	SWNE	<u>19.00</u>	~~35.0~~
T03N R02E S13	NENW	<u>17.00</u>	~~35.0~~	T03N R02E S13	SENW	<u>2.00</u>	~~5.0~~

62 ACRES TOTAL ~~110 ACRES~~

This right is limited to the irrigation of a specific 27.5 acres within the 62.0 acre place of use authorized by this right in a single irrigation season. The specific 27.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 27.5 acres to be irrigated within the 62.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

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 - License ~~Permit~~

The diversion and use of water described in this right may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

The following rights are diverted through point(s) of diversion described above: 63-9661, 63-10022, and 63-10241.

Water bearing zone to be appropriated is from 120 to 192 feet. This right holder shall not deepen or enlarge the well used as a point of diversion for this right unless prior approval is obtained from the Department.

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.

**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: 63-9661

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer

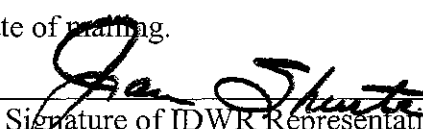
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

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: December 22, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on December 22, 2008, 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
Office 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

3. Copies to all parties to the subcase:

State of Idaho
Dept of Lands
300 N 6th St
PO Box 83720
Boise ID 83720-0050

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

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


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 22, 2008

STATE OF IDAHO
DEPT OF LANDS
PO BOX 83720
BOISE ID 83720-0050

Re: Water Right No. 63-9661

Dear Sir or Madam:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an approved license. This notification to the Court does not affect the previous approval of this license or your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

JS:lh
Enclosures

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-09661

Priority: January 16, 1981

Maximum Diversion Rate: 0.55 CFS
Maximum Diversion Volume: 123.8 AF

It is hereby certified that STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST
PO BOX 83720
BOISE ID 83720-0050 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated January 16, 1981; and has
submitted Proof of Beneficial Use on August 22, 2007. An examination indicates that the works have a
diversion capacity of 1.97 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/01 to 11/15	0.55 CFS	123.8 AF

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, Twp 03N, Rge 02E, B.M. ADA County**PLACE OF USE:** IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 02E 13		24.0	19.0		17.0			2.0									62.0

Total Acres: 62.0

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. 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.
3. The following rights are diverted through point(s) of diversion described above: 63-9661, 63-10022, and 63-10241.
4. This right is limited to the irrigation of a specific 27.5 acres within the 62.0 acre place of use authorized by this right in a single irrigation season. The specific 27.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 27.5 acres to be irrigated within the 62.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-09661

5. 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.
6. The diversion and use of water described in this right may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
7. Water bearing zone to be appropriated is from 120 to 192 feet. This right holder shall not deepen or enlarge the well used as a point of diversion for this right unless prior approval is obtained from the Department.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 12th day of November, 2008.



DAVID R. TUTHILL, JR.
Director

RECEIVED

MAY 18 2007

DEPARTMENT OF
WATER RESOURCES

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

MAY 17 2007

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

) ORDER STAYING ENTRY OF PARTIAL
) DECREES PENDING ISSUANCE OF
) LICENSE AND REQUEST FOR NCAP
)

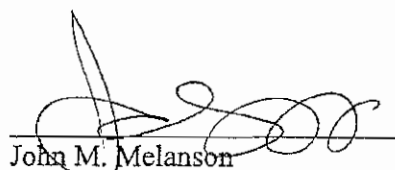
) For Water Right Claims: 63-09661 and 63-
) 09341
)

_____)
This matter came before this Court pursuant to a status conference set by the Court. Both of the above-captioned water right claims were made pursuant to a permit but prior to the proof of beneficial use and issuance of the license. The Court held a status conference to determine the status of the licenses so that the *Partial Decrees* could be issued consistent with the elements contained in the license. Because the licenses will be issued in the next few months the Court will delay the entry of the *Partial Decrees* until after the licenses are issued.

Therefore, IT IS HEREBY ORDERED that the entry of the *Partial Decrees* for the above-captioned water rights is stayed pending the issuance of the licenses for the respective rights. Once the licenses have been issued it is requested that the Idaho Department of Water Resources file a *Notice of Completed Administrative Proceeding (NCAP)* notifying the Court of the issuance of the licenses and the elements for the respective water rights.

IT IS SO ORDERED.

