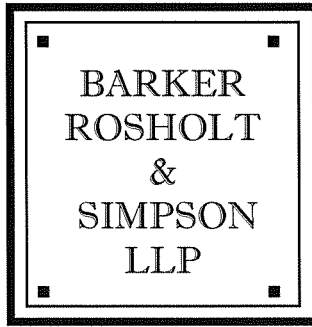


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December 19, 2013

RECEIVED

DEC 20 2013

DEPARTMENT OF
WATER RESOURCES

VIA E-MAIL & U.S. MAIL

Jan Shurte
Adjudication Technical Analyst
Idaho Department of Water Resources
322 East Front St.
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Right Claim Nos. 63-33251 & 63-33253

Dear Jan:

Thank you for meeting with Tim Page and me about these claims. Based on our meeting we are providing some additional information.

First, as to the priority dates for both rights, we are providing excerpts from the Reclamation Services "History of the Boise Project from the Beginning to 1912, Vol. 1." This report demonstrates that in the spring of 1909, the Boise Diversion Dam and Main Canal, i.e., New York Canal, was completed and water was delivered to Lake Lowell. Water had been turned into the New York Canal the prior year (1908) as well. Since the New York Canal intercepts the water at the Blacks Creek/Five Mile Creek location and diverts it into the Canal, and also uses the bed of Indian Creek above the Calliope Gates. The date of first use would have been in the spring of 1909, at the latest, because by then the New York Canal would have been capturing all the available flows at these two points of interception.

Second, as requested, we are providing calculations of the capacity of the New York Canal below the Calliope Gates indicating a total of 1371 cfs. The New York Canal inflow is limited to 1000 cfs just above the confluence with Indian Creek. Thus, there is more than enough capacity to justify the claimed amount of 104 cfs.

Jan Shurte
Idaho Department of Water Resources
December 19, 2013
Page 2

Please let me know if you have any questions.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read "Albert P. Barker", written in a cursive style.

Albert P. Barker

APB/jlw
Enclosures

cc: Tim Page (via e-mail)

DEPARTMENT OF THE INTERIOR
United States Reclamation Service

HISTORY-

of the

BOISE PROJECT

Idaho

From

The Beginning

to

1912

Vol. 1

February 1908

Main Canal below Indian Creek completed
(Conway and Wilhite Contractors)

February 1908

Placing of pipe turnouts on Main Canal be-
gan by G. E. Hogue, Government force account.

March 1908

High water in the Boise River caused delay
in work on Diversion Dam.

March 1908

Concrete structure at Main Canal crossing
of O. R. L. Railroad being placed by A.
B. Mayhew, Government force account.

March 1908

Concrete Check at Drop to Indian Creek -
Main Canal and other structures under pro-
gress - J. E. Bond force account.

April 1908

High water in Boise River prevented work
on Diversion Dam until in June.

April 1908

Schedule 1 - Main Canal from Boise River
was completed (W. H. Thompson contractor)

April 1908

Placing of pipe turnouts on Main Canal
completed. G. E. Hogue in charge.
(force account)

April 1908

Schedule 4 - Structures Main Canal -
Page and Brinton Contractors completed.

April 1908

Structure at crossing of lower Main Canal
and B. N. and O. Railroad completed. J. E.
Bond in charge, force account.

April 15, 1908

Water turned into Main Canal - J. E. Bond
in charge of operation - New York Canal.
(Diversion at old heading of New York Canal)

January 1909

C. H. Paul, engineer, took charge of designing Boise office.

January 1909

Preliminary farm unit sheets completed.

January 1909

Total scrip liability on Co-operative Contracts amounted to \$202,000.

January 1909

Concrete structures placed on Deer Flatampa Canal.

January 1909

Outlet Channel in D. F. Reservoir at Lower Embankment completed.

February 1909

Four settlements for right-of-way in Deer Flat Reservoir made in court at less price than offered by Government.

February 22, 1909

Official opening of Main Canal - celebrating completion of works held at Boise City and Division Dam.

February 1909

Water began running into Deer Flat Reservoir.

February 1909

Contracts let for constructing bridges over laterals.

March 1909

Remaining right-of-way Deer Flat Reservoir settled by court in case of Taylor and Satterfield, Burley and Funk.

March 1909

G. H. Bliss, Engineer, took charge of lateral construction in place of Wm. C. Davies, resigned.

March 1909

Work began on structures on laterals - force account.

such adverse conditions. Mr. Bond is responsible for the statement that the annual cost of operation of the Deer Flat system under Government management was less than under the management of the company while physical conditions were much less favorable in 1907 and 1908 than formerly due to the torn up condition of the canal.

In the spring of 1909, the Boise River Dam and Main Canal having been completed, water was run to the Deer Flat Reservoir and during the irrigation season Government water was delivered on a rental basis from the Upper Submain (during May and June) and from the Deer Flat High Line. From this canal water was dropped below the Lower Submain and deliveries made to a limited territory in Deer Flat.

During 1909, J. L. Rhead, Assistant Engineer, acted as Superintendent of Irrigation. Edwin Healy was watermaster on the Main Canal and B. W. Sower as watermaster had charge of all water deliveries made in the vicinity of Deer Flat Reservoir. Mr. Healy was located at a camp near the upper end of the Main Canal and Mr. Sower had headquarters at Caldwell.

Three hundred applications for rental of water were received and approved. Delivery was actually made to 267 farms. The conditions of rental required that cash or Payette-Boise Water User's Certificates accompany the application covering the amount of water applied for at 75 cents per acre foot. After the application was received by the Project Engineer a contract was entered into with the water user. This contract in addition to having the certificate of the Secretary of the Payette-Boise Water Users Association had to be approved by the Supervising Engineer.

Aside from its form of approval, the rental contract of 1909 differed little from later contracts except that the water user agreed to install and maintain at his own expense a measuring device subject to the approval of the engineer.

HAMPA-MERIDIAN IRRIGATION DISTRICT.

The Hampa-Meridian Irrigation District controlling the Ridenbaugh canal was in position to cover about 25,000 of land which was irrigated and about 40,000 acres of new land without water. As previously stated, the Ridenbaugh canal was taxed to its full carrying capacity so that the dry land was entirely without a canal system, although the area was within the Irrigation District.

Dimensions of channel:

- 70' wide at high water
- 51' wide at bottom of channel
- High water depth is 8'
- Trapezoidal channel

Flow cross section area = $51' * 8' + ((70-51) / 2) * 8 = 484$ square feet

Wetted Perimeter = $(51 * 2) + (2 * \text{square root of } 9.5^2 + 8^2) = 2 * (51 + 12.4) = 127'$

Hydraulic Radius = Area / Wetted Perimeter = $484 / 127 = 3.81'$

Manning's roughness coefficient assumed to be 0.025 (earthen channels)

Hydraulic gradient = 2' per mile = .000379 foot per foot

Manning's Equation: $Q_{cfs} = \frac{(1.49 * R^{2/3} * S^{1/2}) * A}{n}$

$= \frac{(1.49 * 2.44 * .0195) * 484}{.025}$

= 1371 CFS