

NOTICE OF ERROR
REPLY

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

Return this reply form to IDWR by the deadline date printed on the recommendation or you want to let IDWR know that you agree with the recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/2/05

Water right number: 2-2268B

CITY OF BOISE
PUBLIC WORKS DEPT
ATTN ENV PROGRAM MANAGER
PO BOX 500

BOISE ID 83701-0500

Telephone Number: (208)384-3901

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

Place of use & Point of Diversion

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

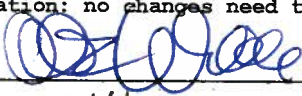
Indicate that there is no Place of Use or Point of Diversion; or in the alternative reflect the four P.O.D.s contained within the cross referenced permits.

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

The recommendation should reflect information pertinent to the City of Boise, the current owner of the water right.

☐ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12/2/05

SIGNATURE: 

Please print your name: Matthew Wilde

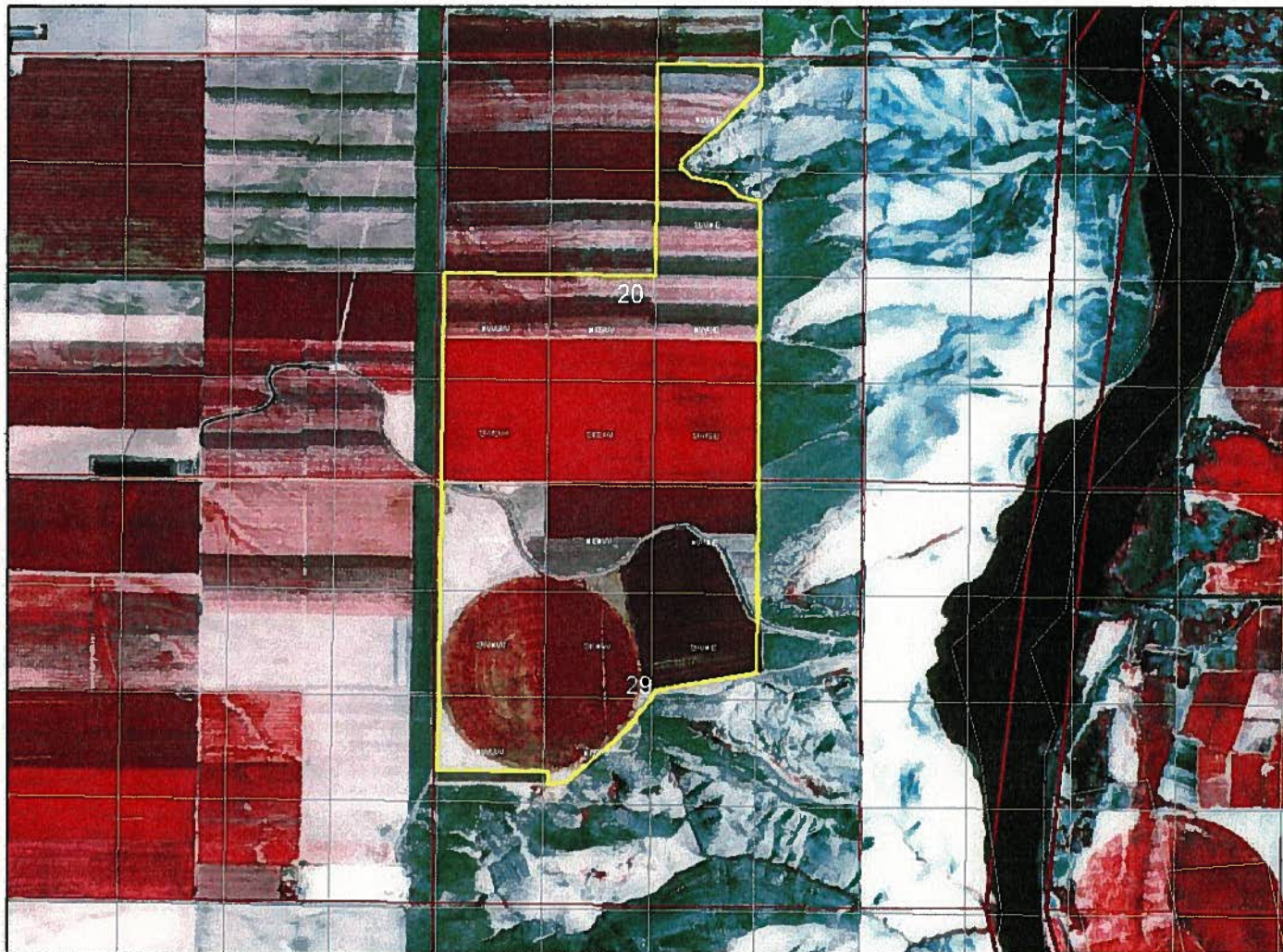
IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

SCANNED

DEC 05 2005

Idaho Department of Water Resources

Place of Use Layout 02-2268B



0 0.25 0.5 0.75 1 Miles



Township 07S Range 13E Sections 20 & 29



GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: April 7, 2003

- | | |
|--|----------------------------|
| | Place of Use |
| | PLSS Township Boundaries |
| | PLSS Section Lines |
| | PLSS Quarter Quarter Lines |

Send

Phil, Gary, Dave T, Luke, Susan,
Teff, Shelly, Scott, Corey.

42 223

Add mitigation as defense to forfeiture

Letter to City of Boise

8

do we notify that this is ^a test case
can file app for transfer, but I

8

63-2268B

BELL RAPIDS

to

City of Boise

4/8/2003
S. King

City of Boise is claiming a portion of Bell Rapids' right for use as mitigation. It will be left undiverted in the Snake River as mitigation for Permits 63-12461 and 63-12470, now owned by Boise.