DATED: May 17, 2007


John M. Melanson
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER STAYING ENTRY OF PARTIAL DECREES PENDING ISSUANCE OF LICENSE AND REQUEST FOR NCAP was mailed on May 17, 2007, with sufficient first-class postage to the following:

STATE OF IDAHO
DEPT OF ADMINISTRATION
DIVISION OF PUBLIC WORKS
502 N 4TH ST
BOISE, ID 83720-0072
Phone: 208-332-1930

STATE OF IDAHO
DEPT OF LANDS
954 W JEFFERSON
PO BOX 83720
BOISE, ID 83720-0050
Phone: 208-334-0200

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 5/17/07

FILE COPY FOR 01476

Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

SANDY
63-9341

Shurte, Jan

From: Lester, Steve
Sent: Friday, January 26, 2007 9:16 AM
To: Harvey, Becky
Cc: Shurte, Jan
Subject: RE: Feb. 13th hearing on 63-9341 & 63-9661

Becky:

I checked into this and found the following:

1) 63-9341 - proof filed, completed field exam is at SO, draft license prepared but not issued, suggest check with SO Water Permit Section on that.

2) 63-9661 - request for extension of time to file proof is pending at SO (along with many others in Boise Front GWMA), cannot do field exam and issue license until extension resolved and proof filed etc. See Shelley's 9/9/2003 letter in file for good summary about extension, filing proof etc.

Regional Office has no control over the above factors, all decision-making in that regard must flow from SO Water Permit Section.

Hope this summary is helpful.

Steve

-----Original Message-----

From: Harvey, Becky
Sent: Thursday, January 25, 2007 2:06 PM
To: Egbert, Sandy; Shurte, Jan; Lester, Steve
Cc: Spencer, Nick
Subject: Feb. 13th hearing on 63-9341 & 63-9661

Judge Melanson set a hearing for Feb. 13 to determine the status of the licensure proceedings regarding these SRBA water right recommendations since they were reported to the court as permits. Nick will need to know what the status on issuing the license is before February 13th. Any information you are able to provide will be appreciated. Thank you.

Becky

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank you.

02/07/2005

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

RIGHT NUMBER: 63-9661

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
954 W JEFFERSON
PO BOX 83720
BOISE ID 83720-0050

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.200 CFS

PRIORITY DATE: 01/16/1981

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:

