

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

C089681

Ident. Number 63-33251  
Date Received: 8/21/2009  
Receipt No: C089635,

Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BOISE PROJECT BOARD OF CONTROL Phone: (208)336-0700

ATTN ALBERT BARKER  
BARKER ROSHOLT  
PO BOX 2139  
BOISE ID USA 83702-2139

2. Date of Priority: 12/14/1903

3. Source: INDIAN CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 02N      | 01E   | 29      | NE SE                 | ADA    |      |

5. Description of diverting works:

Water is diverted by a structure into the New York Canal where it intersects Indian Creek.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 01/01 | 12/31 | 104    |            |

7. Total Quantity Appropriated is:  
104 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 |
|----------|-------|---------|----------------|-----|-------|
|----------|-------|---------|----------------|-----|-------|

11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks:

The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho constitutional and statutory law title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water to the landowners in the boundaries of the districts listed in the place of use remark for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

WRONG  
REMARK  
SEE ORIG CLAIM

Other water rights used at the same place and for the same purpose: All water rights in the same POU.

15. Basis of Claim: Beneficial Use

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 Organizations:**

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

Signature of Authorized Agent

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

\_\_\_\_\_  
Date

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this  
of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Notary Public

Residing at \_\_\_\_\_

My commission Expires \_\_\_\_\_

RECEIVED

NOV 08 2010

WATER RESOURCES  
WESTERN REGION

SRBA Form No.42-1409-1 (Internet 2/09)

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

**IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
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Date Received: \_\_\_\_\_

Receipt No: \_\_\_\_\_

Received By: \_\_\_\_\_

AMENDED

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

**Please type or print clearly**

1. Name of Claimant (s) Boise Project Board of Control Phone (208) 344-1141

Mailing Address 2465 Overland Rd. Boise ID 83705  
Street or Box City State

2. Date of Priority (Only one (1) per claim) 12/14/1903  
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water ( ) or Other (✓) (a) Indian Creek  
which is tributary to (b) Snake River

4. a. Location of Point of Diversion is: Township 2N, Range 1E, Section 29,  
NE, 1/4 of SE, 1/4 Govt. Lot \_\_\_\_\_, BM., County of Ada

Parcel (PIN) no. \_\_\_\_\_

Additional points of diversion if any: \_\_\_\_\_

If available, GPS Coordinates \_\_\_\_\_

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

Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_, 1/4 of \_\_\_\_\_, 1/4

Govt. Lot \_\_\_\_\_, BM., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_, 1/4 of \_\_\_\_\_, 1/4

Govt. Lot \_\_\_\_\_, BM., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Water is diverted by a structure into the New York Canal where it intersects Indian Creek.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For irrigation purposes from 1/01 to 12/31 amount 104 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 104 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.)

9. Description of place of use: Large POU, see attached map

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| Twn | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Parcel (PIN) no(s).