11/30/1988

Bell Rapids' Claim, Amended '93. Chronology

2/28/2000

Sales purchase agreement,

Agreement for Purchase and Sale of Water Right

Toolson sells to Watkins water at \$200/acre
his portion of Bell Rapids' Right

5/24/2000

Letter that Bell Rapids will transfer water to Toolson

6/1/2000

Permits 63-12461 and 63-12470 are approved, with conditions

9/25/2000

Bell Rapids' submits Notice to Transfer letter, water to Toolson

9/29/2000

Change of ownership forms

Bell Rapids to Toolson

Toolson to Watkins (by sales/purchase agreement)

Watkins to City of Boise

Look at A02-7353

Rough Notes

11/2003

Brent Coles signs ownership change 9-29-2000
Watkins to City of Boise

See Permits approved June 1, 2000

63-12461

-12470

these contain Bell Rapids' authorization
to Transfer water to Toolson
~~for Toolson to own his shares as part of WR~~

Agreement for transfer of water permits

sales/purchase
by agreement

✓ Toolson to Watkins Change of ownership 2/18/2000

✓ Bell Rapids to Toolson " 9-29-2000

✓ NOT BY DEED, but by "Notice to Dept to transfer" letter
from Attny, Justin R. Seemons 9/25/2000

Also 5/24/2000 letter Bell Rapids will transfer water

✓ Bell Rapids Claim A02-02268

11/30/1988

Amended 10/93 "County update
Elmore

02-10203

10/3/2001

1) use irrig w/o pcc & remark - mitigation
for rights
no risk of forfeiture as long as permits used

2) Not irrig water

2-22688

DO NOT
Film/Scan

←

Scott
Shelley
Jeff
Tim → Glen → Karl
Susan
Dane T
Gary S.
Ph.)

9.8cf

X - 9.8cf

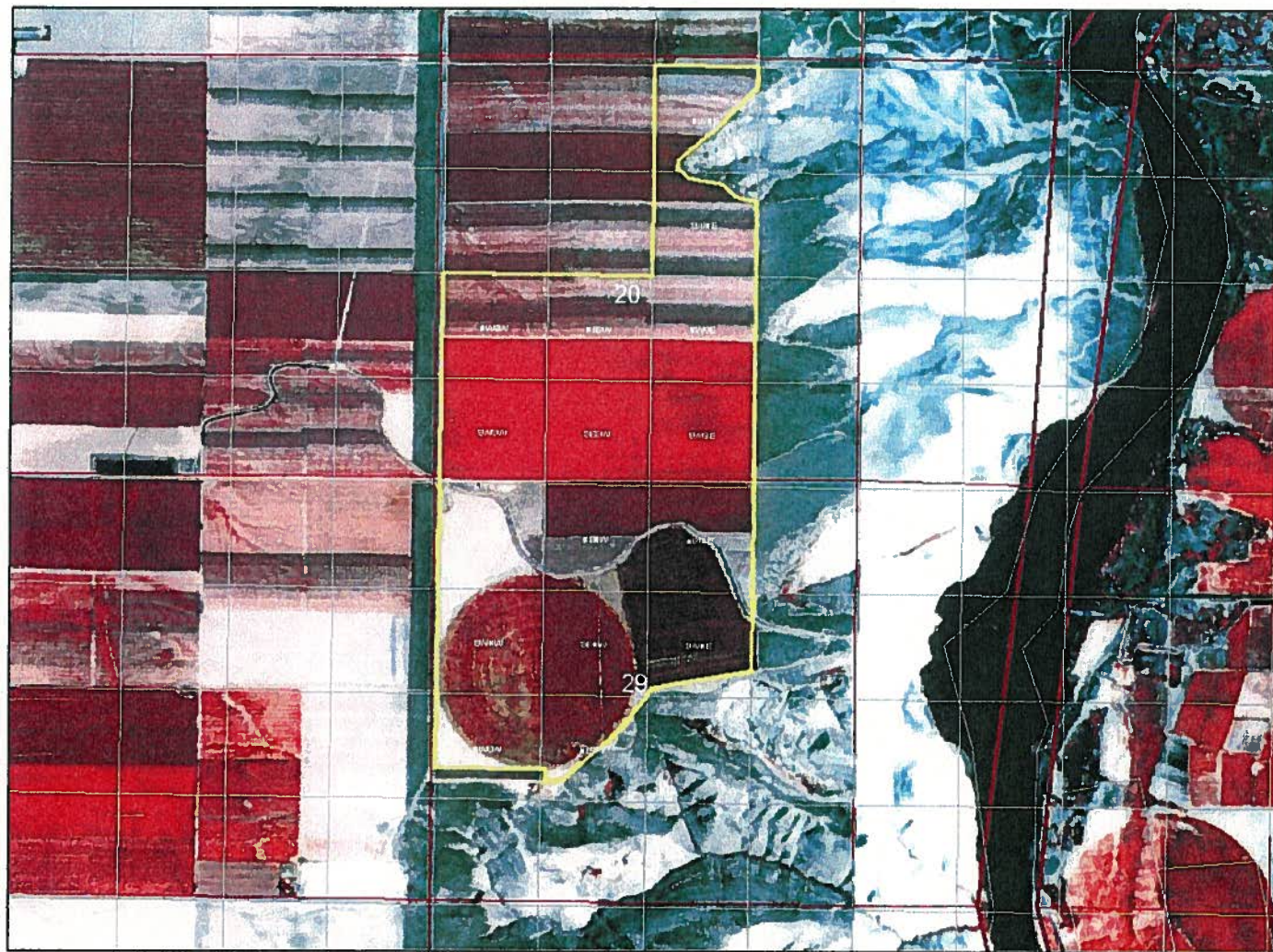
Options

- Irrigation
- Mitigation
- Forfeiture
- Exchange

DO NOT SCAN
DO NOT SCAN

Idaho Department of Water Resources

Place of Use Layout 02-2268B

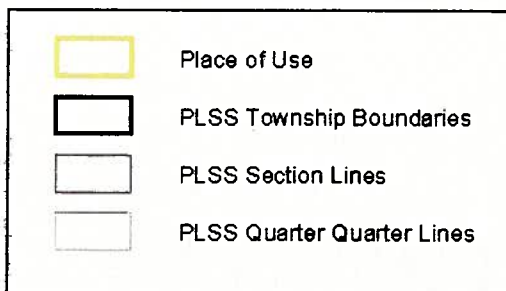


0 0.25 0.5 0.75 1 Miles

Township 07S Range 13E Sections 20 & 29



GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: April 7, 2003



11/08/2005

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

RIGHT NUMBER: 2-2268B

NAME AND ADDRESS: CITY OF BOISE
PUBLIC WORKS DEPT
ATTN ENV PROGRAM MANAGER
PO BOX 500

BOISE ID 83701-0500

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 9.800 CFS
2,317.600 AFY

PRIORITY DATE: 12/16/1963

POINT OF DIVERSION:

T07S R13E S16 SWSENE Lot 2 Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

9.800 CFS

2,317.60 AFY

This right will be used as mitigation per the Conditions of Approval for permits 63-12461 and 63-12470. This right will be left undiverted in the Snake River.