T03N R02E S13 SWNE Within ADA County

T03N R02E S13 NESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	2.200 CFS

PLACE OF USE: IRRIGATION Within ADA County

T03N R02E S13	NWNE	35.0	T03N R02E S13	SWNE	35.0
T03N R02E S13	NENW	35.0	T03N R02E S13	SENW	5.0

110 ACRES TOTAL

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

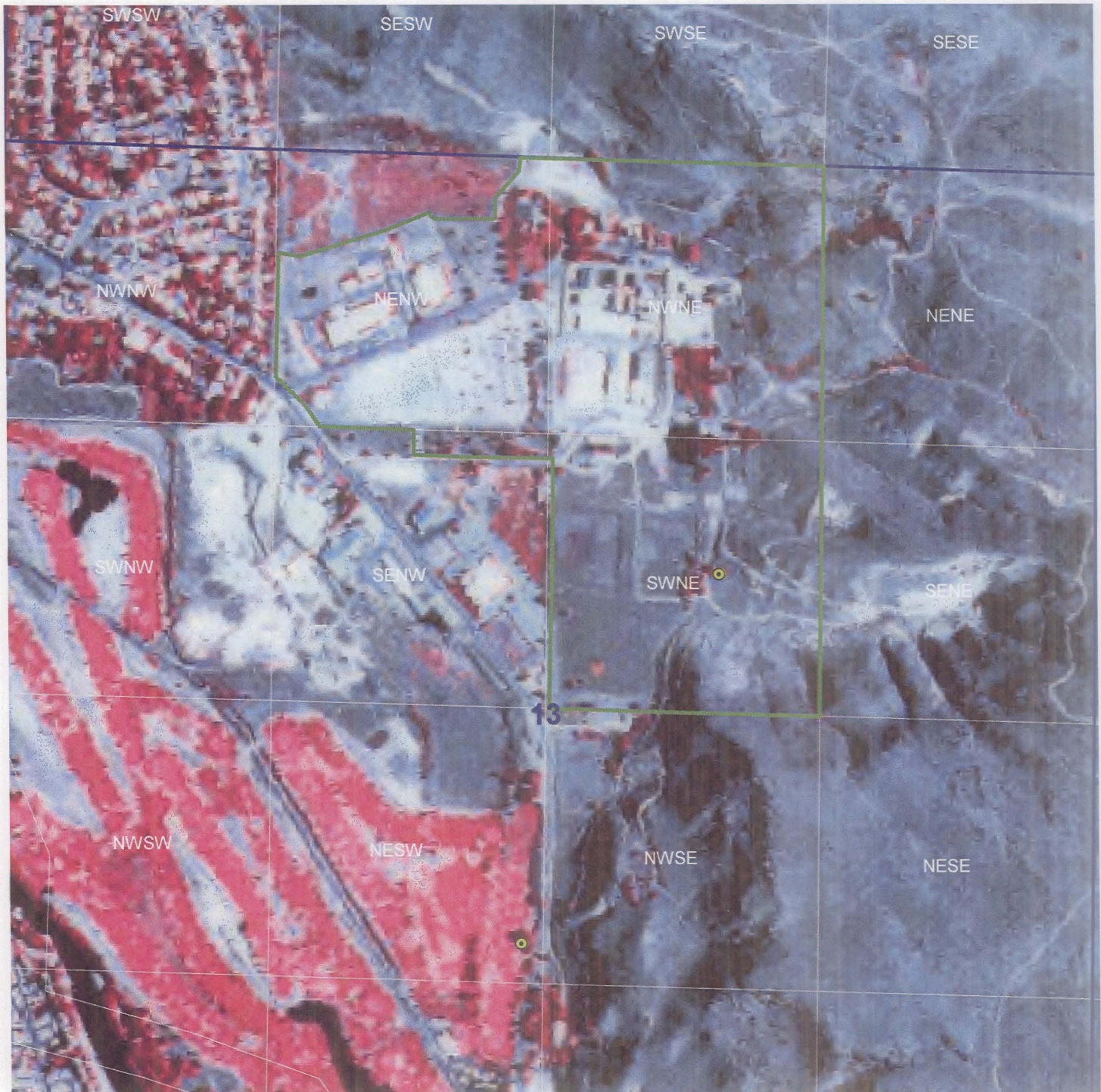
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Permit

Idaho Department of Water Resources

63-9661

T03N R02E S13



-  Point of Diversion
-  Place of Use
-  Sections
-  Quarter Quarter



500 0 500 1000 1500 Feet

IDWR

Prepared by: Sandy Egbert

Date: 2-7-05

1987 NAPP Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 63-9661

1. ☒ No Change NAME IS SAME

NEW OWNER: _____

No Change ADDRESS _____

NEW ADDRESS: _____

2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE

Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION

Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

Incomplete description, list below:

6. ☒ No Change - WATER USES

Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☒ No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount _____ CFS _____ AFA

Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

Based on an amended permit approved in 1996

SYSTEM DIAGRAM INCLUDED

NA

Shown on GIS Layout

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 2-7-05

FIELD EXAMINER: _____

Print Name

Sandy Egbert
Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 25, 1995

Re: Notices of Claim to a Water Right Nos. A63-09661, A63-10241

State of Idaho
Dept. of Lands
1215 W. State Street
Boise, ID 83702

Claimant(s):

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:l
Enclosure

MICROFILMED

OCT 08 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

JULY 3, 1995

STATE OF IDAHO
DEPARTMENT OF LANDS
1215 W STATE STREET
BOISE ID 83702

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Dear Wateruser(s):

This office has reviewed the **Notice of Change of Water Right Ownership** form submitted to our office. However, due to the items checked below, we cannot continue to process this ownership change. We are returning the Notice of Change of Ownership to you to **COMPLETE OR RESEARCH ONLY THE FOLLOWING ITEM(S) SHOWING A CHECKMARK IN THE BLANK FOR THAT ITEM(S)**. SEE PAGE 2.

There is no existing water right in our records either under the former owner's name or for the legal description given. If, after contacting the former owner, you find more information concerning a water right, please contact us.

Legal description of property. Please complete showing the legal description by 1/41/4 (40-acre tract), section, township and range for the property changing ownership. If you only have a subdivision lot & block legal description, please send us a copy of your subdivision plat map.

It appears you receive your water from an irrigation district, ditch company, municipality or community water company. If this is the case, then the water right remains in the name of this entity and you should contact them concerning the ownership change.

Name and address of former owner (seller). This will clarify the original owner of the water right.

Name, address and phone number of new owner (purchaser).