Total number of acres irrigated 164,641

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

11. Do you own the property listed above as place of use? Yes ( ) No (✓)

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

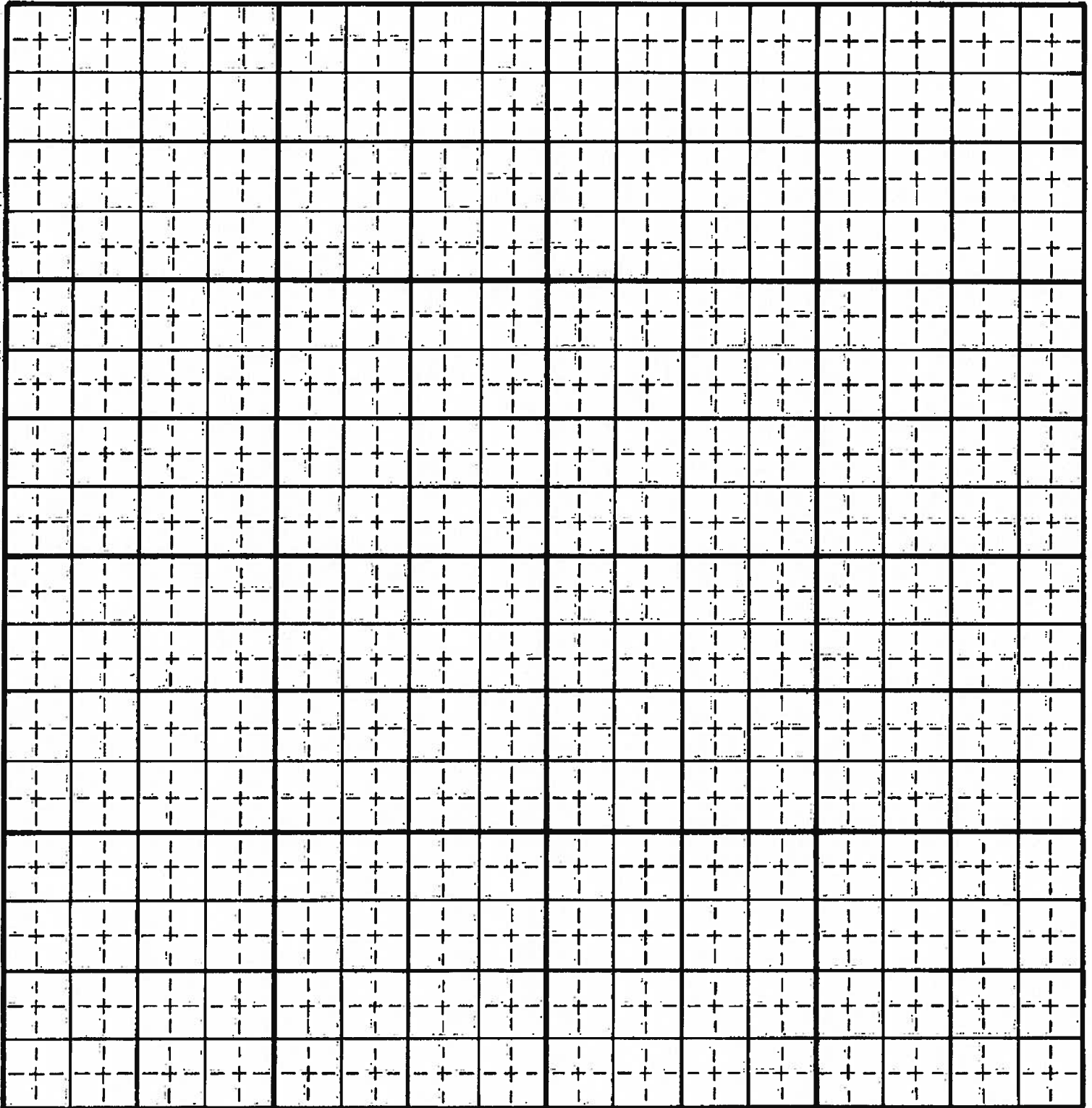
All water rights in the same POU. or None ( )

13. Remarks: The name and address of the Boise Project Board of Control appears in the Name and Address section of this partial decree. The Boise Project Board of Control is the operating agent of the Nampa-Meridian Irrigation District, Boise-Kuna Irrigation District, New York Irrigation District, Wilder Irrigation District and Big Bend Irrigation District. Pursuant to Idaho law, this right is appurtenant to the lands within the boundaries of or served by these irrigation districts.

Last Name Boise Project Board of Control Identification No. 63-33251

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below. See attached map

Scale: 2 Inches equals 1 mile



Last Name Boise Project Board of Control Identification No. 63-33251

14. Basis of Claim (Check One) Beneficial Use ( ☒ ) Posted Notice ( ☐ ) License ( ☐ ) Permit ( ☐ ) Decree ( ☐ )

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff v. Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Manager of Boise Project Board of Control,  
Title Organization

that I have signed the foregoing document in the space below as

Manager of Boise Project Board of Control,  
Title Organization

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

Signature of Authorized Agent Paul Deegan Date 11-4-10

Title and Organization Project Manager

16. Notice of Appearance:

Notice is hereby given that I, Albert P. Barker, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Address Barker Rosholt & Simpson, LLP

P. O. Box 2139, Boise, ID 83701-2139



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

The source of this water right may include waste water. Any waste water remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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.