PLACE OF USE:

IRRIGATION Within TWIN FALLS County

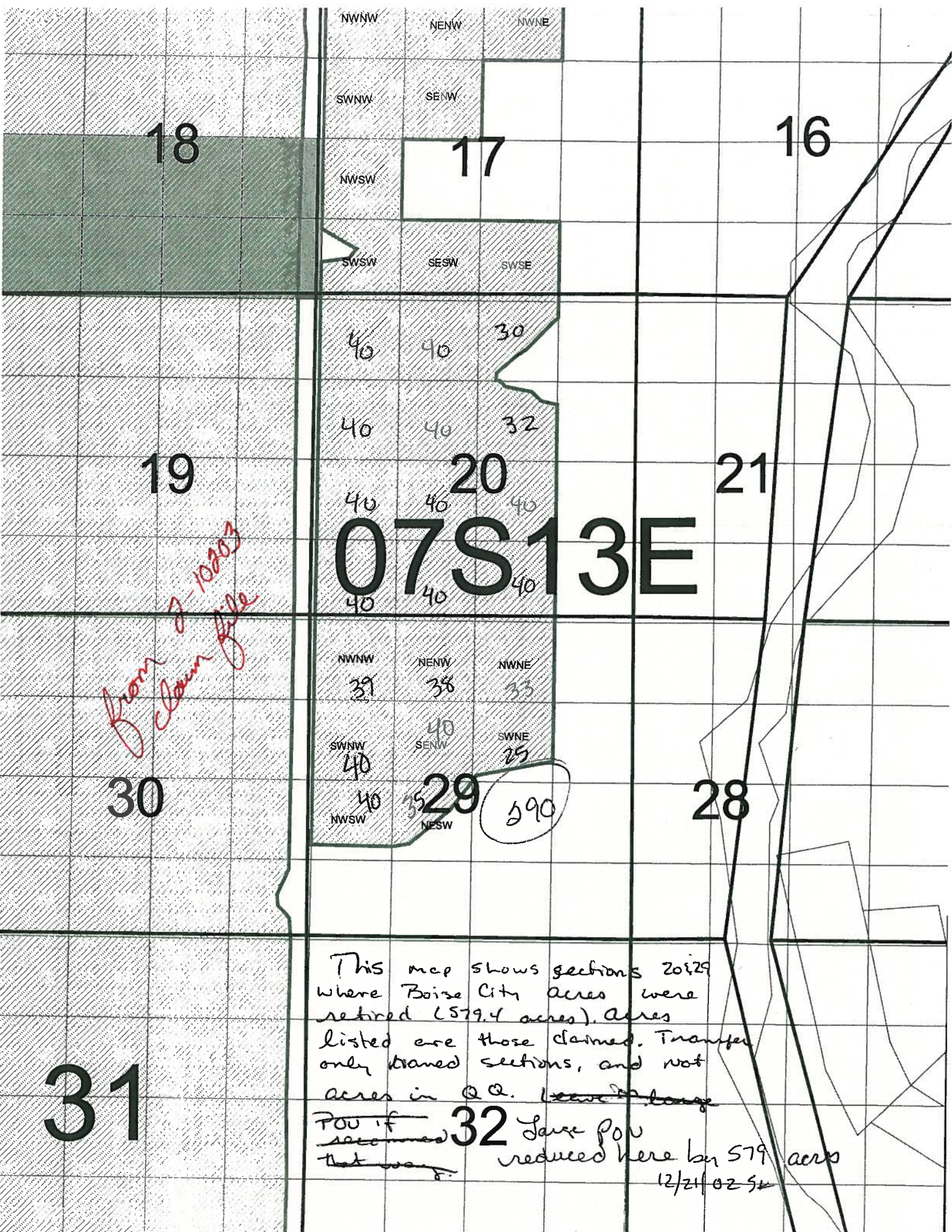
T07S R13E S20	NWNE	28.0	T07S R13E S20	SWNE	35.0
T07S R13E S20	NESW	40.0	T07S R13E S20	NWSW	39.0
T07S R13E S20	SWSW	39.0	T07S R13E S20	SESW	40.0
T07S R13E S20	NWSE	39.0	T07S R13E S20	SWSE	39.0
T07S R13E S29	NWNE	39.0	T07S R13E S29	SWNE	33.0
T07S R13E S29	NENW	40.0	T07S R13E S29	NWNW	39.0
T07S R13E S29	SWNW	39.0	T07S R13E S29	SENW	39.0
T07S R13E S29	NESW	20.0	T07S R13E S29	NWSW	31.0

579 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 - License



From 2-10203
claim file

07S13E

290

31

This map shows sections 20 & 29 where Boise City acres were retired (579.4 acres). Acres listed are those claimed. Transfers only claimed sections, and not acres in Q.Q. ~~leave alone~~
POB if ~~sections~~ Large POB reduced here by 579 acres
12/21/02 SK

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 2-2268B
Date Received: 8/7/2001
Receipt No:
Received By:

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

1. Name of Claimant(s)

CITY OF BOISE Phone: (208)384-3901

PUBLIC WORKS DEPT
PO BOX 500
BOISE ID USA 837010500

2. Date of Priority: 12/16/1963

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	13E	16	SW SE NE 2	TWIN FALLS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	9.8	2317.6

7. Total Quantity Appropriated is:
9.8 C.F.S. and/or 2317.6 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
06S	11E	13	NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
						Section Acres	160
06S	11E	24	SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			SW	SW		IRRIGATION	39
			SE	SW		IRRIGATION	39
			NE	SE		IRRIGATION	39
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	39
			SE	SE		IRRIGATION	38
			NE	NE		IRRIGATION	39
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	39
			SW	NW		IRRIGATION	40
						Section Acres	512
06S	11E	25	NE	NE		IRRIGATION	39
			NW	NE		IRRIGATION	39
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	39
			NW	NW		IRRIGATION	38
			SW	NW		IRRIGATION	39
			SE	NW		IRRIGATION	40
						Section Acres	314
06S	12E	15	NE	SW		IRRIGATION	35
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	33
			NW	SE		IRRIGATION	37
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	305
06S	12E	16	SW	NW		IRRIGATION	6
			SE	NW		IRRIGATION	5
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	35
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40