This change in ownership appears to result in a splitting of the water right. A split of the water right occurs when the ownership change affects only a portion of the original right. In order to accurately split this right we must know what portion of the right was sold. The amount of water in CFS, the place of use by 1/4 1/4 with the number of acres in each 1/41/4 (if applicable) and the point of diversion by 1/41/4, Section, Township and Range is needed. If this right is not being split, please submit proof of ownership for the remaining portion.
Enclosed is a computer copy of this right for your review.

Proof of ownership is needed. This proof can be a copy of the warranty deed, sales contract or tax assessment in your name, which includes a description of this property by 1/41/4, Section, Township and Range.

MICROFILMED

BOI 08 1995

X

OWNE

OWNER.

MICROFILMED
OCT 08 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUN 22 1995

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 03N Range 02E
Section 13, 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

also SE 1/4 NE1/4 SW1/4; W1/2 NE1/4; E1/2 NW1/4 all in Sec. 13, T 3N, R 2E

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

- ☐ Water Right Number(s)

Assigned by IDWR: _____

A63-09661

- ☐ Name and Address of Former Owner/Claimant(s)(Seller):

State of Idaho, Dept of Education, Idaho Historical Society

210 Main St., Boise, ID 83702

(Lessee: Idaho Botanical Garden, 2355 E. Old Penitentiary Rd)

- ☐ New Owner/Claimant (Purchaser):

State of Idaho, Department of Lands

- ☐ New Mailing Address:

1215 W. State Street, Boise, ID 83702

- ☐ New Telephone Number:

(208) 334-0200

- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s):

Date 6/1/95

Date _____

- ☐ Signature of Former Owner/Claimant(s):

Date 7/2/95

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED
OCT 08 1995

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~Original Application~~	~~63-09661~~	~~State Of Idaho~~	
		~~Dept. of Education~~	
		~~ID. Historical Society~~	~~2.2~~
Full Assignment	~~63-09661~~	State of Idaho	
		Dept. of Lands	2.2

MICROFILMED
JUL 19 1995

10/93

Receipt No. 0016010
Received By 026
Date 11-21-94

RECEIVED
NOV 21 1994
WATER RESOURCES
WESTERN REGION

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
NOV 03 1996
Department of Water Resources

APPLICATION FOR AMENDMENT OF A PERMIT

Applicant State of Idaho, Idaho Historical Society Phone (208) 334-2682

Address 210 W. Main Street, Boise, Idaho 83702

I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-9661, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: Change point of diversion XX Add point of diversion
XX Change place of use Change nature of use Change period of use Other

1. Point of diversion: 1/4 SW 1/4 NE 1/4, Section 13, Township 3N, Range 2E, B.M.,
County of Ada. Other points of diversion: NE 1/4 SW 1/4 sec. 13, T. 3 N., R. 2 E. B.M.
County of Ada

2. Period and nature of use: (Irrigation, domestic, stockwatering, industrial, etc.)

Amount 2.20 cfs for Irrigation purposes from March 15 to November 15 (both dates inclusive)
(cfs or acre foot per annum) (water use) (Begin month) (End month)
Amount for purposes from to (both dates inclusive)
(cfs or acre foot per annum) (water use) (Begin month) (End month)
Amount for purposes from to (both dates inclusive)
(cfs or acre foot per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2E	13		35	35		35			5									110

Total number of acres to be irrigated = 110

4. a. Who owns the property at the point of diversion? Boise City (added point of diversion)
b. Who owns the land to be irrigated at the place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Pending agreement for joint use JAN 31 1996

NOTE NEW NAME/ADDRESS (-IDL) per 5/17/95 Assignment
- SL 7/12/95

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)

Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 19th day of November, 19 94

[Signature]
Permit Holder JAN 31 1996

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by [Signature] Publication prepared by [Signature] Date [Signature]

Published in State Stateman Publication dates 1-19 & 26, 1995

I, L. GLEN SAXTON, of the Department of Water Resources hereby approve the above referenced application for amendment. See the attached sheet

MOA-5 for the conditions of approval.

Witness my hand this

19th

day of

January

19 96

L. Glen Saxton

7/94

RECEIVED

JUN 22 1995

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

\$25.00 Fee Received By VR
Receipt No. W019426

RECEIVED

JUN 26 1995

Department of Water Resources

State of Idaho
Dept of Education

I, Idaho Historical Society
(Applicant)

State of Idaho
Department of Lands

of 1215 W. State St., Boise, ID 83702
(Full Address)

208-334-0200
(Telephone Number)

All my right, title, and interest in and to Permit No. 63-09661 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following portion of my right, title, and interest in and to Permit No. _____ appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.

