

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-9103D  
Date Received: 7/1/1999  
Receipt No: X777777  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STEVE BOSCHMA Phone: (208)870-1763

5592 KUNA RD  
KUNA ID USA 83634

2. Date of Priority: 03/31/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 02N      | 01W   | 19      | SE SW                 | CANYON |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| STOCKWATER | 1/01 | 12/31 | 0.1    | 26.8       |
| COMMERCIAL | 1/01 | 12/31 | 0.1    | 7.4        |

7. Total Quantity Appropriated is:  
0.1 C.F.S. and/or 34.2 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use        | Acres |
|----------|-------|---------|------------|-----|------------|-------|
| 02N      | 01W   | 19      | NE         | SW  | STOCKWATER |       |
|          |       |         | SE         | SW  | STOCKWATER |       |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

THE WATER USED FOR COMMERCIAL PURPOSES UNDER THIS APPROVAL IS APPLIED TO AND IRRIGATES LAND LISTED IN THE PLACE OF USE TO SATISFY WATER QUALITY REQUIREMENTS. WATER SHALL NOT IRRIGATE GROWING PLANTS UNLESS THE WATER IS FIRST BENEFICIALLY USED IN THE DAIRY AS AUTHORIZED BY RIGHT 63-9103D.

THIS CLAIM IS A PORTION OF TRANSFER 5395 APPROVED 7/1/99.

TWO POINTS OF DIVERSION LOCATED IN T02N, R01W, S19, SESW.

RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.

USE OF WATER UNDER THIS APPROVAL SHALL COMPLY WITH APPLICABLE WATER QUALITY STANDARDS OF THE DIVISION OF ENVIRONMENTAL QUALITY OF THE IDAHO DEPARTMENT OF HEALTH AND WELFARE.

THE DAIRY OPERATION AUTHORIZED UNDER THIS APPROVAL SHALL COMPLY WITH APPLICABLE COUNTY ZONING AND USE ORDINANCES.

THE DIRECTOR RETAINS JURISDICTION OF THIS RIGHT TO REQUIRE STREAMFLOW AUGMENTATION OR OTHER ACTION DETERMINED TO BE APPROPRIATE TO PROTECT PRIOR SURFACE WATER OR GROUND WATER RIGHTS. SUCH STREAM FLOW AUGMENTATION OR OTHER ACTION WILL BE REQUIRED ONLY UPON A DETERMINATION OF NEED AND APPLICABILITY BY THE DIRECTOR.

THE DIRECTOR MAINTAINS JURISDICTION OF THIS TRANSFER UP TO FIVE (5) YEARS FOR THE PURPOSE OF DETERMINING POTENTIAL INJURY TO EXISTING RIGHTS, BOTH JUNIOR AND SENIOR, IN THE VICINITY OF THE TRANSFERRED POINT OF DIVERSION.

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE TRANSFER.

APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT HOLDER SHALL PROVIDE A MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER 5395 SHALL NOT EXCEED 0.20 CFS, NOR A TOTAL COMBINED ANNUAL VOLUME OF 79.2 AF.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER RIGHT 63-09103D SHALL NOT EXCEED 0.10 CFS, NOR A TOTAL COMBINED ANNUAL VOLUME OF 34.2 AF.

15. Basis of Claim: License

*Western*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5395  
WATER RIGHT NO(S). 63-09103B/63-09103C/63-09103D

**RECEIVED**

**JUL 07 1999**

WATER RESOURCES  
WESTERN REGION

This is to certify that: **LISA K GRAY**  
**16975 STAR RD**  
**NAMPA ID 83687**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| Right No. 63-09103B : |                      |                       |                      |
| IRRIGATION            | 03/15 to 11/15       | 0.05 CFS              | 22.5 AF              |
| Priority: 03/31/1977  |                      |                       |                      |
| Right No. 63-09103C : |                      |                       |                      |
| IRRIGATION            | 03/15 to 11/15       | 0.05 CFS              | 22.5 AF              |
| Priority: 03/31/1977  |                      |                       |                      |
| Right No. 63-09103D : |                      |                       |                      |
| STOCKWATER            | 01/01 to 12/31       | 0.10 CFS              | 26.8 AF              |
| COMMERCIAL            | 01/01 to 12/31       | 0.10 CFS              | 7.4 AF               |
| Priority: 03/31/1977  |                      |                       |                      |
|                       | <b>SUBTOTAL:</b>     | <b>* 0.10 CFS</b>     | <b>* 34.2 AF</b>     |
|                       | <b>TOTAL:</b>        | <b>** 0.20 CFS</b>    | <b>** 79.2 AF</b>    |

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

Right No. 63-09103B :

NWSW , Sec. 8, Township 02N, Range 02E  
ADA County

Right No. 63-09103C :

NWNW , Sec. 31, Township 05N, Range 01E  
ADA County

Right No. 63-09103D :

SESW , Sec. 19, Township 02N, Range 01W  
CANYON County

TRANSFER NO. 5395  
WATER RIGHT NO(S). 63-09103B/63-09103C/63-09103D

PLACE OF USE: IRRIGATION

| <u>TWN</u> <u>RGE</u> <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|--------------|--------------|--------------|--------------|
|----------------------------------|--------------|--------------|--------------|--------------|

Right No. 63-09103B :

|                                  |   |      |   |  |   |
|----------------------------------|---|------|---|--|---|
| 02N 02E                          | 8 | NWSW | 5 |  | 5 |
| Total number of acres irrigated: |   |      |   |  | 5 |