			SE	SE		IRRIGATION	40
						Section Acres	326
06S	12E	17	NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SW		IRRIGATION	40
						Section Acres	160
06S	12E	19	NW	NW	1	IRRIGATION	40
			SW	NW	2	IRRIGATION	40
			SE	NW		IRRIGATION	40
			NW	SW	3	IRRIGATION	40
			SW	SW	4	IRRIGATION	40
						Section Acres	200
06S	12E	20	NE	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	320
06S	12E	21	NE	NE		IRRIGATION	28
			NW	NE		IRRIGATION	25
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	39
			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	612
06S	12E	22	NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	39
			SW	SW		IRRIGATION	39
			SE	SW		IRRIGATION	40

			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	478
06S	12E	24	SW	NE	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	39
			NW	SW	IRRIGATION	35
			SW	SW	IRRIGATION	34
			SE	SW	IRRIGATION	21
			NE	SE	IRRIGATION	39
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	448
06S	12E	25	NE	NE	IRRIGATION	39
			SW	NE	IRRIGATION	39
			SE	NE	IRRIGATION	33
					Section Acres	111
06S	12E	27	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			SW	SW	IRRIGATION	39
			SE	SW	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
					Section Acres	439
06S	12E	28	NE	NW	IRRIGATION	39
			NW	NW	IRRIGATION	39
			SW	NW	IRRIGATION	39
			SE	NW	IRRIGATION	38
			NE	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	315
06S	12E	29	NE	NE	IRRIGATION	39
			NW	NE	IRRIGATION	39
			SW	NE	IRRIGATION	37
			SE	NE	IRRIGATION	39

			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	36
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	36
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	466
06S	12E	36	NE	NE		IRRIGATION	39
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	39
			NE	NW		IRRIGATION	38
			NW	NW		IRRIGATION	38
			SW	NW		IRRIGATION	38
			SE	NW		IRRIGATION	38
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	37
			SE	SW		IRRIGATION	37
			NE	SE		IRRIGATION	39
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	6
			SE	SE		IRRIGATION	3
						Section Acres	552
06S	13E	19	NE	NW		IRRIGATION	40
			NW	NW	1	IRRIGATION	35
			SW	NW	2	IRRIGATION	36
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW	3	IRRIGATION	36
			SW	SW	4	IRRIGATION	36
			SE	SW		IRRIGATION	40
						Section Acres	303
06S	13E	29	SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
						Section Acres	80
06S	13E	30	SW	SW	4	IRRIGATION	33
			NE	SE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW	1	IRRIGATION	37
			SW	NW	2	IRRIGATION	32
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW	3	IRRIGATION	37
			SE	SW		IRRIGATION	40
			NW	SE		IRRIGATION	40

			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	499
06S	13E	31	SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
			NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW	1	IRRIGATION	40
			SE	NW		IRRIGATION	40
						Section Acres	480
06S	13E	32	SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	39
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	39
			SE	SE		IRRIGATION	39
			SW	SW		IRRIGATION	31
						Section Acres	548
06S	13E	33	NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	39
			SE	SW		IRRIGATION	39
						Section Acres	158
07S	12E	1	SW	NE	2	IRRIGATION	31
			SE	NE	1	IRRIGATION	33
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	304
07S	12E	2	SW	NE	2	IRRIGATION	31
			SE	NE	1	IRRIGATION	30

			SE	NW	3	IRRIGATION	30
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	26
			SW	SW		IRRIGATION	34
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
						Section Acres	311
07S	12E	3	NE	SW		IRRIGATION	40
			SW	NW	4	IRRIGATION	31
			SE	NW	3	IRRIGATION	31
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	33
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	295
07S	12E	10	SE	NE		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NE	NE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	160
07S	12E	11	SE	NE		IRRIGATION	40
			NW	NW		IRRIGATION	38
			SW	NW		IRRIGATION	36
			NW	SW		IRRIGATION	36
			SW	SW		IRRIGATION	39
			NE	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	269
07S	12E	12	NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			NW	SE		IRRIGATION	40
			NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	560
07S	12E	13	NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40

			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	640
07S	12E	14	NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			SW	SE	IRRIGATION	40
			NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	26
			SE	NE	IRRIGATION	40
			NW	NW	IRRIGATION	35
			SW	NW	IRRIGATION	20
			NE	SW	IRRIGATION	40
					Section Acres	361
07S	12E	15	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	640
07S	12E	16	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40

			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	640
07S	12E	21	NW	NE	IRRIGATION	40
			NE	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	320
07S	12E	22	SE	NE	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	640
07S	12E	23	NW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SW	NW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	440
07S	12E	24	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40

			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			SW	SW	IRRIGATION	31
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	NW	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	471
07S	12E	25	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
					Section Acres	600
07S	12E	26	SE	NE	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	440
07S	12E	27	SE	NE	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	20
			SE	SW	IRRIGATION	37
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	38
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
			NE	NE	IRRIGATION	40

			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
					Section Acres	615
07S	12E	28	NE	NE	IRRIGATION	40
					Section Acres	40
07S	12E	34	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	30
			NW	NW	IRRIGATION	20
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
					Section Acres	370
07S	12E	35	NE	NE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	31
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
					Section Acres	551
07S	12E	36	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	37
			SW	NW	IRRIGATION	35
			SE	NW	IRRIGATION	30
			NE	SW	IRRIGATION	37
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	37
			SW	SE	IRRIGATION	36
			SE	SE	IRRIGATION	40
			NE	NE	IRRIGATION	6
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	37
			SE	NE	IRRIGATION	40