FEE \$25.00

Made this 17 day of May, 19 95.

X
Permit Holder(s)

State of Idaho)

County of Ada)

ss

John R. Hill, Director
Idaho State Historical Society

On this 17 day of May, 199 5, personally appeared before me the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

V. L. Huntsinger

Notary Public

SEAL

My commission expires: 02/02/2000

Signature

MICROFILMED
OCT 08 1996

database updated 4/29/95 eg.

MEMO 1 SRBA CLAIM FILE NO. _____

CLAIMANT'S NAME: IDAHO BOTANICAL GARDENS

DATE: 1/14/93

EMPLOYEE: HELEN HARRINGTON-THORNTON

RE: AMENDED CLAIMS

KEITH ANDERSON CAME IN AND AMENDED CLAIMS REFERENCED ABOVE. HE WAS NOT
AUTHORIZED TO SIGN FOR THE IBG, AND HE TOOK THE AMENDED CLAIMS WITH HIM.

THE REASON FOR AMENDING THE CLAIMS WAS TO ADD A POINT OF DIVERSION TO
EACH CLAIM. APPARENTLY, THERE IS A WELL ON THE GOLF COURSE PROPERTY
THAT ALSO SUPPLIES WATER TO THESE RIGHTS.

HE SAID THAT THE CLAIMS WERE ERRONEOUSLY FILED ORIGINALLY AND BOTH
POINTS OF DIVERSION SHOULD HAVE BEEN IDENTIFIED ON THE CLAIM AND THAT
THE SYSTEMS HAVE BEEN USED IN THIS FASHION PRIOR TO 1987.

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OCT 08 1998

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JUL 26 1994

EBERLE, BERLIN, KADING, TURNBOW & MCKLVEEN,
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

DALE G. HIGER

TELEPHONE
(208) 344-8535

FACSIMILE
(208) 344-8542

JAMES L. BERLIN
OF COUNSEL

T. H. EBERLE (1922-1977)

April 11, 1991

RECEIVED
APR 11 1991

John D. Carlson
Adjudication Supervisor
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

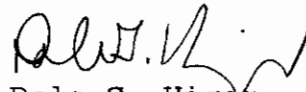
Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Ada County - #A63-10241 and A63-09661
Department of Education; Idaho Botanical Garden

Dear John:

Enclosed please find the revised Notices of Claim to Water Rights which have been properly executed. We understand that there will be no late fee assessed since we are filing the claims before April 12, 1991.

Very truly yours,


Dale G. Higer

DGH:ag
Enclosures

cc: Chris Brady
Keith Anderson

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OCT 08 1996

MICROFILMED
AUG 24 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 12, 1991

Dale G. Higer
Eberle, Berlin, Kading,
Turnbow & Gillespie, Chtd.
P.O. Box 1368
Boise, ID 83701

RE: Snake River Basin Adjudication (SRBA)
Ada County - #A63-10241 and A63-09661
Department of Education; Idaho Botanical Garden

Dear Mr. Higer:

Thank you for returning our call regarding the Notices of Claim to a Water Right that you filed with us on behalf of the Idaho Botanical Garden.

Enclosed are computer-generated copies of your Notices of Claim. Each copy contains the changes to the ownership field (Item #1) that were discussed during our telephone conversation.

In addition, we inserted consumptive use entries (Item #8) which we feel more accurately describe these water rights. To calculate these entries, we multiplied the number of acres irrigated by 3.5 acre feet per acre, which is the standard consumptive use figure for this area.

At Item #13 you made no entry. We interpreted this to mean "none".

If you feel changes need to be made to these Notices of Claim, make them by crossing out the incorrect information and inserting the correct information. Please initial after each correction that you make. When you are satisfied that the claims are true and accurate, sign and notarize them and return them to this office.

Please return the claims by April 12, 1991, and no late fee will be assessed.

MICROFILMED

OCT 08 1990

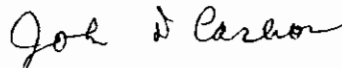
MICROFILMED

AUG 24 1992

Dale G. Higer
March 12, 1991 draft
Page 2 - Ada County

Please feel free to contact our office if you have any questions about your Notices of Claim or about the SRBA in general.