The name and address of the Boise Project Board of Control appears in the Name and Address section of this partial decree. The Boise Project Board of Control is the operating agent of the Nampa-Meridian Irrigation District, Boise-Kuna Irrigation District, New York Irrigation District, Wilder Irrigation District and Big Bend Irrigation District. Pursuant to Idaho law, this right is appurtenant to the lands within the boundaries of or served by these irrigation districts.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

**Shurte, Jan**

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**From:** Albert Barker [apb@idahowaters.com]  
**Sent:** Monday, December 23, 2013 2:18 PM  
**To:** Shurte, Jan  
**Subject:** mora canal  
**Attachments:** [Untitled].pdf

Jan-

Attached is are excerpts from the BOR records for the construction of the Boise Project showing that the Mora Canal was completed in 1909, that water was run in the Mora in 1909, and that the canal was expanded in 1911-12. This information seems to suggest that the NY Canal at Indian Creek would have been intercepting return flows as of the spring of 1909. Thank you for consideration of these records in establishing the priority date.

Albert P. Barker  
Barker Rosholt & Simpson LLP  
1010 W Jefferson, Suite 102  
Boise, Idaho 83702  
(208) 336-0700

**CONFIDENTIALITY NOTICE:** This e-mail and its attachments are confidential and may be privileged. If you believe this e-mail has been sent to you in error, please notify the sender immediately and delete this email. Do not deliver, distribute or copy this transmission.

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 Wilbite Contractors)

February 1908

Placing of pipe turnouts on Main Canal begun by G. H. 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. S. L. Railroad being placed by A. S. Mayhew, Government force account.

March 1908

Concrete Check at drop to Indian Creek - Main Canal and other structures under progress - J. B. 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. R. Thompson contractor)

April 1908

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

April 1908

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

April 1908

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

April 15, 1908

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

August 1908

Work began in Boise office on farm unit sheets.

August 1908

Entire flow of Boise River diverted through tunnels at Diversion Dam.

September 1908

Condemnation proceedings for right-of-way in Deer Flat Reservoir filed in district court.

September 1908

Puddle work on Main Canal taken up again.

September 1908

Steel gates and lifting devices for turnouts Main Canal and laterals installed.

September 1908

Work began on 1st drop (concrete chute) Mora Canal and crossing of B. N. & O. Railroad - Mora Canal.

September 1908

Surveys begun at Payette Lakes - storage investigation by A. B. Mayhew.

October 1908

Boise River Diversion Dam completed - Utah Fireproofing Company Contractors.

November 1908

Work on Schedules 2 and 3 Main Canal - Page and Brinton contractors taken over by Reclamation Service and done by Force account.

November 1908

Concrete drops #2 and #3 on Mora Canal completed.

November 1908

Plant erected at Caldwell for manufacture of concrete pipe. G. H. Egan in charge.

December 1908

Concrete culvert began at crossing of O. B. L. Railroad and Mora Canal near Mora Station.

January 1909

Force Account work finished on Page & Brinton Contract - Schedules 2 and 3 Main Canal.

March 1909

James Munn, Superintendent of Construction, took charge of placing structures on canals and laterals - Caldwell Division.

April 1909

A. B. Mayhew, took charge of designing in Boise office - C. H. Paul transferred to Malheur Project.

May 1909

G. E. Hogue took charge of structures on Mora Canal and laterals near Kuna.

May 23, 1909

Serious break occurred in Mora Canal near Barber Pond.

May 1909

J. L. Rhoad, Assistant Engineer, took charge of operation.

June - July 1909

Gravel blanket placed at Upper Embankment, James Munn, Superintendent of Construction.

June 1909

F. W. Hanna assumed duties of Project Engineer.

July 1909

Edward Hedden, Engineer took furlough.

July 1909

Large drop - timber and bridges placed by James Munn - force account.

August 1909

Repairs work began on Boise River Division Dam.

August 1909

Placing of checks in Main Canal began in lower section.

September 1909

Concrete plants erected for placing lining in Main Canal.

September 1909

Channel of Indian Creek straightened and riprapped.

August 1910

W. J. Hoy & Co., Contractor, established camp and erected excavating machine - for widening Main Canal.

August 25, 1910

All water deliveries on Project discontinued.

August 1910

Warehouse erect at 18th and Front Streets, Boise.

August 1910

Lining of Main Canal - resumed - force account.

September 1910

Repair work done on Boise River, Diversion Dam, repair of tunnel trash rack and set cubs for log boom.

September 1910

Widening of Main Canal by force account resumed.

September 8-9, 1910

Board of Army Engineers visits the project.

October 1910

Small lateral structures installed over distribution system by water masters.

November 1910

Began gravel facing at Upper Embankment.