					Section Acres	575	
07S	13E	4	SW	NE	2	IRRIGATION	33
			SE	NE	1	IRRIGATION	34
			SW	NW	4	IRRIGATION	33
			SE	NW	3	IRRIGATION	33
			NE	SE		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
					Section Acres	453	
07S	13E	5	NE	SW		IRRIGATION	32
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
			SW	NE	2	IRRIGATION	33
			SE	NE	1	IRRIGATION	33
			SW	NW	4	IRRIGATION	33
			SE	NW	3	IRRIGATION	33
			NW	SW		IRRIGATION	40
			NW	SE		IRRIGATION	40
					Section Acres	444	
07S	13E	6	SE	NE	7	IRRIGATION	33
			SW	NW	10	IRRIGATION	41
			NE	SW		IRRIGATION	40
			NW	SW	11	IRRIGATION	50
			SW	SW	12	IRRIGATION	50
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	28
			NW	SE		IRRIGATION	17
			SW	SE		IRRIGATION	24
			SE	SE		IRRIGATION	28
					Section Acres	351	
07S	13E	7	NE	NE		IRRIGATION	28
			NW	NE		IRRIGATION	37
			SW	NE		IRRIGATION	38
			SE	NE		IRRIGATION	28
			NE	NW		IRRIGATION	40
			SW	NW	6	IRRIGATION	50
			SW	SW	8	IRRIGATION	50
			SE	SW		IRRIGATION	40
			SE	SE		IRRIGATION	28
			NW	NW	5	IRRIGATION	50
			SE	NW		IRRIGATION	40

			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	50
		7	NE	SE	IRRIGATION	28
			NW	SE	IRRIGATION	34
			SW	SE	IRRIGATION	40
					Section Acres	621
07S	13E	8	NE	NE	IRRIGATION	34
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
					Section Acres	634
07S	13E	9	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	38
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	12
			NW	SE	IRRIGATION	40
					Section Acres	450
07S	13E	17	NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			SW	SE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
					Section Acres	360
07S	13E	18	NE	NE	IRRIGATION	28
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40

			SE	NE	IRRIGATION	23	
			NE	NW	IRRIGATION	40	
			NW	NW	5	IRRIGATION	50
			SE	NW	IRRIGATION	40	
			NE	SW	IRRIGATION	40	
			NW	SW	7	IRRIGATION	51
			SE	SW	IRRIGATION	40	
			NE	SE	IRRIGATION	28	
			NW	SE	IRRIGATION	40	
			SW	SE	IRRIGATION	40	
			SE	SE	IRRIGATION	28	
			SW	NW	6	IRRIGATION	50
			SW	SW	8	IRRIGATION	51
					Section Acres	629	
07S	13E	19	NE	NE	IRRIGATION	28	
			NW	NE	IRRIGATION	40	
			SW	NE	IRRIGATION	40	
			SE	NE	IRRIGATION	28	
			NE	NW	IRRIGATION	40	
			NW	NW	5	IRRIGATION	51
			SE	NW	IRRIGATION	40	
			NE	SW	IRRIGATION	40	
			NW	SW	7	IRRIGATION	51
			SW	SW	8	IRRIGATION	51
			SW	SE	IRRIGATION	37	
			SE	SE	IRRIGATION	28	
			SW	NW	6	IRRIGATION	51
			SE	SW	IRRIGATION	33	
			NE	SE	IRRIGATION	27	
			NW	SE	IRRIGATION	40	
					Section Acres	625	
07S	13E	20	NW	NE	IRRIGATION	30	
			NE	NW	IRRIGATION	40	
			NW	NW	IRRIGATION	40	
			SW	NW	IRRIGATION	40	
			SE	NW	IRRIGATION	40	
			NE	SW	IRRIGATION	40	
			SE	SW	IRRIGATION	40	
			NW	SE	IRRIGATION	40	
			SW	SE	IRRIGATION	40	
			SW	NE	IRRIGATION	32	
			NW	SW	IRRIGATION	40	
			SW	SW	IRRIGATION	40	
					Section Acres	462	
07S	13E	29	SW	NW	IRRIGATION	40	
			SE	NW	IRRIGATION	40	
			NE	SW	IRRIGATION	35	
			NW	SW	IRRIGATION	40	
			NW	NE	IRRIGATION	33	
			SW	NE	IRRIGATION	25	
			NE	NW	IRRIGATION	38	

			NW	NW		IRRIGATION	39
						Section Acres	290
07S	13E	30	NE	NE		IRRIGATION	28
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	28
			NE	NW		IRRIGATION	40
			NW	NW	5	IRRIGATION	51
			SW	NW	6	IRRIGATION	51
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW	7	IRRIGATION	51
			SW	SW	8	IRRIGATION	51
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	28
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	28
						Section Acres	636
07S	13E	31	SE	NE		IRRIGATION	30
			SW	NW	6	IRRIGATION	51
			NW	SW	7	IRRIGATION	51
			SW	SW	8	IRRIGATION	51
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	30
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			NE	NE		IRRIGATION	30
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW	5	IRRIGATION	51
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			SE	SE		IRRIGATION	30
						Section Acres	644
08S	12E	1	SE	NW		IRRIGATION	40
			SW	NE		IRRIGATION	32
			NE	NW	3	IRRIGATION	39
			NW	NW	4	IRRIGATION	38
			SW	NW		IRRIGATION	39
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	39
			SW	SW		IRRIGATION	39
			SE	SW		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	39
						Section Acres	465

08S	12E	2	SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	39
			SE	SE		IRRIGATION	39
			NE	NE	1	IRRIGATION	38
			NW	NE	2	IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	39
			NE	NW	3	IRRIGATION	40
			NW	NW	4	IRRIGATION	40
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
						Section Acres	635
08S	12E	11	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
						Section Acres	160
08S	12E	12	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	39
			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	39
						Section Acres	318
08S	13E	6	NE	NE	1	IRRIGATION	40
			NW	NE	2	IRRIGATION	41
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW	3	IRRIGATION	41
			NW	NW	4	IRRIGATION	38
			SW	NW		IRRIGATION	39
			SE	NW		IRRIGATION	42
						Section Acres	321
						Total Acres	25526

11. Place of use in counties: ELMORE, TWIN FALLS

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

13. Other Water Rights Used:

14. Remarks:

8/8/01 tf; This right was split from 2-2268 by an agreement between Bell Rapids Mutual Irrigation Co. and Toolson and subsequently sold to the City of Boise . This right will be used as mitigation per the Conditions of Approval for permits 63-12461 and 63-12470 . THIS RIGHT WILL BE LEFT UNDIVERTED IN THE SNAKE RIVER.

15. Basis of Claim: License

RECEIVED

OCT 24 2000

Department of Water Resources
Southern Region

RECEIVED

SEP 29 2000

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIPPlease 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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
02-02268B	A02-02268	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**.

