

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 63-32595  
Date Received: 9/7/1989  
Receipt No: X777777  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

B W INC Phone: (208)375-6666  
250 S BEECHWOOD STE 120  
BOISE ID USA 83709

2. Date of Priority: 06/01/1891

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 04N      | 01E   | 16      | SW SE                 | ADA    |      |

5. Description of diverting works:

CONC. DAM, DITCHES, GRAVITY FLOWS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 1.05   |            |

7. Total Quantity Appropriated is:  
1.05 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres         |    |
|----------|-------|---------|------------|-----|-----|---------------|----|
| 04N      | 01E   | 16      | NE         | SW  | 6   | IRRIGATION    | 10 |
|          |       |         | NW         | SW  | 5   | IRRIGATION    | 17 |
|          |       |         | SW         | SW  |     | IRRIGATION    | 24 |
|          |       |         | SE         | SW  | 6   | IRRIGATION    | 23 |
|          |       |         |            |     |     | Section Acres | 74 |
|          |       |         |            |     |     | Total Acres   | 74 |

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:

14. Remarks:

This right is a split from former right 63-197 .

15. Basis of Claim: Decreed

Should questions arise during the processing of this application please contact:  
Steven Hannula - ERO Resources Corp. (208) 373-7983

RECEIVED

APR 20 2006

WATER RESOURCES  
WESTERN REGION

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 63-196                |                              | X     |                       |                              |       |
| 63-197                |                              | X     |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) Lois L Joplin  
2260 S Eagle Rd., Eagle ID 83616
4. New Owner/Claimant(s) BW Inc.  
 Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
- New Mailing Address 250 S. Beechwood
- City, State and ZIP Code Boise, ID 83709
- New Telephone Number (208) 375-6666 (Dennis Baker)
5. Date you acquired the property Various – See deeds

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                               |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>63-196</u>                                                              |                                                                            |                                                               |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                              | <u>0.22 cfs</u>                                                            | <u>37.0 acres of irrigation</u>                               |
| Stock                                                                                                                   | _____                                                                      | _____                                                         |
| Domestic                                                                                                                | _____                                                                      | _____                                                         |
| Other _____                                                                                                             | _____                                                                      | _____                                                         |
| <b>Total</b>                                                                                                            | <b><u>0.22 cfs</u></b>                                                     |                                                               |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                               |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>63-197</u>                                                              |                                                                            |                                                               |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                              | <u>0.52 cfs</u>                                                            | <u>37.0 acres of irrigation</u>                               |
| Stock                                                                                                                   | _____                                                                      | _____                                                         |
| Domestic                                                                                                                | _____                                                                      | _____                                                         |
| Other _____                                                                                                             | _____                                                                      | _____                                                         |
| <b>Total</b>                                                                                                            | <b><u>0.52 cfs</u></b>                                                     |                                                               |

7. Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

X   
PRESIDENT B.W. INC

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

-----  
**For Office Use Only**

Received by  Date 4-20-06 Fee N/A  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by  AJ Date 2-28-07 WR \_\_\_\_\_ Date \_\_\_\_\_

5000

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

RECEIVED  
SEP 07 1989

Ident. Number: A63-00197  
Date Received: 9-6-89  
Receipt No: 001130  
Received By: B

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: LOIS L. JOPLIN 208-939-2308  
Address: 2260 S. EAGLE RD.  
EAGLE, ID 83616

2. Date of Priority: JUN 01, 1891

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 04N      | 01E   | 16      | SW     | SE     |     |     | ADA    |

5. Description of diverting works:  
CONC. DAM, DITCHES, GRAVITY FLOWS

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:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 04N      | 01E   | 16      | NE     | SW  | 6   | IRR | 35.0  |
|          |       |         | NW     | SW  | 5   | IRR | 40.0  |
|          |       |         | SW     | SW  |     | IRR | 40.0  |

A63-00197

Page 1

Date: 08/28/89

MICROFILMED

AUG 17 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 04N      | 01E   | 16      | SE     | SW  | 6   | IRR | 40.0  |

Section Acres 155.0

Total Acres 155.0

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:  
63-00196

14. Remarks:

15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date:

FARMERS CO-OP DITCH CO.  
Decree Plaintiff

vs

RIVERSIDE IRR. DIST.  
Decree 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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *David J. Pyle* Date: 9-5-89  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 5th day

of September 19 89

*Annice J. Robertson*  
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 7-1-91



A63-00197

MICROFILMED

Aug 17 1960

awarded the use of the waters of said river, diverted at a point near the center of NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Sec. 13, T. 4 N. R. 1 E. B.M., for use upon the NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Sec. 16, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 018540 inches, from June 1, 1891; and hereby designated as Right No. 123  
And be adjudged to pay \$21.00 costs in addition to the costs incurred by him

LV.

That the defendant W. H. CONWAY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW corner of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Sec. 13, T. 4 N. R. 1 E. B.M., for use upon lots 5 and 6 and SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Sec. 13, T. 4 N. R. 1 E. B.M., in the following amounts and from the following dates;

63 019643 inches, from June 1, 1877; and hereby designated as Right No. 64.

✓ 63 0197110 inches, from June 1, 1891; and hereby designated as Right No. 113  
And be adjudged to pay \$10.85 costs in addition to the costs incurred by him.

LVI.

That the defendant the MIDDLETON WATER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river in SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Sec. 12, T. 4 N. R. 1 W. B.M., for use on the lands lying under its canal system, in the following amount and from the following date;

63 01985704 inches, from June 1, 1877; and hereby designated as Right No. 65.

And be adjudged to pay \$399.23 costs in addition to the costs incurred by it.

359 430  
74 468  
75 1864  
74 P.D. 57  
75 P.D. 75  
76 P.D. 84  
77  
78  
75

INTER-DEPARTMENT MEMO — 1

DATE 7/15/92

FROM Steve L.

TO FILES

SUBJECT

A63-00196  
A63-00197

appear to serve  $\approx 113$  acres in SW  $\frac{1}{4}$  S.16 per  
1987 DSCS photo.

See transfer filed in 63-00196 (5/5/92).

SL

SIGNATURE

MICROFILMED

AUG 17 1992

74      ~~78.5~~      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: BASIS OF CLAIM - Decreed

Property is also known as Island Woods Subdivision.

This right is also designated as Right No. 118 in the Boise River Stewart Decree and Boise River Water Distribution Report.

This right is a split from former right 63-197 .

**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     | ) | <b>Water Rights:</b> 63-32593, 63-32594    |
|                | ) | 63-32595, 63-32596 <b><u>CORRECTED</u></b> |
| Case No. 39576 | ) | <b>NOTICE OF COMPLETED</b>                 |
|                | ) | <b>ADMINISTRATIVE</b>                      |
| _____          | ) | <b>PROCEEDING</b>                          |

IDWR has completed the following administrative proceeding:

☒ XX Correction

☐ 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

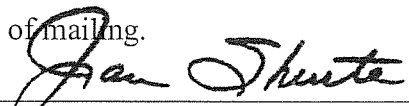
☐ Other

☐ 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: March 30, 2007

  
\_\_\_\_\_  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on March 30, 2007, 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    | <input type="checkbox"/>            | overnight mail |
| Snake River Basin Adjudication | <input checked="" type="checkbox"/> | regular mail   |
| P.O. Box 2707                  | <input type="checkbox"/>            | hand-delivered |
| Twin Falls, ID 83303-2707      | <input type="checkbox"/>            | facsimile      |

### 2. Copies to:

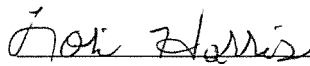
|                                 |                                     |                |
|---------------------------------|-------------------------------------|----------------|
| Clive Strong                    | <input type="checkbox"/>            | overnight mail |
| Off ice of the Attorney General | <input checked="" type="checkbox"/> | regular mail   |
| P.O. Box 44449                  | <input type="checkbox"/>            | hand-delivered |
| Boise, ID 83711-4449            | <input type="checkbox"/>            | facsimile      |

|                                    |                                     |                |
|------------------------------------|-------------------------------------|----------------|
| United States Dept of Justice      | <input type="checkbox"/>            | overnight mail |
| Environment & Natural Resource Div | <input checked="" type="checkbox"/> | regular mail   |
| 550 West Fort Street MSC 033       | <input type="checkbox"/>            | hand-delivered |
| Boise ID 83724                     | <input type="checkbox"/>            | facsimile      |