Yours truly,



John D. Carlson
Adjudication Supervisor

JDC:SWK:sf:state:tf
Enclosures:

Notices of Claim Referenced Above

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OCT 08 1996

~~MICROFILMED~~
AUG 24 1992

CLAIMANT'S NAME: Idaho Historical Society DATE: 3/4/1991
COUNTY: Ada
EMPLOYEE: S.W. Keen

I spoke on the telephone with Christine Brady of the Idaho Historical Society (334-2844). According to her, the property on which the Idaho Botanical Garden exists belongs to the Historical Society. Therefore, these ~~the~~ rights should be in the Historical Society's name, not the Botanical Garden's name. (The property is leased by the Botanical Garden for 50 years.)

3/5/91 - Left a message at 344-8535 for Dale Higer to please return my call. I need to discuss with him:

① Changing ownership on these claims to Idaho Historical Society from Idaho Botanical Garden.

② Changing the consumptive use entries on these claims.

Mr. Higer may do this by letter or on the claim form itself.

(Higer is out of his office until 3/7/1991.)

3/7/91 Mr. Higer called. If I return the claims to him, he will correct them and return them to me.

(S.W. Keen) MICROFILMED
OCT 08 1996
AUG 24 1992

10. TWP	RNG	SEC	1/4	1/4	Lot	Acres	Use	Use Desc.	County	County Name
03N	02E	13	NW	NE		9.0	01	IRR	1	ADA
03N	02E	13	SW	NE		5.0	01	IRR	1	ADA
03N	02E	13	NE	NW		6.0	01	IRR	1	ADA

These places of use reflect the information on the original application for permit. The application was amended to show different places of use and was approved as amended on 1/14/1985. The data base was not updated to show the amendments until 2/28/91. (See attached page.)

(Enter=Exit)
(GOLD4=Prev Screen)
(GOLD5=Next Screen)

(GOLD6=End of Data)
(GOLD8=Cancel)

S.W. Keen
2/28/91

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OCT 08 1990

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AUG 24 1992

SD-52
INQUIRY
Water Right Number: 63-10241

Idaho Department of Water Resources
Water Rights Places of Use Screen
FIRST PAGE

Date: 02/28/91
Time: 14:38:17

10.	TWP	RNG	SEC	1/4	1/4	Lot	Acres	Use	Use Desc.	County	County Name
	03N	02E	13	NE	NE		10.0	01	IRR	1	ADA
	03N	02E	13	SE	NE		10.0	01	IRR	1	ADA

(Enter=Exit)

(GOLD4=Prev Screen)
(GOLD5=Next Screen)

(GOLD6=End of Data)
(GOLD8=Cancel)

MICROFILMED
OCT 08 1996

MICROFILMED
AUG 24 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 21, 1989

Mr. Dale G. Higer
Eberle, Berlin, Kading, Turnbow & Gillespie
P.O. Box 1368
Boise, Idaho 83701

RE: Snake River Basin Adjudication SRBA
Claim #A63-10241 - Ada County
Idaho Botanical Garden

Dear Mr. Higer:

As you discussed with Helen Harrington-Thornton, we are allowing you this opportunity to withdraw the claim referenced above.

A Notice of Claim may but is not required to be filed for permits for which proof of beneficial use was filed on or after November 19, 1987 (the day Judge Hurlbutt signed the commencement order). For additional information, see Idaho Code §42-1409(9), §42-1420, §42-1421. The director of IDWR may at a later date require holders of such permits to file a Notice of Claim. If the director does issue such an order, the permit holder will be notified by mail.

The claims which you filed are based on the following permits:

- a. No. 63-10241, with proof of beneficial use due 1/1/1990.
- b. No. 63-09661, with proof of beneficial use due 3/1/1991.

If you wish to withdraw these claims, please forward the enclosed Request For Withdrawal Of Claim to my attention for a refund by July 21, 1989. If we do not receive a response by that date, we will assume that you wish to proceed with the filing.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:HHT:mcc:state

Enclosures:

Receipt #C007069

Request For Withdrawal Of Claim

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OCT 08 1990

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AUG 24 1992

CLAIMANT'S NAME Idaho Botanir / GardenCLAIM IDENT. NO. A63-10241DATE RECEIVED 5-24-1989 CL # 1951/COO7069 AMOUNT \$ 72.2