November 1910

Bids awarded for 28,000 cubic yards, Lateral excavation.

November 1910

Lining of Main Canal completed. Length 5.8 miles.

January 1911

Discovery made by broken gate in tunnel of Diversion dam. Breach repaired by coffer dam.

February 2, 1911

Water turned into Main Canal for filling Deer Flat Reservoir.

March 1911

Gravel facing for wave protection completed at Upper Deer Flat Embankment.

The United States also furnished the gates for the Indian Creek structure - six cast iron gates with lifting devices.

Excavation and backfilling.- The United States aid the excavation and backfilling by force account on the larger structures. The object of doing this by force account instead of as extra work was to aid in hurrying its completion and because progress on previous work done by Page and Brinton was not satisfactory.

Engineering.- The engineering amounted to 5.4 per cent of the cost to the United States and included the cost of inspectors, assistant engineers and a proportion of the services and expense of the construction engineer. The work from Boise River to Indian Creek was under the immediate charge of G. H. Hogue, while that below Indian Creek was handled by A. B. Mayhew. The work was under the general supervision of Edward Hedden, Constructing Engineer, in 1907 and P. C. Horn, Constructing Engineer in 1908.

Profit to Contractor.- The final cost analysis shows the contractor's profit to be \$9,165.69, or nearly 20 per cent based on the contract earnings. It is believed that Page and Brinton realized a profit in excess of this amount owing to the fact that the sub-contractors took the work at a very low rate. In one or more instances a loss was sustained by the sub-contractor.

#### STRUCTURES BY FORCE ACCOUNT

##### MAIN CANAL & UPPER END

##### OF MORA CANAL.

The contract covering Schedule 4, Bridges and structures on Main canal did not include minor structures such as pipe culverts and pipe turnouts. Several large structures were not included and were done by force account. Pipe culverts were placed under the Main Canal as the work progressed either as extra work in connection with the canal contract or by force account. Either method was used depending on circumstances.

During February and March 1908, pipe turnouts were installed on the Main Canal from Boise River to Indian Creek under the direction of G. H. Hogue, Assistant Engineer. These turnouts consisted of vitrified clay pipe

in size from 6 to 24 inches having a sloping headwall of concrete regulated by a steel gate. For the most part these turnouts took the place of tap boxes in the old New York ditch. In some cases however, new lands were to be supplied from these taps. This work was finished in time for the irrigation of 1908.

During January and February 1908 a waste structure was installed in the Main Canal about  $1\frac{1}{2}$  miles from the head discharging into Barber Pond (tributary to Boise River). The construction was concrete supporting two segmental steel gates size 10 X 12 feet. This work was done by force account, the force having been organized and directed by J. B. Bond, Assistant Engineer. The structure contains 660 cu. yds. of concrete and cost \$9,617.55.

Upon the completion of the Barber wasteway, Mr. Bond moved his camp and equipment to Indian Creek where the combined structure was placed at the drop of the Main Canal to Indian Creek, this structure serves as drop and check and combined heading for the Mera Canal (originally called the Runa High Line). It also carries a bridge crossing the Main Canal. The type of construction here was gravity sections of rubble concrete large lava rock being imbedded in sand-cement mortar. The structure contains 325 cu. yds. of concrete and cost, including steel gates, \$5,612.00. The work was done during February and March 1908.

During May 1908, a similar structure was completed by the same organization directed by Mr. Bond at the drop of the Main Canal to Deer Flat Reservoir. This structure was of the gravity type and gravel was used instead of rubble concrete. The total cost including steel gates was \$6,489.00. The concrete turnout at the head of the Deer Flat High Line was placed at the same time.

During the Spring and summer of 1908 a structure was placed at the crossing of the B. N. & O. Railroad and Main Canal. The construction here consisted of a through plate girder of 60 ft. span with concrete abutments. The girder cost \$4,086.00 and the yardage of concrete was 402 costing \$2,976.00. It was necessary to raise the track slightly. This cost brought the total up to \$11,468.00. Mr. Bond had direction of this work which was not all accomplished at one time it being necessary to return to the job to place the girder.