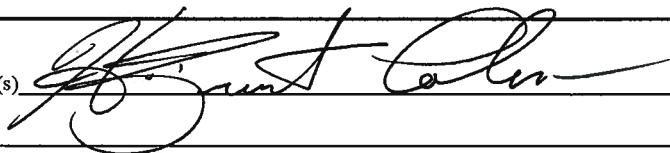
3. Name and Address of Former Owner/Claimant(s) Arthur Donald Watkins
P.O. Box 324; Thayne, WY 83127
4. New Owner/Claimant(s) City of Boise City
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
Public Works Dept
New Mailing Address 150 South Capitol Boulevard PO Box 500
City, State and ZIP Code Boise, ID 83701
New Telephone Number (208) 384-3984
5. Date you acquired the property _____

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 (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>02-02268B</u>		
Water Use (etc)	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>9.80 cfs, a consumptive use volume of 1,738.2 acre feet per year, and a diversion volume of 2,317.6 acre feet per year</u>	<u>579.4 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>9.80 cfs</u>	

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

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



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 [Signature] Date 9-29-00
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Fee N/A
 Receipt No. _____
 WR _____ Date _____

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12461

Priority: July 22, 1998

Maximum Diversion Rate:

6.40 CFS

This is to certify, that DON WATKINS
BRIAN WATKINS
PO BOX 32
KUNA ID 83634-0032

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE PERIOD OF USE RATE OF DIVERSION

IRRIGATION 03/01 to 11/15 6.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNW, Sec. 27, Township 01N, Range 01E
NWSW, Sec. 27, Township 01N, Range 01E
Adm County

PLACE OF USE: IRRIGATION

TEN RGE SEC

01N 01E 27

NESW 40.0
SESW 40.0
SWSW 40.0

ACRES

NWNW 40.0
NWSW 40.0
NESW 40.0

ACRES

SWNW 40.0
NWSW 40.0

TOTAL

320.0

Total number of acres irrigated: 320.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before May 1, 2001.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drinking water requirements of Section 40-215, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.8 afa per acre at the field headgate for irrigation of the lands above.
6. Water shall not be diverted and beneficially used under this permit unless water is available under Right 02-02258 (in the name of Bell Rapids Mutual Irrigation Co.) and the portion thereof purchased by the permit holder as evidenced by the Agreement for purchase and sale of water right dated 2/10/2000 is left undiverted in the Snake River.

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12470

Priority: September 9, 1998

Maximum Diversion Rate:

8.99 CFS

This is to certify, that DON WATKINS

BRIAN WATKINS

PO BOX 32

KONA ID 83634-0032

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USEPERIOD OF USERATE OF DIVERSION

IRRIGATION

03/01 to 11/15

8.80 CFS

STOCKWATER

01/01 to 12/31

0.19 CFS

Totals

8.99 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENW, Sec. 33, Township 01N, Range 01E

SENE, Sec. 33, Township 01N, Range 01E

ADA County

PLACE OF USE: IRRIGATIONTWN RGE SEC

01N 01E 33

35

ACRES

NENW 40.0

NENW 40.0

SENE 40.0

SWSE 40.0

ACRES

NENE 40.0

NENW 40.0

SENE 40.0

SWSE 40.0

ACRES

NWSE 40.0

SWSW 40.0

NWSE 40.0

TOTAL

120.0

320.0

PLACE OF USE: STOCKWATER. same as IRRIGATION use.

Total number of acres irrigated:

440.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before May 1, 2000.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

EXHIBIT

B

PAGE 2

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 63-12470

CONDITIONS OF APPROVAL AND REMARKS

6. Water shall not be diverted and beneficially used under this permit unless water is available under Right 02-02268 (in the name of Ball Rapids Mutual Irrigation Co.) and the portion thereof purchased by the permit holder as evidenced by the agreement for purchase and sale of water right dated 2/18/2000 is left undiverted in the Snake River.
7. Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate, and the irrigation of 525 acres.
8. The department retains jurisdiction until proof of beneficial use is submitted or the proof of beneficial use data as listed in the permit or as subsequently extended by action of the department, whichever occurs first, to modify the conditions of approval relative to the mitigation plan. The modified conditions may provide for additional acreage to be irrigated and more water to be diverted within the limits of the applications as filed if the right holder provides additional mitigation or the need for mitigation is found to be unnecessary in whole or part.
9. The permit holder is not authorized to assign ownership of this permit or the part of the Ball Rapids water right used for mitigation without prior written approval of the department. In its consideration of a request for assignment, the department will review the permit holder's diligence in the development of a water right and the extent of development performed under terms of the permit.
10. The right holder shall install suitable measuring devices or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department. Annual reporting shall include documentation that Ball Rapids' diversion rate and volume have been reduced and the acreage associated with the right holder's purchased portion of the right has not been irrigated and other expenditures on acreage under Ball Rapids' right has not occurred.
11. Failure to comply with the mitigation plan requirements or conditions of this approval is cause for the department to cancel this permit.
12. Water bearing zone to be appropriated is 300 to 500 feet.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

1st day of June 2000.

Karl J. Dreher
for Karl J. Dreher, Director

RESOLUTION No. 16183**BY THE COUNCIL:****BAKER, FORNEY, MAPP, MASON,
TERTELING-PAYNE AND WETHERELL**

A RESOLUTION APPROVING AN AGREEMENT FOR TRANSFER OF WATER PERMITS FROM ARTHUR DONALD AND BRIAN WATKINS TO BOISE CITY; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Boise City intends to purchase and Arthur Donald and Brian Watkins intend to sell property known as the Watkins Ranch; and

WHEREAS, the parties to said agreement have further agreed that in conjunction with the purchase and sale of the Watkins Ranch that Seller will transfer the Water Permits to the Purchaser Boise City; and

WHEREAS, the parties have agreed that Boise City will pay the Sellers all amounts paid by the Seller to acquire such permits, and such amounts are comprised of payments to Val and Elizabeth Toolson of \$116,373.00, engineering costs to Scanlan Engineering of \$5,716.60, attorney's fees to Moffatt, Thomas, Barrett, Rock & Fields of \$6,900.00 plus closing costs incurred.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE, CITY, IDAHO:

- Section 1. That the AGREEMENT FOR TRANSFER OF WATER PERMITS, a copy of which is attached hereto as Exhibit "A" and made part hereof by attachment, for the water rights associated with the Watkins Ranch property is needed by the City to maximize the usability and value of the property.
- Section 2. That the Mayor and City clerk be, and they hereby are, authorized to respectively execute and attest said Agreement For Transfer of Water Rights upon behalf of Boise City.
- Section 3. That this Resolution shall be in full force and effective immediately upon its adoption and approval.