- | | YES | NO | Required Info? |
|--|---------------|-----------|----------------|
| 1. Is the name and address complete with zip code? | <u>X</u> | <u> </u> | * |
| 2. Is a priority date entered? | <u>X</u> | <u> </u> | * |
| Is the priority date acceptable in view of mandatory filing dates? | <u>X</u> | <u> </u> | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | <u>X</u> | <u> </u> | * |
| 3. (a) Is a source entered? | <u>X</u> | <u> </u> | * |
| (b) Is a tributary to entered? (if required) | <u>N/A</u> | <u> </u> | <u> </u> |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | <u> </u> | * |
| 5. Is there a description of the diverting works? | <u>X</u> | <u> </u> | <u> </u> |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | <u>X</u> | <u> </u> | * |
| Is the period of use included? | <u>X</u> | <u> </u> | <u> </u> |
| Is a quantity claimed for each use? | <u>X</u> | <u> </u> | * |
| 7. Is a total quantity claimed entered? | <u>X</u> | <u> </u> | <u> </u> |
| 8. If required is a consumptive use entered? | <u>N/A</u> | <u>X</u> | <u> </u> |
| Is the consumptive use correct? | <u>N/A</u> | <u>X</u> | <u> </u> |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | <u>N/A</u> | <u>X</u> | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | <u> </u> | * |
| 11. Is (are) the county(ies) entered? | <u>X</u> | <u> </u> | <u> </u> |
| 12. Is the ownership of p.u. checked? | <u>X</u> | <u> </u> | <u> </u> |
| 13. Are other water rights listed or "none" indicated? | <u>X</u> | <u> </u> | <u> </u> |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | <u>N/A</u> | <u>X</u> | <u> </u> |
| 15. Is the basis of the claim indicated? | <u>X</u> | <u> </u> | <u> </u> |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | <u>N/A</u> | <u>X</u> | <u> </u> |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | <u>X</u> | <u> </u> | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | <u> </u> | * |
| 19. Was this claim filed on time, or was an extension granted? | <u>X</u> | <u> </u> | * |
| 20. Is the fee enclosed correct? | <u>Exempt</u> | <u>X</u> | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | <u>N/A</u> | <u>X</u> | <u> </u> |
| 22. Should this claim be data entered? | <u> </u> | <u> </u> | <u> </u> |

Claim checked by: S.W. Keen Date: 2/25/1991Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: X (Yes) (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date: 5/26/1989Date: 2/28/1991Date:

Checked by:

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Date:

OCT 08 1990

Comments: Consumptive Use = 20 acres x 3.5 Acre Ft./acre/season = 70 AFA

Notice of Appeal MICROFILMED

OK S.W. Keen 4/15/91

AUG 24 1992

1/23/1988

SRDA CLAIMS RECEIVING CHECK #2

A63-09661
A63-10241

CLAIMANT'S NAME Idaho Botanical Garden CLAIM IDENT. NO. A63-10241

DATE RECEIVED 5-24-89 CK # 1951 AMOUNT \$ 230.00

- | | YES | NO | Required Info? |
|--|---|-------------------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ N/A | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ N/A | ☐ | |
| Is the consumptive use correct? | ☒ N/A | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ N/A | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☐ | ☒ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ N/A | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☐ N/A | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☐ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☐ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☐ | ☐ | * |
| 20. Is the fee enclosed correct? | ☐ Exempt | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☐ N/A | ☐ | |
| 22. Should this claim be receipted and data entered? | ☐ | ☒ | |

Claim checked by: _____

Date: _____

Claim must be returned to claimant: _____

(Yes) (No)

Claimant must be sent a copy of amended claim for approval: _____

(Yes) (No)

Receipt Prepared by: _____

Date: _____

Claim data entered by: _____

Date: _____

Sent to claimant by: _____

Date: _____

Checked by: _____

Date: _____

Comments: proof not due 'til 1990 - write letter notifying option to withdraw.

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AUG 24 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant State of Idaho, Idaho Historical Society Phone 334-2844

Post office address 610 N. Julia Davis Drive, Boise, Idaho 83702

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 13 Township 3N

Range 2E B.M. Ada County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.20 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 2.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Electric pump, sprinkler, lateral
and flood irrigation.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 16 inches; proposed depth of well is 872 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	2E	13		35	40		35												110