Right No. 63-09103C :

|                                  |    |      |   |  |   |
|----------------------------------|----|------|---|--|---|
| 05N 01E                          | 31 | NWNW | 2 |  | 2 |
| 01W                              | 36 | NENE | 3 |  | 3 |
| Total number of acres irrigated: |    |      |   |  | 5 |

PLACE OF USE: STOCKWATER & COMMERCIAL

| <u>TWN</u> <u>RGE</u> <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|--------------|--------------|--------------|--------------|
|----------------------------------|--------------|--------------|--------------|--------------|

Right No. 63-09103D :

|         |    |      |  |      |  |
|---------|----|------|--|------|--|
| 02N 01W | 19 | NESW |  | SESW |  |
|---------|----|------|--|------|--|

CONDITIONS OF APPROVAL AND REMARKS

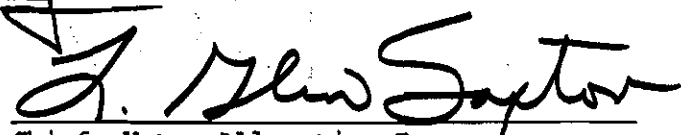
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
3. The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.
- ✓ 4. 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.
- × 5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- \*\* 8. The total instantaneous diversion of water from all points of diversion under Transfer 5395 shall not exceed 0.20 cfs, nor a total combined annual volume of 79.2 af.

TRANSFER NO. 5395  
WATER RIGHT NO(S). 63-09103B/63-09103C/63-09103D

CONDITIONS OF APPROVAL AND REMARKS

- \* 9. The total instantaneous diversion of water from all points of diversion under Right 63-09103D shall not exceed 0.10 cfs, nor a total combined annual volume of 34.2 af.
- 10. Prior to diversion of water under Right 63-09103D, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- 11. Two points of diversion are located within SESW, S19, T02N, R01W.
- 12. The water used for commercial purposes under this approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by Right 63-09103D.
- 13. Use of water under Right 63-09103D shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
- 14. The dairy operation authorized under Right 63-09103D shall comply with applicable county zoning and use ordinances.
- 15. The place of use under Right 63-09103B is also known as Lots 19 and 20, Block 1, Calderon Estates Subdivision.
- 16. The place of use under Right 63-09103C is also known as Lot 5, Block 3, Heather Haven Estates.

Dated this 1<sup>st</sup> day of July, 1999.

  
Chief, Water Allocation Bureau

## MEMORANDUM

TO: File 63-09103

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5395

DATE: July 1, 1999

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Transfer 5395 changes the point of diversion, place, nature and season of use under portions of Right 63-09103. The applicant is selling portions of this right to separate users and locations; two parts are for irrigation use and one part is changes irrigation use to commercial and stockwater to provide additional water at an existing dairy.

Staff raised concerns and conditions were recommended to negate any impacts at the new locations including maintaining jurisdiction to determine potential injury and possible mitigation for impacting either prior surface or groundwater rights. Season of use was adjusted to year round for the new dairy uses and the transferred amount limited to the consumptive use associated with the 10 irrigated acres removed from production.

Other recommended conditions include drilling permit requirements, multiple points of diversion/measuring devices, land application, water quality, county zoning, irrigation overlap and standard transfer conditions.

### Change in Nature of Use Evaluation

|          | <u>Rate</u>             | <u>Use</u>  | <u>Acres</u>        | <u>Div.Vol./C.U.Vol.</u> |
|----------|-------------------------|-------------|---------------------|--------------------------|
| 63-09103 | 1.86 cfs                | IRR         | 175.0 acres         | 787.5 afa/612.5 afa      |
| Part A   | 1.66 "                  | "           | 155.0 "             | 697.5 afa/542.5 afa      |
| Part B   | 0.05 "                  | "           | 5.0 "               | 22.5 afa/ 17.5 afa       |
| Part C   | 0.05 "                  | "           | 5.0 "               | 22.5 afa/ 17.5 afa       |
| Part D   | 0.10 STOCK/COMM         | (10.0 " )   | 34.2 afa/ 34.2 afa  |                          |
|          | 1.86 cfs IRR/STOCK/COMM | 165.0 acres | 776.7 afa/611.7 afa |                          |

[B  
DATE: 2/4/1999  
FR: lg  
TO: X-fer File 63-09103  
RE: Review

MEMO

TRANSFER ATTACHMENTS

- A. Diversion descriptions for each proposal
- B. Maps of new p/u
- C. Ownership documentation
- D. Irrigation proof for acres being transferred
- E. Dairy worksheets
- F. SRBA claim

DESCRIPTION

This transfer is a combination of 4 small transfers.

Ten acres are being transferred for irrigation use for two separate properties:

- Duffy (GD) - 5 acres
- Ascha (RA) - 5 acres

Each will divert from individual existing wells (1 ea) for irrigation of their subdivision lots. No other rights are used for irrigation.

Change in nature of use on <sup>10</sup>22 acres from irrigation to commercial for two separate dairies is also proposed for transfer:

- Choutchourrou (BC) - ~~11.7~~ acres consumptive use
- Boschma (SB) - 9.8 acres consumptive use

Both dairies exist and are operating. No new wells are proposed.

\* N/A - Choutchourrou has previously filed transfer 5285 to cover his current dairy operation. He plans to expand in the near future, which is why he is applying for additional water via this transfer. Once approved, his share of water will be placed in the water bank for future cows.

Boschma has statutory claim 63-04498 for dom/stock use which he did not file in the SRBA. His dairy has outgrown IC 42-111, which is why he is playing "catch-up" with this transfer.