ADOPTED by the Council of the City of Boise City, Idaho this 26th day of Sept, 2000.

APPROVED by the Mayor of the City of Boise City, Idaho this 26th day of Sept, 2000.

ATTEST:

Janette P. Sporey
CITY CLERK

APPROVED:

G. F. Brent Cohen
MAYOR



AGREEMENT FOR TRANSFER OF WATER PERMITS

THIS AGREEMENT between **ARTHUR DONALD WATKINS** and **BRIAN WATKINS** (collectively the "Seller") and **BOISE CITY** (the "Purchaser") is made and entered into this 26th day of September, 2000.

WITNESSETH:

1. Seller is the owner of certain agricultural real property in Ada County, State of Idaho more particularly described in Exhibit A annexed hereto and incorporated herein (the "Watkins Ranch").

2. Seller has agreed to sell, and Purchaser has agreed to purchase, the Watkins Ranch for the sum of \$2,404,800.00. Such purchase and sale is documented by a certain Purchase and Sale Agreement entered into between Seller and Purchaser (the "Purchase and Sale Agreement").

3. On June 1, 2000, the Idaho Department of Water Resources (the "IDWR") issued to the Seller permits to appropriate water on the Watkins Ranch Nos. 63-12470 and 63-12461 (the "Water Permits") pursuant to the terms and conditions set forth in the Water Permits. Copies of the Water Permits are annexed hereto as Exhibit B and by this reference incorporated herein.

4. The issuance of the Water Permits by IDWR to the Seller was on the express condition that Seller remediate the water to be appropriated by the Water Permits by acquiring certain water rights in the Bell Rapids Mutual Irrigation Company ("Bell Rapids") from Val and Elizabeth Toolson ("Toolson") and effect the retirement of such water rights, thereby causing Bell Rapids to transfer a residual water right to Toolson for conveyance to the Seller (the "Remediation Water Right").

5. The parties hereto have agreed that in conjunction with the purchase and sale of the Watkins Ranch that Seller will transfer the Water Permits to the Purchaser and that in consideration therefor, that the Purchaser will pay to the Seller all amounts paid by the Seller to acquire such permits.

NOW, THEREFORE, the parties hereto agree as follows:

1. **Costs Incurred by Seller in Acquiring the Water Permits.** Seller has incurred the following costs in acquiring the Water Permits:

a. Payment to Val and Elizabeth Toolson for remediation water rights in the amount of \$115,480.00;

b. Engineering costs incurred to Scanlan Engineering in aid of acquiring the water permits \$5,716.60;

c. Attorney's fees incurred to Moffatt, Thomas, Barrett, Rock & Fields in aid of acquiring the water permits in the amount of \$6,900.00; and

d. Closing costs incurred in the acquisition of remediation rights in water located in the Bell Rapids Irrigation Corporation from Toolson.

Purchaser agrees to pay such costs to the Seller, in addition to the \$2,404,800.00 purchase price, for the Watkins Ranch pursuant to the Purchase and Sale Agreement on the date agreed by the parties hereto to close the Purchase and Sale Agreement (the "Closing Date").

2. **Closing.** The closing of the transaction required to transfer the Water Permits from the Seller to the Purchaser as hereinabove provided shall occur on the Closing Date. On the Closing Date, the Purchase shall pay to the Seller an amount equal to the Seller's costs incurred in acquiring the Water Permits as set forth in Section 1 hereof, and Seller shall provide Purchaser with an absolute assignment of the Water Permits and the Remediation Water Right, together with a letter issued by IDWR consenting to the transfer of the Water Permits and the Remediation Water Right from the Seller to the Purchaser. In addition to the foregoing, Seller shall provide Purchaser with documentation from Bell Rapids approving the transfer of the Remediation Water Right from Toolson to Seller and from Seller to Purchaser; and approval of the retirement of the Remediation Water Right to be issued by Bell Rapids to Toolson upon cancellation of Toolson's shares in Bell Rapids, together with approval by Bell Rapids of the use of such Remediation Water Right for mitigation as set forth in the Water Permits.

3. **Acknowledgments.** The parties hereto acknowledge and agree that it is the intent of the parties that the closing of this Agreement for Transfer of Water Permits and the Purchase and Sale Agreement be simultaneous, and that neither party shall be under any obligation to close either transaction at any other time without the express written consent of both parties hereto. The parties further acknowledge and agree that the performance and closing of this Agreement is subject to the simultaneous closing of the Purchase and Sale Agreement.

4. **Amendment.** This Agreement may be amended only in writing signed by the parties hereto.

5. **Attorney's Fees.** In the event it becomes necessary for either party to institute a suit at law or in equity for the purposes of enforcing any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the non-prevailing party the prevailing party's reasonable attorney's fees plus court costs and expenses incurred in connection therewith.

6. **Governing Law.** This Agreement shall be interpreted, construed and enforced in accordance with and governed by the laws of the State of Idaho, irrespective of the place of execution, negotiation, place of performance or of the order in which signatures of the parties are affixed hereto.

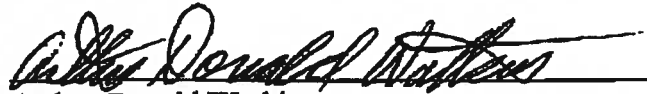
7. **Entire Agreement.** This Agreement contains all the understandings and agreements between the parties concerning the subject matter of this Agreement. No person may orally or by conduct modify, delete, vary, or contradict the terms and conditions set forth herein.

8. **Integration.** The provisions hereof and the covenants hereunder are exclusive and in addition to the covenants and conditions set forth in the Purchase and Sale Agreement.