Total number of acres to be irrigated 110

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion State of Idaho

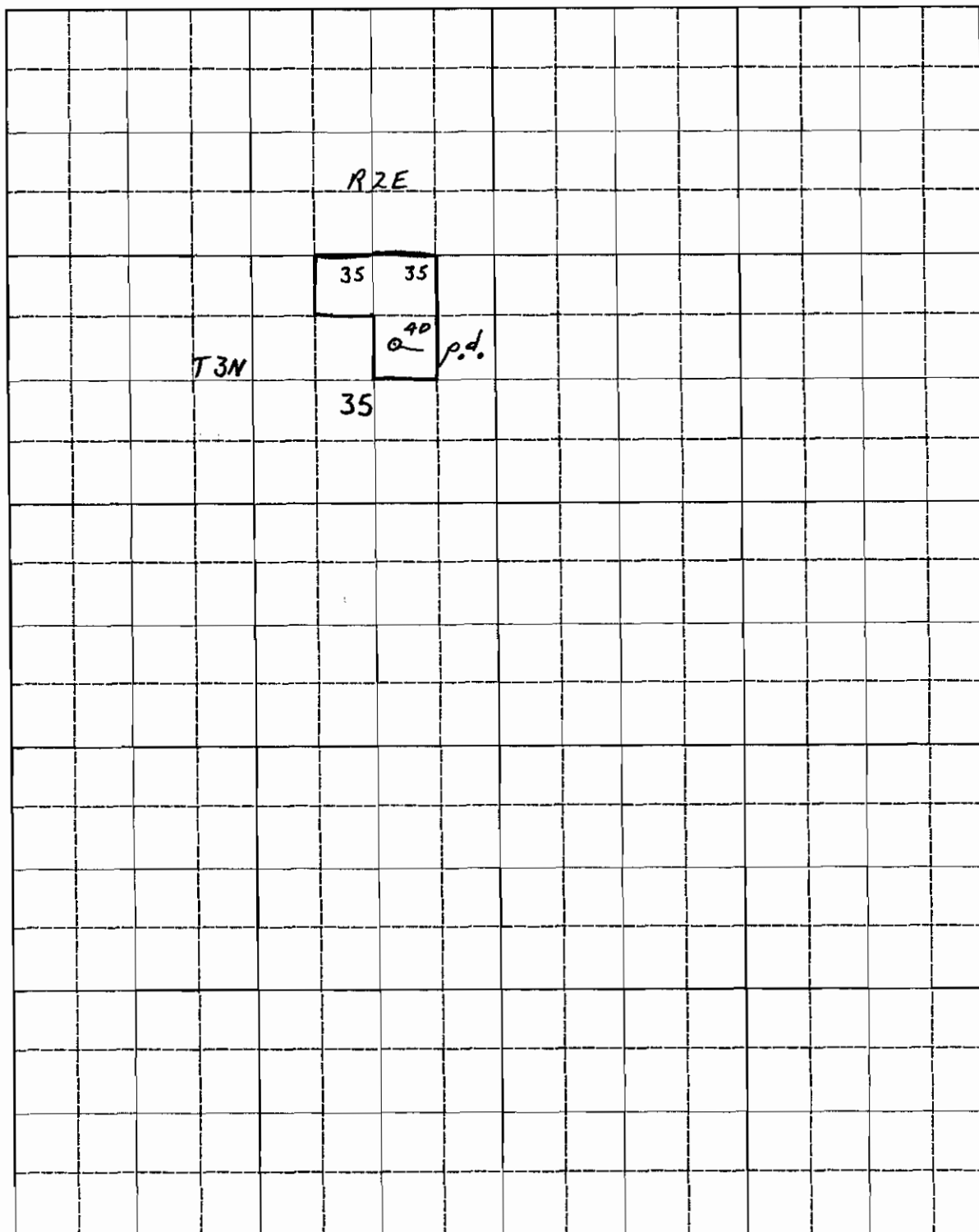
b. Who owns the land to be irrigated or place of use State of Idaho

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks The property at the point of diversion is owned by the State of Idaho and under the management of the Idaho State Historical Society. Portions of the acreage to be irrigated are under the management of the Department of Agriculture and the Department of Health and Welfare. All land to be irrigated is owned by the State of Idaho.

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

William C. Hart
(Applicant)

Director, Idaho Historical Society

Proposed Priority

1/14/81

Received by hjh Date 1/16/81 Time voucher

Preliminary check by CLS Fee \$ 85.00

Receipted by hjh Date 1/26/81 # 17264

Publication prepared by hjh Date 1-22-81

Published in Idaho Statesman

Publication dates 1-29/2-6-81

Publication approved hjh Date 2/12/81

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS RH

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-9661, and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 3rd day of March, 1981.

A. Glen Sayton
Chief, Operations Bureau

MIDDLEBURY