WR VERIFICATION & SRBA

Applicant's father originally owned land being transferred and submitted CFSA documentation supporting irrigation use within the last 5 years. The father filed an SRBA claim on his remaining portion of the license only. The acres being transferred have not been claimed in the SRBA. Sheriff Chapman stated that a claim will be filed. \*

RECOMMENDATIONS

One issue that may be worth pondering is the fact that the license is located in Payette county while the dairies are located in Canyon county and the subdivision acreages are located in Ada county.

\* Amended claim filed 2/23/99, covers all licensed acres.  
-jc

XFER 63-09103  
Pg 2

This transfer should not be forwarded to the SO until an SRBA claim has been received for applicant's acres. Received 2/25/99

A change of ownership should be required for each separate split if this transfer is approved.

\* Choutchourow purchased a portion of the acres licensed by this same water right and will be filing a separate transfer in their name.

1. 14/11/18, 2

**PART 1****6. General Information:**

a. Description of diversion system See Attachment A

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

No longer irrigated

d. Remarks:

Water from lands owned by Lisa Gray will be dried up and the water redistributed to other owners in an effort to maximize the efficient use of this water.

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

pg 3 of 6

WR0749NP  
No. 63-D9103

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 12/09/98  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                           | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | LEONARD K. HAYDEN<br>RT. 5 BOX 173A<br>CALDWELL ID 83605 | 03/31/1977       | IRRIGATION | 03/15 11/15           | 1.860 CFS         | 787.50 AFA          |
| TOTAL DIVERSION: |                                                          |                  |            |                       | 1.860 CFS         | 787.50 AFA          |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06N R04W S14

MENE

PAYETTE County

Place of use Legal Description for: IRRIGATION

| NE  |     |    |   | NW |    |    |    | SW |    |    |    | SE |    |    |    |    |    |    |    |             |       |      |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|-------|------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :           | SUM   |      |
| 06N | 04W | 11 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | :           | 25    | 25.0 |
| 06N | 04W | 12 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | :           |       | 50.0 |
| 06N | 04W | 13 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | :           |       | 7.0  |
| 06N | 04W | 14 | : | 15 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | :           |       | 93.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 175.0 |      |

Pou County: PAYETTE

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 03/31/1977 |
|        | Proof Due Date: | Proof Made Date:   | 01/01/1900 |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  |                    | 10/13/1982 |

Misc: Water District Number: Field Exam Fee:

Audit: 05/06/85 05/01/88 CONVERT

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

N If yes, describe \_\_\_\_\_**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**20/79.2 (If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 32/120.2 for Irrig purposes from 3/15 to 11/15  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion: N/A

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp.      | Rge.      | Sec.      | NE 1/4 |        |        |        | NW 1/4    |        |        |        | SW 1/4 |        |           |           | SE 1/4 |        |        |        | Totals    |
|-----------|-----------|-----------|--------|--------|--------|--------|-----------|--------|--------|--------|--------|--------|-----------|-----------|--------|--------|--------|--------|-----------|
|           |           |           | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4    | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4    | SE 1/4    | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |           |
| <u>6N</u> | <u>4W</u> | <u>12</u> |        |        |        |        |           |        |        |        |        |        | <u>10</u> | <u>10</u> |        |        |        |        | <u>20</u> |
|           |           | <u>13</u> |        |        |        |        | <u>17</u> |        |        |        |        |        | <u>10</u> |           |        |        |        |        | <u>17</u> |
|           |           |           |        |        |        |        |           |        |        |        |        |        |           |           |        |        |        |        |           |
|           |           |           |        |        |        |        |           |        |        |        |        |        |           |           |        |        |        |        |           |
|           |           |           |        |        |        |        |           |        |        |        |        |        |           |           |        |        |        |        |           |

Total acres 37 20**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.54/667.3 for Irrig purposes from 3/15 to 11/15  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion: N/C

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp.      | Rge.      | Sec.      | NE 1/4    |        |           |           | NW 1/4 |        |          |        | SW 1/4   |           |        |        | SE 1/4 |        |           |        | Totals    |
|-----------|-----------|-----------|-----------|--------|-----------|-----------|--------|--------|----------|--------|----------|-----------|--------|--------|--------|--------|-----------|--------|-----------|
|           |           |           | NE 1/4    | NW 1/4 | SW 1/4    | SE 1/4    | NE 1/4 | NW 1/4 | SW 1/4   | SE 1/4 | NE 1/4   | NW 1/4    | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4    | SE 1/4 |           |
| <u>6N</u> | <u>4W</u> | <u>11</u> |           |        |           |           |        |        |          |        |          |           |        |        |        |        | <u>25</u> |        | <u>25</u> |
|           |           | <u>12</u> |           |        |           |           |        |        |          |        | <u>9</u> | <u>10</u> |        |        |        |        |           |        | <u>19</u> |
|           |           | <u>13</u> |           |        |           |           |        |        | <u>6</u> |        |          |           |        |        |        |        |           |        | <u>6</u>  |
|           |           | <u>14</u> | <u>15</u> |        | <u>39</u> | <u>39</u> |        |        |          |        |          |           |        |        |        |        |           |        | <u>43</u> |
|           |           |           |           |        |           |           |        |        |          |        |          |           |        |        |        |        |           |        |           |

Total acres 143 145

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHMENT "B"

**PART 3****B. CHANGES IN NATURE OF USE**

| 1               | New Nature of Use                  | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use              |
|-----------------|------------------------------------|-----------------------|-----------------|----------------------------|
| <del>(SA)</del> | (A) Commercial (dairy)             | <u>.33 .12</u>        | <u>365</u>      | <u>1/1</u> to <u>12/31</u> |
| (SB)            | (B) Stock Water/Commercial (dairy) | <u>.44 .10</u>        | <u>365</u>      | <u>1/1</u> to <u>12/31</u> |

**2. Quantity and quality of return flows and location of discharge:**

(A) Waste will be land applied.