9. **Default.** In the event that either party fails to perform the covenants and conditions hereunder on the closing date, such party shall be deemed in default and the party not in default hereunder shall be entitled to bring an action for specific performance and/or damages upon such failure to perform.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

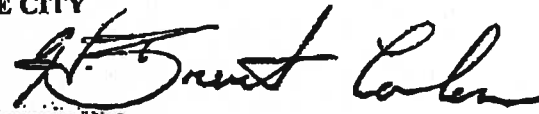
SELLER:


Arthur Donald Watkins

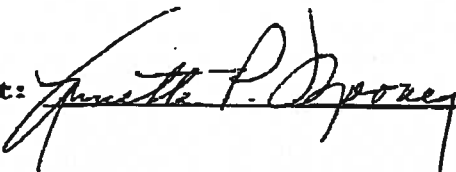

Brian Watkins

PURCHASER:

BOISE CITY

By 
G. F. Ernst

Attest:


J. P. Moore



FA-137634/MLC
Your No. WATKINS/CITY OF BOISE



SCHEDULE A CONTINUED

TOWNSHIP 1 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO

Section 27: West Half

**Section 33: Northeast Quarter; East half of the Northwest Quarter;
Northwest Quarter of the Southeast Quarter; Northeast
Quarter of the Southwest Quarter; Northeast Quarter
of the Southeast Quarter**

Section 34: ALL

Section 35: South half

Address: NO ADDRESS AVAILABLE AT THIS TIME

MLC/kc

After Recording
Return to:

31
John C. Ward
Moffatt Thomas
P.O. Box 829
Boise, ID 83701

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2000 SP 28 PM 4: 10

RECORDED - REQUEST OF

FIRST AMERICAN

FEE 6.00 DEPUTY J. Navarro

100077564

FA-137634

WARRANTY DEED

FOR VALUE RECEIVED, Cattle, Incorporated, an Idaho corporation, Grantor, does hereby grant, bargain, sell and convey unto Arthur Donald Watkins, an individual, as his sole and separate property, whose address is 4794 West Cree Way, Boise, Idaho 83709, the following described real property, located in Ada County, Idaho, to wit:

East 1/2 of the NE 1/4 of the NW 1/4 of Section 33, Township 1
North 1 East, Boise Meridian

hereinafter referred to as the "Premises."

TO HAVE AND TO HOLD the said Premises, with their appurtenances, unto the said Grantee, his heirs, successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said Premises; that said Premises are free from all liens, claims and encumbrances, and that it will warrant and defend the same from all other lawful claims whatsoever.

IN WITNESS WHEREOF, the undersigned has caused its name to be hereunto subscribed this 14th day of September 2000.

CATTLE, INCORPORATED

By

George Wadsworth
George Wadsworth, President

STATE OF Idaho)
) ss.
County of Ada)

On this 14 day of September, 2000, before me, a Notary Public in and for said State, personally appeared George Wadsworth, known to me to be the President of CATTLE, INCORPORATED, who subscribed to the within instrument in his official capacity and acknowledged to me said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Marcie Baker
Notary Public for Idaho
My Commission Expires: 4.10.06

FA 137634

32

ADA COUNTY RECORDER
J. DAVID WARRANTY DEED
BOISE, IDAHO

RECORDED - REQUEST OF
FIRST AMERICAN

FEE 300 DEPUTY J. Harper

2000 SEP 28 PM 4:10

100077565

FOR VALUE RECEIVED, ARTHUR DONALD WATKINS, a married man, as sole and separate property, hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto the CITY OF BOISE CITY, hereinafter referred to as Grantee, whose current address is P.O. Box 324, Thayne, WY, the following described premises, to-wit:

TOWNSHIP 1 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO

Section 27: West Half
Section 33: Northeast Quarter; East half of the Northwest Quarter;
Northwest Quarter of the Southeast Quarter; Northeast
Quarter of the Southwest Quarter; Northeast Quarter
of the Southeast Quarter
Section 34: ALL
Section 35: South half

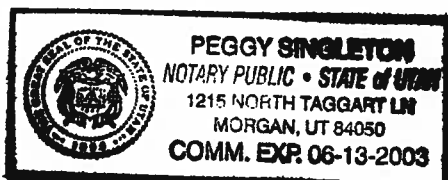
To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current year's taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: September 15, 2000.

Arthur Donald Watkins
ARTHUR DONALD WATKINS

STATE OF UTAH)
County of MORGAN) ss.

On this 15th day of September, in the year 2000, before me, a Notary Public in and for said State, personally appeared ARTHUR DONALD WATKINS, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.



Peggy Singleton
NOTARY PUBLIC FOR UTAH
Residing at MORGAN UTAH
My Commission Expires: 06-13-03

RECEIVED

OCT 24 2000

Department of Water Resources
Southern Region

Form 42-248/42-1409(6) July, 2000

RECEIVED

SEP 29 2000

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
02-02268B	A02-02268	Y			

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) Val A. and Elizabeth Toolson
74153 Mercury Circle West, Palm Desert, CA 92260
4. New Owner/Claimant(s) Arthur Donald Watkins
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address P.O. Box 324
City, State and ZIP Code Thayne, WY 83127
New Telephone Number (307) 883-4949
5. Date you acquired the property _____

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 (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>02-02268B</u>		
Water Use (etc)	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>9.80 cfs, a consumptive use volume of 1,738.2 acre feet per year, and a diversion volume of 2,317.6 acre feet per year</u>	<u>579.4 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>9.80 cfs</u>	

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

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

Arthur Donald Walker

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 [Signature]

Date 9-29-00

Fee N/A

Receipted by _____

Date _____

Receipt No. _____

Processed by _____

AJ Date _____

WR _____ Date _____

RECEIVED

OCT 24 2000

Department of Water Resources
Southern Region

RECEIVED

SEP 29 2000

WATER RESOURCES
WESTERN REGION

Form 42-248/42-1409(6) July, 2000

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
02-02268	A02-02268	Y			

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) Bell Rapids Mutual Irrigation Company
Hagerman, Idaho 83332
4. New Owner/Claimant(s) Val A. and Elizabeth Toolson
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address 74153 Mercury Circle West
City, State and ZIP Code Palm Desert, CA 92260
New Telephone Number (760) 568-6576
5. Date you acquired the property _____

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 (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>02-02268</u>		
Water Use (etc)	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>9.80 cfs, a consumptive use volume of 1,738.2 acre feet per year, and a diversion volume of 2,317.6 acre feet per year</u>	<u>579.4 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>9.80 cfs</u>	

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

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

Val L. Toolson
Elizabeth B. Toolson

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 [Signature] Date 9-29-00
 Receipted by _____ Date _____
 Processed by _____ AJ Date _____

Fee N/A
 Receipt No. _____
 WR _____ Date _____