### 3. Copies to all parties to the subcase:

|                         |                                     |                |
|-------------------------|-------------------------------------|----------------|
| B W Inc.                | <input type="checkbox"/>            | overnight mail |
| 250 S Beechwood Ste 120 | <input checked="" type="checkbox"/> | regular mail   |
| Boise ID 83709          | <input type="checkbox"/>            | hand-delivered |
|                         | <input type="checkbox"/>            | facsimile      |

|                                     |                                     |                |
|-------------------------------------|-------------------------------------|----------------|
| Island Woods Homeowners Association | <input type="checkbox"/>            | overnight mail |
| PO Box 193                          | <input checked="" type="checkbox"/> | regular mail   |
| Eagle ID 83616                      | <input type="checkbox"/>            | hand-delivered |
|                                     | <input type="checkbox"/>            | facsimile      |

  
Signature of person mailing this document



State of Idaho

## DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

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

WESTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

March 30, 2007

B W INC  
250 S BEECHWOOD STE 120  
BOISE ID 83709

Dear Sir or Madam:

Enclosed are copies of the corrected 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).

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

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris  
Technical Records Specialist 1  
Adjudication Section  
Western Region Office

JS:lh  
Enclosures

cc: Island Woods Homeowners, Steve Hannula-ERO Resources



# Idaho Department of Water Resources

SRBA Recommendation:

**63-32595**

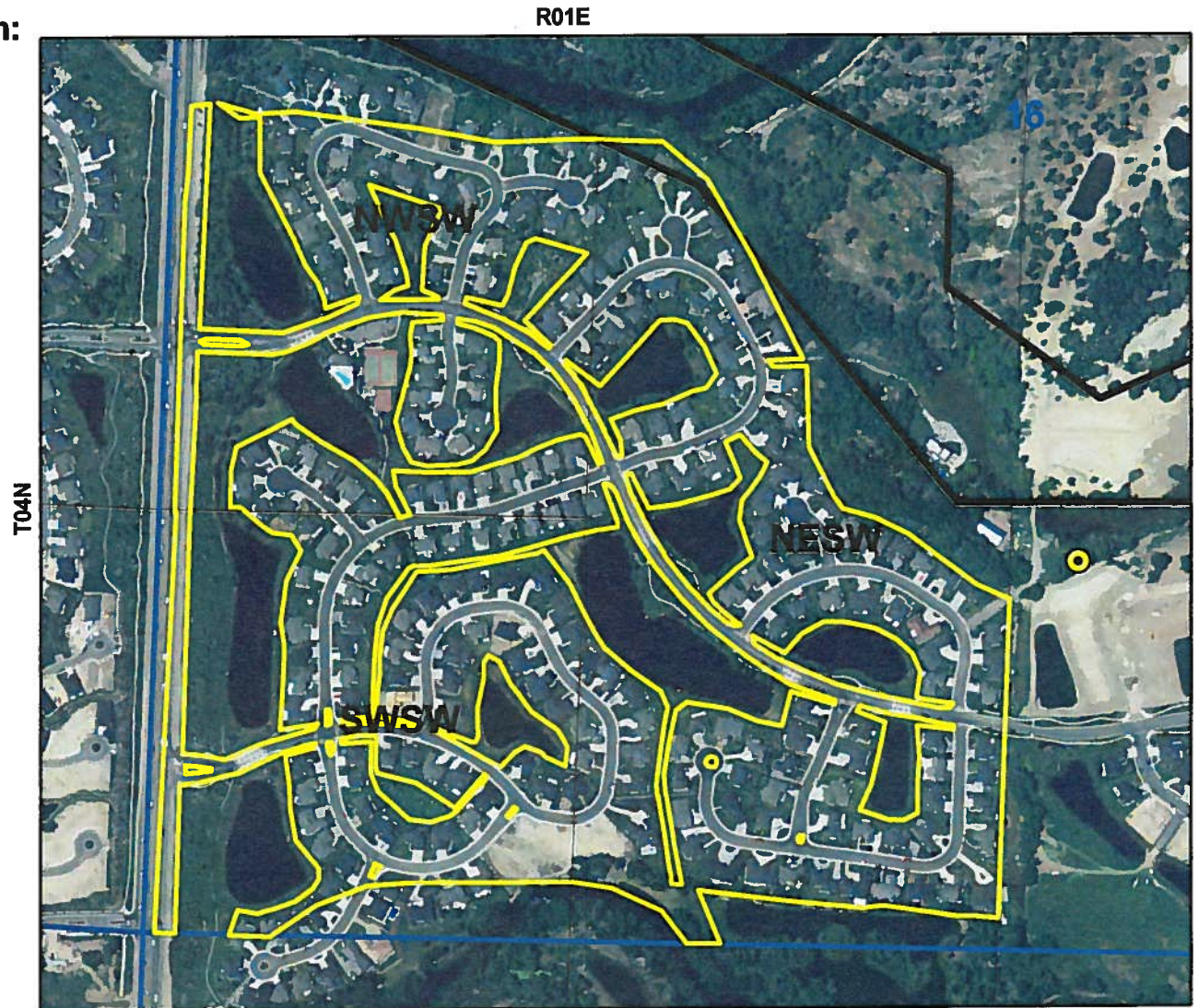
(Irrigation)

## Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County  
IDWR Basin 63



0 0.2 0.4 Miles



Prepared by K. Walker  
On Friday, March 23, 2007  
2004 Aerial Photography

## MEMORANDUM

TO: Files 63-196 and 63-197

FROM: Kay Walker

RE: Re-evaluation of Rights due to Ownership Change

Date: March 22, 2007

.....

After mailing out the updated versions of rights for Island Woods and BW Inc. Steve Hanula contacted me. I had omitted some of the lands that were to be in the Island Woods Homeowners Association (IWHOA). These lands were located in the SE corner of the property. I re-evaluated the lands for IWHOA and found they actually should have been given water rights for the irrigation of 39 acres rather than 34.5. These new calculations will split the rights accordingly.

1. Deed from Joplin to BW, Inc. included all the lands recommended in preliminary recommendations for 63-196 and 63-197 determined to be 113 acres.
2. Rights should be split between BW Inc. and Island Woods Homeowners Assn. since all the lands are within recommended place of use. The small portion of lands identified by ERO that were not within the deeded area have been removed from the proposed places of use.
3. Rights should be split as follows with proportionate amount of water:  
39 acres for IWHOA  
74 acres for BW Inc.  
113 acres found on preliminary recommendations
4. Proportionate amounts of water determined as follows:

$$0.66 \text{ cfs}/113 \text{ acres} \times 39 \text{ acres} = 0.23 \text{ cfs}$$

$$0.66 \text{ cfs}/113 \text{ acres} \times 74 \text{ acres} = 0.43 \text{ cfs}$$

0.66 cfs for Rt. 63-196

$$1.6 \text{ cfs}/113 \text{ acres} \times 39 \text{ acres} = 0.55 \text{ cfs}$$

$$1.6 \text{ cfs}/113 \text{ acres} \times 74 \text{ acres} = 1.05 \text{ cfs}$$

1.60 cfs for Rt. 63-197

63-32594

63-32593

63-32594

63-32595



# Idaho Department of Water Resources

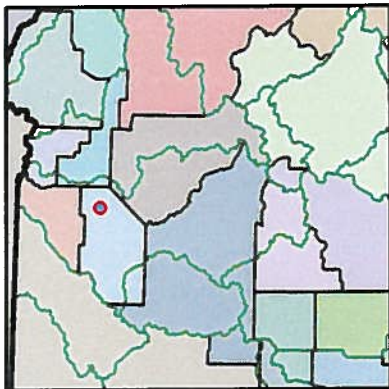
SRBA Recommendation:

**63-32595**

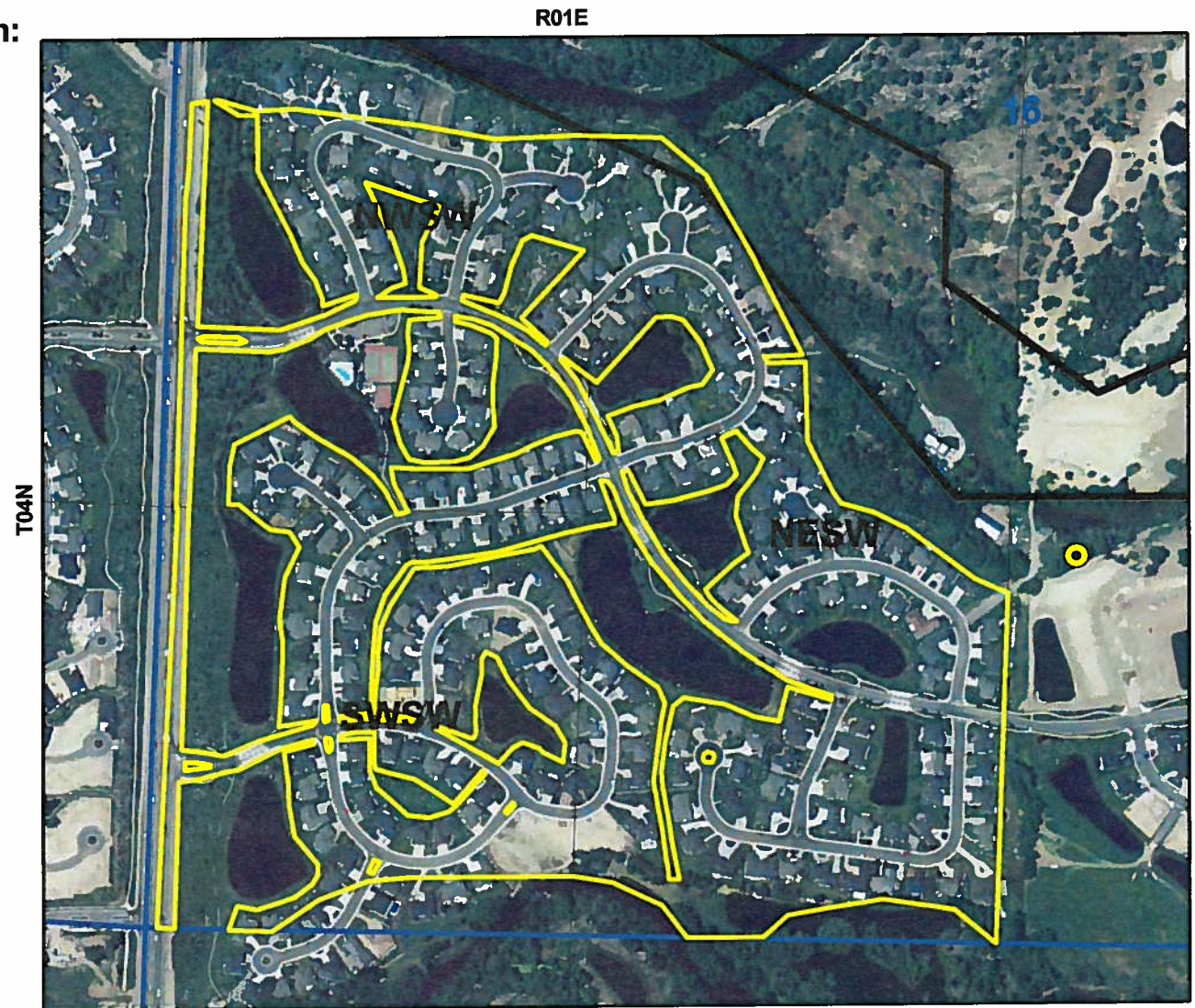
(Irrigation)

## Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County  
IDWR Basin 63



0 0.2 0.4 Miles

Prepared by K. Walker  
On Monday, March 5, 2007  
2004 Aerial Photography

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

RIGHT NUMBER: 63-32595

NAME AND ADDRESS: B W INC  
250 S BEECHWOOD STE 120  
BOISE ID 83709

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.110 CFS

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

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:

T04N R01E S16 SWSE Lot 7 Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| IRRIGATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 03/01 11/15          | 1.110 CFS       |
| Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576. |                      |                 |

PLACE OF USE: IRRIGATION in ADA County

|                          |       |                          |       |
|--------------------------|-------|--------------------------|-------|
| T04N R01E S16 Lot 6 NESW | 10.70 | T04N R01E S16 Lot 5 NWSW | 17.20 |
| T04N R01E S16 SWSW       | 23.90 | T04N R01E S16 Lot 6 SESW | 26.70 |

78.5 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: BASIS OF CLAIM - Decreed

Property is also known as Island Woods Subdivision.

This right is also designated as Right No. 118 in the Boise River Stewart Decree and Boise River Water Distribution Report.

This right is a split from former right 63-197 .

**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     | ) | <b>Water Rights:</b> 63-197 (Split Right) |
|                | ) | 63-32595, 63-32596                        |
| Case No. 39576 | ) | <b>NOTICE OF COMPLETED</b>                |
|                | ) | <b>ADMINISTRATIVE</b>                     |
| _____          | ) | <b>PROCEEDING</b>                         |

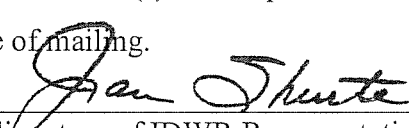
IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX 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
- ☐ 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: March 2, 2007

  
\_\_\_\_\_  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on March 2, 2007, 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    | <input type="checkbox"/>            | overnight mail |
| Snake River Basin Adjudication | <input checked="" type="checkbox"/> | regular mail   |
| P.O. Box 2707                  | <input type="checkbox"/>            | hand-delivered |
| Twin Falls, ID 83303-2707      | <input type="checkbox"/>            | facsimile      |

### 2. Copies to:

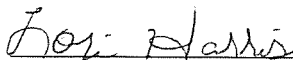
|                                 |                                     |                |
|---------------------------------|-------------------------------------|----------------|
| Clive Strong                    | <input type="checkbox"/>            | overnight mail |
| Off ice of the Attorney General | <input checked="" type="checkbox"/> | regular mail   |
| P.O. Box 44449                  | <input type="checkbox"/>            | hand-delivered |
| Boise, ID 83711-4449            | <input type="checkbox"/>            | facsimile      |

|                                    |                                     |                |
|------------------------------------|-------------------------------------|----------------|
| United States Dept of Justice      | <input type="checkbox"/>            | overnight mail |
| Environment & Natural Resource Div | <input checked="" type="checkbox"/> | regular mail   |
| 550 West Fort Street MSC 033       | <input type="checkbox"/>            | hand-delivered |
| Boise ID 83724                     | <input type="checkbox"/>            | facsimile      |

### 3. Copies to all parties to the subcase:

|                         |                                     |                |
|-------------------------|-------------------------------------|----------------|
| B W Inc                 | <input type="checkbox"/>            | overnight mail |
| 250 S Beechwood Ste 120 | <input checked="" type="checkbox"/> | regular mail   |
| Boise ID 83709          | <input type="checkbox"/>            | hand-delivered |
|                         | <input type="checkbox"/>            | facsimile      |

|                                         |                                     |                |
|-----------------------------------------|-------------------------------------|----------------|
| Island Woods Homeowners Association Inc | <input type="checkbox"/>            | overnight mail |
| PO Box 193                              | <input checked="" type="checkbox"/> | regular mail   |
| Eagle ID 83616                          | <input type="checkbox"/>            | hand-delivered |
|                                         | <input type="checkbox"/>            | facsimile      |



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

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

WESTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

March 2, 2007

B W INC  
250 S BEECHWOOD STE 120  
BOISE ID 83709

Re: Original Water Right Nos. 63-196, 63-197

Renumbered to Water Right Nos. 63-32593, 63-32595

Dear Sirs:

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of the original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the SRBA Court as notification of this change.

If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

Lori Harris  
Technical Records Specialist 1  
Adjudication Section  
Western Region Office

LH:1  
Enclosures

cc: Steve Hannula-ERO Resources