(B) Waste will be land applied.

**3. Describe effects on other water uses resulting from the proposed change:**

No negative effects. The land from which the water is to be transferred will no longer be irrigated. See Attachment "D"

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Leonard K. Hooper  
(Signature of Applicant)

Subscribed and sworn to before me this 31st day of July, 1998.

Julie S. Pesse  
(Notary Public)

My commission expires 8-14-2002

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 6 attachments

Received by Kh Date 9/1/98 Protest filed by \_\_\_\_\_

Prelim. check by g Fee 100.00

Receipted by Kh Date 9/1/98 WO 24388

Published in Id. Stateman, Tribune & Ind. Enterprise - 2-18-99 + 24-99 Copies of protest forwarded by \_\_\_\_\_

Pub. dates 3-4 & 11-1999 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

ATTACHMENT "A"  
DIVERSION SYSTEM DESCRIPTION

1. ~~**Choutchourrou**~~ - Water to be utilized for the Choutchourrou (BC) portion of this transfer application will be diverted through a drilled well equipped with a submersible turbine pump and piped to a dairy barn and stock water tanks for the stock water portion of the right. Piping in the dairy barn will be used for distribution of water and wash facilities for use in the normal dairy operation. Waste water will be conveyed to lagoon sites already in existence and if necessary from time to time the waste will be land applied to property owned in the W/2 NW/4 of Section 30.
2. **Boschma** - The Boschma (SB) portion of this application will be used for an existing dairy operation located in Canyon County. The water will be diverted from two wells located in the SE/4 SW/4, Section 19, T2N, R1W for supplementation of an existing dairy operation. Water will be pumped from two drilled wells equipped with submersible turbine pumps for distribution through the dairy barns to stock water tanks and to wash facilities. Wastewater will be land applied within the 80 acre tract described on the application.
3. **Duffy** - Water described for the Duffy (GD) portion of this application will be diverted from a drilled well equipped with a submersible turbine pump and distributed for irrigation of five (5) acres using a sprinkler system method of application.
4. **Asche** - Water diverted for the Ron Asche (RA) portion of this application will be diverted through a drilled well equipped with a submersible turbine pump and distributed for irrigation using a sprinkler system.

# MEMORANDUM

TO: File No. 63-09103 (Transfer No. 5395 in the Name of Lisa Gray)

FROM: Gary Spackman *Gary*

RE: Review and Recommended Conditions of Approval

DATE: June 28, 1999

Application for transfer no. 5395 proposes a single transfer of water rights owned by Lisa Gray to four separate locations, two for dairy use, and two for irrigation of small parcels of property. The point of diversion and place of use from which the water is proposed to be moved is located in the far northwest boundaries of basin 63 in Payette County in the Sand Hollow area. The Duffy point of diversion and place of use for irrigation of five acres is located in Ada County, south of Boise. The point of diversion and place of use for the Asche portion is located northwest of Eagle. The point of diversion and place of use for the Boschma portion for a dairy is located in Canyon County, south of Nampa. Finally, the application for transfer identified the point of diversion for the Choutchourrou point of diversion in T02N, R03W, Sec. 19 (south of Lake Lowell), but described the place of use in T06N, R03W, Sections 19 and 30, which is located in the Sand Hollow area.

After reviewing the application, I identified three potential issues:

1. The distance between the existing point of diversion and the proposed points of diversion concerns me. All of the points of diversion will be moved hydrologically upstream in the basin. Nonetheless, I have no reason recommend denial because of distance other than some specific examples in the next two issues.
2. The Asche point of diversion and place of use is located approximately one mile inside a general boundary where surface water is tributary to the Boise River above Star Bridge. A transfer of water from the Sand Hollow area upstream to an area where water is tributary to the Boise River would cause injury to surface water users if the shallow surface water is not cased out. I asked Sherl Chapman to examine the construction of the well and determine whether the shallow surface water was cased and sealed out. Sherl consulted the well driller's report, a copy of which is in the file. He argued that three clay layers described in the lithologic log would prevent migration of water from the shallow aquifers to the well screens. He admitted that the drive shoe was not seated in the clay, but argued that the clay may have collapsed around the casing. He also stated that the static water level was at 75 feet even though the production zone was located between 147 and 160 feet. I argued in response that there was no proof that the annular space

between the well casing and the bore hole was not open, and that the first water encountered was at approximately 80 feet, which is about the same water level as the static water level measured. Nonetheless, we have not published the rough draft maps identifying the area tributary to the Boise River above Star Bridge, and are uncertain as to its boundaries. As a result, I recommend approval of the Asche portion of the application for transfer.

3. The point of diversion identified for the Choutchourra portion is located within the Dry Lake area where water levels have declined. After discussing this issue at length with Sherl Chapman, he finally discovered that the point of diversion description in the application was incorrect, and, furthermore, and that the legal notice for the application was also published incorrectly. In further discussions with IDWR staff and Choutchourra, Sherl discovered that Choutchourra did not need this water, and the Choutchourra portion of the application for transfer was deleted.

I recommend that the Duffy, Asche, and Boschma portions of the application for transfer be approved with standard application for transfer conditions.

As a footnote, I have told staff that we should not accept applications for transfer that describe multiple systems because of independent issues raised by each independent system.

STATE OF IDAHO  
HO DEPARTMENT OF WATER RESOURCES  
**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

RECEIVED

NOV 19 1999

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

WATER RESOURCES  
WESTERN REGION

1. Water Right Number(s) 63-09103D  
Adjudication Claim Number(s) A63-09103D
2. The following **REQUIRED** information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.  
AND  
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)  
OR  
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Lisa K. Gray  
16975 Star Road, Nampa, ID 83687
4. New Owner/Claimant(s) Steve Boschma  
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR  
New Mailing Address 5592 W. Kuna Road  
City, State and ZIP Code Kuna, ID 83634  
New Telephone Number (208) 467 - 2816
5. Date you acquired the property Water right acquired 7/1/99
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
Number of acres actually irrigated -0- Number and type of stock 800 dairy cows  
Diversion rate in CFS 0.10 Number of homes -0- Other uses Commercial  
cubic feet per second  
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) *Steve Boschma* Date 10-4-99  
Date \_\_\_\_\_
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)  
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

**Agcom Inc.**

16931 Star Rd.  
Nampa, ID 83687

Office (208) 465-9496  
Fax (208) 465-9497

March 30, 1998

Sheryl Chapman  
410 S. Orchard Suite 144  
Boise, Idaho 83705

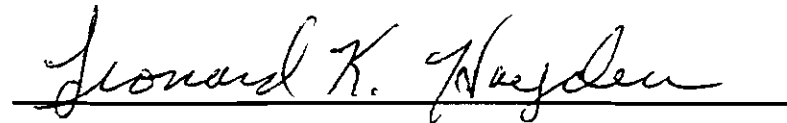
Reference: Purchase of water right # 63-9103

Dear Mr. Chapman:

My client, Leonard Hayden (Seller) has read your letter and acknowledges his understanding of your proposal by his signature below. He agrees to the following items:

- 1 Seller will sell 50 acres of water right to 4 of your clients for [REDACTED] per acre, for a total of [REDACTED]
- 2 Seller agrees to pay from the proceeds  $\frac{1}{2}$  the cost of the transfer, and understands this should not exceed [REDACTED] cost to him, barring a protest of any one of the 4 transfers.
- 3 Seller understands that the purchase price shall be placed in an escrow account upon signing of the purchase agreements, with instructions to the escrow officer requiring release to him upon completion of the transfer or return to the purchasers if a transfer is not obtainable. He understands that in the case that the transfer is not obtainable, he will still pay  $\frac{1}{2}$  the transfer costs, up to \$ 500.
- 4 Seller understands that Sheryl L. Chapman Consulting Inc. will prepare the purchase agreements, transfer documents, and liaison with the Department of Water Resources.

I agree to the above list and request Sheryl L. Chapman Consulting, Inc. to proceed in preparing the necessary sales documents and transfer documents as needed.



Leonard Hayden



Date

Thank you for your help in finding buyers for the remaining 20 acres! I look forward to working with you and if I can assist in gathering documentation, evidence, or signatures, please call. Thanks!

Sincerely,



Darwin Vander Steit  
Broker

MODE:F ACTION: 1999 TAX INQUIRY as of 10/04/1999 11:07 TRQK701  
9R29001000 0 02N01W194800

099-00 \* \* CHECK FOR DELINQUENCIES \* \*  
LONE PINE DAIRY PARTNERSHIP

Original Tax .00

5592 W KUNA RD  
KUNA ID 83634

Total Due

19-2N-1W SW  
E 1/2 SW LS TX 7,, TX 7

.....  
.....00.....00  
.....

5592 KUNA RD, KU

Outstanding Tax .00

FCV / QTY 427,375 / 80.00

MHR

Information on this screen is subject to change without notice

MODE:F ACTION: 1998 TAX INQUIRY as of 10/04/1999 11:07 TRQK701  
8R29001000 0 02N01W194800

099-00 \* \* CHECK FOR DELINQUENCIES \* \*  
BOSCHMA, THOMAS & THELMA-H/W

Original Tax 5,475.62

13100 SW HILLSBORO HWY  
HILLSBORO OR 97123

Total Due 5,475.62

19-2N-1W SW  
E 1/2 SW LS TX 7,, TX 7

.....  
.....2,737.81.....2,737.81  
.....

5592 KUNA RD, KU

Outstanding Tax .00

FCV / QTY 421,375 / 80.00

MHR

Information on this screen is subject to change without notice

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: **A63-09103**  
Date Received: 2/ 5/1996  
Receipt No: C034725  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: LEONARD K HAYDEN 208-465-1604  
Address: 16975 STAR RD  
Nampa ID 83687

2. Date of Priority: MAR 31, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06N      | 04W   | 14      | NE     | NE     |     |     | PAYETTE |

5. Description of diverting works:  
WELL, 200 HP PUMP, WHEELINES AND HANDLINES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.860 |      | 787.50 |

7. Total Quantity Appropriated is:  
1.860 C.F.S. (and/or) 787.50 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 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 06N      | 04W   | 11      | SE     | SE  |     | IRR           | 25.0  |
|          |       |         |        |     |     | Section Acres | 25.0  |
|          |       | 12      | NW     | SW  |     | IRR           | 9.0   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot           | Use | Acres |
|----------|-------|---------|--------|-----|---------------|-----|-------|
| 06N      | 04W   | 12      | SW     | SW  |               | IRR | 31.0  |
|          |       |         | SE     | SW  |               | IRR | 10.0  |
|          |       |         |        |     | Section Acres |     | 50.0  |
|          |       | 13      | NE     | NW  |               | IRR | 1.0   |
|          |       |         | SW     | NW  |               | IRR | 6.0   |
|          |       |         |        |     | Section Acres |     | 7.0   |
|          |       | 14      | NE     | NE  |               | IRR | 15.0  |
|          |       |         | SW     | NE  |               | IRR | 39.0  |
|          |       |         | SE     | NE  |               | IRR | 39.0  |
|          |       |         |        |     | Section Acres |     | 93.0  |
|          |       |         |        |     | Total Acres   |     | 175.0 |

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

A PORTION OF THE LAND UNDER THE ORIGINAL LICENSE WAS SOLD WITHOUT WATER, LEAVING THE 102.0 ACRES CLAIMED.

15. Basis of Claim: LICENSE

C -

RECEIVED

FEB 23 1999

Form No. 42-1409 (2) a 1/88

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

WATER RESOURCES  
WESTERN REGION

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 A63-09103

Date Received 2/23/99

Receipt Number W024825 KH

Should questions arise during  
the processing of this applica-  
tion please contact:

SHERI L. CHAPMAN  
410 S. Orchard, Suite 144  
Boise, ID 83705  
344-6690

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

AMENDED

Please type or print clearly

1. Name of Claimant (s) Leonard Hayden Phone ( 208 ) 465-1604

Mailing Address 16975 Star Road, Nampa, ID Zip 83687

2. Date of Priority (Only one (1) per claim) 3-31-77

3. Source of water supply (a) Groundwater  
which is tributary to (b) N/A

4. a. Location of existing point of diversion is: Township 6N Range 4W Section 14,  
1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of Payette

Additional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is: N/A

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, vertical turbine pump, main lines,  
sprinklers.

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 1.86 or 787.50

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 1.86 (cfs) and/or (b) 787.50 (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

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

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 |        |
| 6N  | 4W  | 11  |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       | 25    | 25     |
| 6N  | 4W  | 12  |        |       |       |       |        |       |       |       |        | 9     | 31    | 10    |        |       |       |       | 50     |
| 6N  | 4W  | 13  |        |       |       |       | 1      |       | 6     |       |        |       |       |       |        |       |       |       | 7      |
| 6N  | 4W  | 14  | 15     |       | 39    | 39    |        |       |       |       |        |       |       |       |        |       |       |       | 93     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 175

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

12. Do you own the property listed above as place of use? Yes XXX No \_\_\_\_\_  
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 (XX)

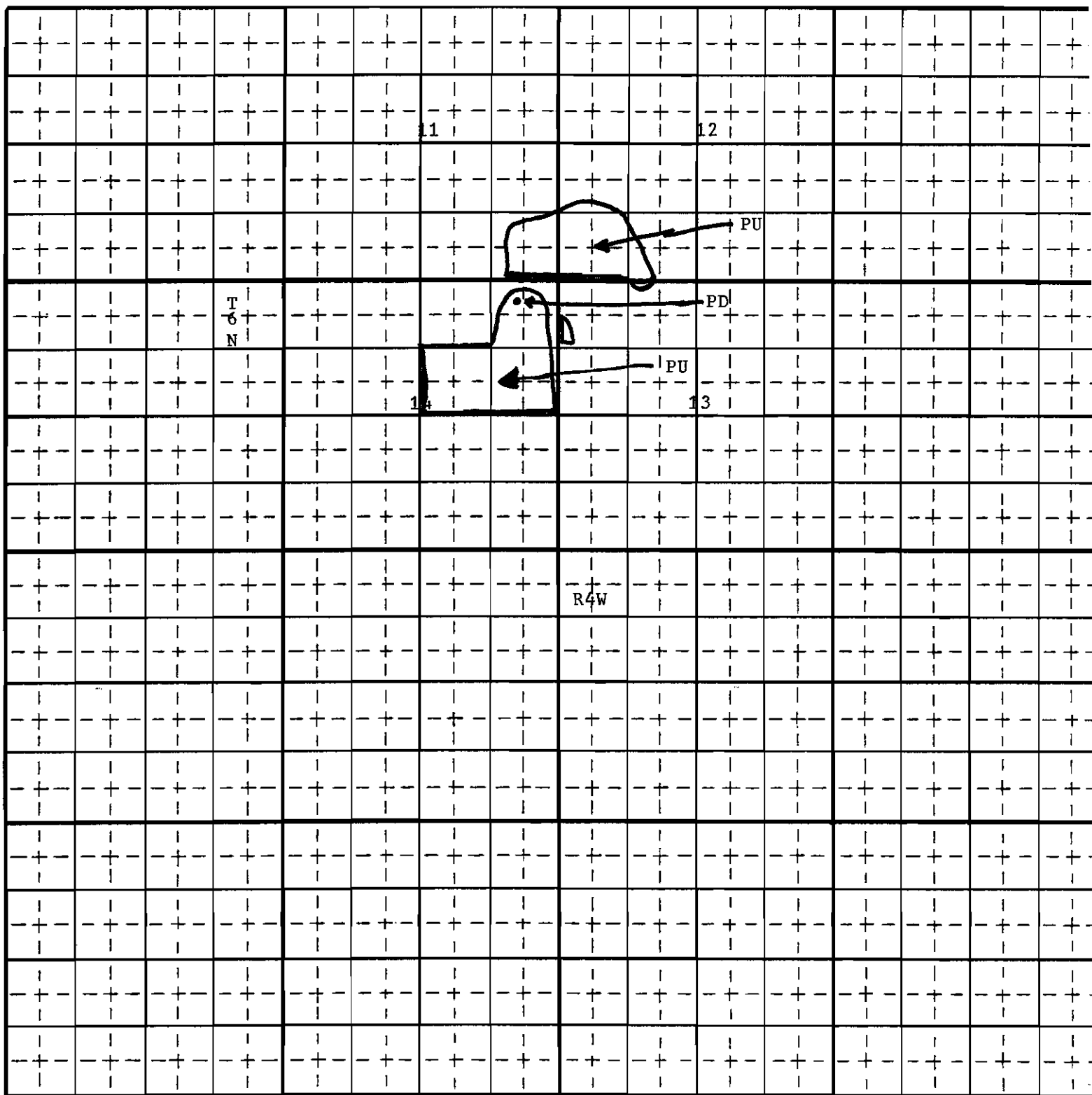
14. Remarks:

Last Name Hayden Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License XXX Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number 63-09103  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

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

Number of attachments \_\_\_\_\_

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

Signature of Claimant (s) Sheridan X. Hayden

Date 2-19-99

Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

Title \_\_\_\_\_

of \_\_\_\_\_, that I have signed the foregoing

Organization \_\_\_\_\_

document in the space below as \_\_\_\_\_

Title \_\_\_\_\_

of \_\_\_\_\_

Organization \_\_\_\_\_

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_

Date \_\_\_\_\_

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

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_

day of February 19 99

Notary Public Sheri L. Chapman

Residing at Meridian Idaho

My Commission Expires 6-14-2000

Please Print Name Sheri L. Chapman

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 \_\_\_\_\_

Last Name Hayden Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

09/29/2006

**NOTICE OF ERROR  
REPLY**

**RECEIVED**

**OCT 31 2006**

Please type or print clearly, fill out this form completely and mail.

**WATER RESOURCES  
WESTERN REGION**

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006**

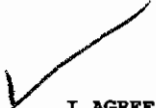
Water right number: 63-9103D

STEVE BOSCHMA  
5592 KUNA RD  
KUNA ID 83634  
Telephone Number: (208)467-2816

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:



**I AGREE with this proposed recommendation: no changes need to be made.**

DATE: 10/26/06

SIGNATURE: Steve T Boschma

Please print your name: STEPHEN T. BOSCHMA

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

## ADJUDICATION CLAIMS SPLIT TREE FOR 63-9103

**RIGHTS HAVE BEEN  
SPLIT AND ARE NO  
LONGER ACTIVE  
(parent rights)**

63-9103  
Leonard Hayden  
1.86 cfs / 787.5 afa  
175 ACRES TOTAL  
Sec 11 SESE - 25  
Sec 12 NWSW - 9  
Sec 12 SWSW - 31  
Sec 12 SESW - 10  
Sec 13 NENW - 1  
Sec 13 SWNW - 6  
Sec 14 NENE - 15  
Sec 14 SWNE - 39  
Sec 14 SENE - 39

63-9103A  
Leonard Hayden  
1.66 cfs / 697.5 afa  
155 ACRES TOTAL  
Sec 11 SESE - 25  
Sec 12 NWSW - 9  
Sec 12 SWSW - 21  
Sec 13 NENW - 1  
Sec 13 SWNW - 6  
Sec 14 NENE - 15  
Sec 14 SWNE - 39  
Sec 14 SENE - 39

63-9103B  
Patrick & Joy Harris  
0.05 cfs / 22.5 afa  
5 ACRES TOTAL  
MOVED TO  
2N 2E S8  
NWSW

63-9103C  
Gary & Heather  
Mingus  
0.05 cfs / 22.5 afa  
5 ACRES TOTAL  
MOVED TO  
5N 1E S31  
NWNW - 2 acres  
5N 1W S36  
NENE - 3 acres

63-9103D  
Steve Boschma  
0.10 cfs / 34.2 afa  
10 ACRES RETIRED  
AND MOVED TO A  
DAIRY IN  
2N 1W S19  
NESW & SESW

63-9103E  
Leonard Hayden  
1.19 cfs / 499.5 afa  
111 ACRES TOTAL  
Sec 12 NWSW - 9  
Sec 12 SWSW - 2  
Sec 13 NENW - 1  
Sec 13 SWNW - 6  
Sec 14 NENE - 15  
Sec 14 SWNE - 39  
Sec 14 SENE - 39

63-9103F  
Toni and Ben  
Choutchourrou  
0.47 cfs / 198 afa  
44 ACRES TOTAL  
Sec 11 SESE - 25  
Sec 12 SWSW - 19

63-32276  
Leonard Hayden  
0.13 cfs / 54 afa  
12 ACRES TOTAL  
Sec 12 NWSW - 9  
Sec 12 SWSW - 2  
Sec 13 NENW - 1

63-32277  
Jerry and Pamela  
Wilson  
1.06 cfs / 445.5 afa  
99 ACRES TOTAL  
Sec 13 SWNW - 6  
Sec 14 NENE - 15  
Sec 14 SWNE - 39  
Sec 14 SENE - 39

63-32279  
Leonard Hayden  
0.08 cfs / 33.75 afa  
7.5 ACRES TOTAL  
Sec 12 NWSW - 4.5  
Sec 12 SWSW - 2  
Sec 13 NENW - 1

63-32280  
Leonard Hayden  
0.05 cfs / 20.25 afa  
4.5 ACRES TOTAL  
Sec 12 NWSW - 4.5

02/02/2006

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

RIGHT NUMBER: 63-9103D

NAME AND ADDRESS: STEVE BOSCHMA  
5592 KUNA RD  
KUNA ID 83634

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS  
34.200 AFY

The total instantaneous diversion of water from all points of diversion under Right 63-09103D shall not exceed 0.10 cfs, nor a total combined annual volume of 34.2 af.

PRIORITY DATE: 03/31/1977

POINT OF DIVERSION:

T02N R01W S19 NWSESW Within CANYON County

T02N R01W S19 SWSESW Within CANYON County

TWO POINTS OF DIVERSION LOCATED IN T02N, R01W, S19, SESW.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| STOCKWATER            | 1/01 12/31           | 0.100 CFS<br>26.80 AFY |
| COMMERCIAL            | 1/01 12/31           | 0.100 CFS<br>7.40 AFY  |

PLACE OF USE: STOCKWATER Within CANYON County

|               |      |               |      |
|---------------|------|---------------|------|
| T02N R01W S19 | NESW | T02N R01W S19 | SESW |
|---------------|------|---------------|------|

COMMERCIAL Within CANYON County

|               |      |               |      |
|---------------|------|---------------|------|
| T02N R01W S19 | NESW | T02N R01W S19 | SESW |
|---------------|------|---------------|------|

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

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**ADJUDICATION CLAIM POU REVIEW REPORT**  
**ADJUDICATION CLAIM NUMBER: 63-9103D**

01/26/2006

1

| Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name            |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|-----------------|
| 4498    | Claim       | 02N | 01W | 19  | NE | SW |     | STOCKWATER     |             | STEVE BOSCHMA   |
| 1103D   | Claim       | 02N | 01W | 19  | NE | SW |     | STOCKWATER     |             | STEVE BOSCHMA   |
| 11584   | Claim       | 02N | 01W | 19  | NE | SW |     | STOCKWATER     |             | LONE PINE DAIRY |
| 4498    | Water Right | 02N | 01W | 19  | NE | SW |     | STOCKWATER     |             | HAROLD BOSCHMA  |
| 1103D   | Water Right | 02N | 01W | 19  | NE | SW |     | STOCKWATER     |             | LISA K GRAY     |
| 11584   | Claim       | 02N | 01W | 19  | NE | SW |     | COMMERCIAL     |             | LONE PINE DAIRY |
| 4498    | Claim       | 02N | 01W | 19  | NE | SW |     | DOMESTIC       |             | STEVE BOSCHMA   |
| 4498    | Claim       | 02N | 01W | 19  | SE | SW |     | STOCKWATER     |             | STEVE BOSCHMA   |
| 1103D   | Claim       | 02N | 01W | 19  | SE | SW |     | STOCKWATER     |             | STEVE BOSCHMA   |
| 11584   | Claim       | 02N | 01W | 19  | SE | SW |     | STOCKWATER     |             | LONE PINE DAIRY |
| 4498    | Water Right | 02N | 01W | 19  | SE | SW |     | STOCKWATER     |             | HAROLD BOSCHMA  |
| 1103D   | Water Right | 02N | 01W | 19  | SE | SW |     | STOCKWATER     |             | LISA K GRAY     |
| 11584   | Claim       | 02N | 01W | 19  | SE | SW |     | COMMERCIAL     |             | LONE PINE DAIRY |
| 4498    | Claim       | 02N | 01W | 19  | SE | SW |     | DOMESTIC       |             | STEVE BOSCHMA   |

# Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690  
Fax (208) 344-2744 / Email chapmaninc@rmci.net

TO: Mr. Gary Spackman

FROM: Sherl L. Chapman, President 

DATE: November 18, 1999

SUBJECT: TRANSFER OF OWNERSHIP OF A PORTION OF  
63-09103

RECEIVED  
NOV 19 1999  
WATER RESOURCES  
WESTERN REGION

The attached Notice of Change of Water Right Ownership is provided the Department by Mr. Steve Boschma the present owner of 63-09103D. Mr. Boschma entered into an agreement with Leonard K. Hayden representative for Lisa K. Gray to acquire a portion of the water right, which was to be transferred to his property along with a change in nature of use for stockwater and commercial purposes. The transfer was approved by the Department July 1, 1999. Ownership documents and a discussion of the diversion of the water right were a part of the submission of the transfer application for consideration of the Department. Mr. Boschma did not acquire any land from Mr. Hayden or Ms. Gray and only a part of the water right was transferred. Also attached is a letter documenting the purchase arrangement between Mr. Hayden and the parties to which the water was transferred, which includes Mr. Boschma.

If the Department needs additional information please contact Sherl L. Chapman, 410 S. Orchard, Suite 144, Boise, Idaho 83705, 344-6690.

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-9103 Priority March 31, 1977 Amount 1.86 cfs

THIS IS TO CERTIFY, that Leonard K. Hayden  
of Caldwell, Idaho, has complied with the terms and conditions of Permit  
No. 63-9103 issued pursuant to Application for Permit dated March 31, 1977,  
and has submitted proof to the Department of Water Resources on May 6, 1981,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 1.86 cfs of water from a groundwater source,  
tributary to \_\_\_\_\_, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use    | Period of Use                       | Rate of Diversion | Annual Volume              |
|-------------------|-------------------------------------|-------------------|----------------------------|
| <u>Irrigation</u> | <u>from March 15 to November 15</u> | <u>1.86 cfs</u>   | <u>and 787.5 acre feet</u> |
|                   | <u>from _____</u>                   | <u>cfs</u>        | <u>and _____</u>           |
|                   | <u>from _____</u>                   | <u>cfs</u>        | <u>and _____</u>           |

Subject, however, to the condition that no more than 1.86 cfs of water be diverted any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
787.5 acre feet per year, said waters to be diverted within the NE 1/4, Section 14, Twp.  
6N, Rge. 4W in the County of Payette

Description and location of place of use:

| Twp. | Range | 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 |        |
| 6N   | 4W    | 11     |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    | 25     |
|      |       | 12     |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    | 50     |
|      |       | 13     |    |    |    | 1      |    | 6  |    |        |    |    |    |        |    |    |    | 7      |
|      |       | 14     | 15 |    |    | 39     | 39 |    |    |        |    |    |    |        |    |    |    | 93     |

Total number of acres irrigated 175

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day of August, 19 82.

Director