The largest structure done by force account at this time was the concrete arch at the crossing of Main Canal under O. S. L. Railroad below Indian Creek. This was begun in February 1908 and required nearly the entire year for completion. The plan called for two arches of 35 feet each, the structure having sufficient width for double track. The plan, as approved by the Railroad Company, required 1600 cu. yds. of concrete. The total cost amounted to \$23,428.00, which is very high. Among the reasons for this were the strict requirements of the Railroad Company, through its inspectors, the delay and expense caused by the necessity of keeping traffic open and the large amount of excavation necessary to be done by hand. This feature alone, exclusive of backfilling cost nearly four thousand dollars. A. B. Mayhew, Assistant Engineer, had charge of this work.

Following the placing of structures on the Main Canal Mr. Bond began work on the Mora Canal, the first being the placing of a concrete box culvert at the crossing of North Fork of Indian Creek. This structure contains 100 cubic yards concrete, and cost \$2,127.00. Mr. Bond was relieved of this work and Mr. Mayhew was assigned to it during December 1908.

The next structure was the concrete culvert and siphon of the Mora Canal under the O. S. L. Railroad near Mora. Gravel was shipped to this structure, having been purchased from the Idaho Northern Railroad at Hamps. The plan required 325 cu. yds. of concrete and 72,600 lbs. of reinforcing steel, mostly old steel rails, the total cost being \$5,010.00, the steel costing \$1,225.00.

The timber flume at the crossing of the Mora Canal over Indian Creek (south fork) was begun at this time. Slow progress was made on this structure as a competent carpenter foreman was not available. It was not completed until the summer of 1909. The design of this structure was not good in that it was not long enough. Difficulty was encountered in operating this flume due to the short approaches in a high earth fill, there never being a time when leakage was entirely stopped. The original cost of this flume was \$3,720.00.

Drops 1, 2 and 3, in the Mora Canal were placed early in 1909, and also two small concrete drops on the Benton Lateral and two on the Barth Lateral. Drop No. 1 of the Mora Canal was a combined drop and chute. It contained 400 cu. yds. of concrete and cost \$6,894.00. Drop 2, was a very simple one, consisting of a crest with solid lava rock as a pool. Part of the cost was for excavating solid rock, the total being \$4,503.00. Drop No. 3, was a notch drop containing 60 cu. yds. of concrete. The

Mr. Doomer established headquarters at [redacted] labor was delivered and cut up for the manufacture of small wood structures. General supplies were [redacted] through the Warehouse which was maintained at [redacted] the work progressed headquarters was moved to [redacted] being established on the farm of T. B. Dah [redacted] miles south ofampa. Another camp was est [redacted] Government Orchard, being on one of the fe [redacted] for right of way in the Deer Flat Reser [redacted] In 1911, a main camp was established at Rock [redacted] (olbal), when construction was taken up in the [redacted] sion.

On account of lack of funds the Mora Canal was not [redacted] to full section as constructed in 1908 and 1909. It had been excavated to a preliminary grade one foot of material remaining to be removed. In places the section was narrow only the lower bank having been built. Mr. Doomer's duties included the completion of the Mora Canal as well as finishing a large amount of other uncompleted work in theampa Division.

In the Robinson Hill, Madden Butte and Malba subdivisions the work was taken up from the beginning in the following order.

Preliminary location of canal and other boundary lines of the area to be watered.  
 Subdivision and topography  
 Preliminary location of laterals on topography  
 Final location of canal  
 Final location of laterals  
 Cross sectioning  
 Construction.

Preliminary location surveys were made by transit and chain of boundary line canals or laterals, which were generally contour locations. Ridge locations were run from whatever information was available. If topography was not taken such locations consisted of a large number of trial lines.

#### Subdivision.

All sections and fractions were subdivided in compliance with instructions in the manual issued by the General Land Office. The bearings and distances on all lines were

MORA

# History of Irrigation in Southwest and Southeast Idaho, and Eastern Oregon

## Canals, Ditches, and Drains

Research by John Martinson  
Historian, BS, MA

Bureau of Reclamation  
Middle Snake Field Office  
Boise, Idaho

*"The irrigated landscape is a synthesis of contingent, interacting, and, ultimately, historical forces. Irrigators did not simply impose their engineering on a static, undefined environments; rather, they added another level of change to an already changing land."*

~~ Mark Fiege<sup>1</sup>

*"Dreamers we are, dreamers we will always be, and what is folly and vain imaginings to some people is the stuff our daily lives are made of. And there are thousands like us! If there never had been, there would be no great West."*

~~ Mary Hallock Foote<sup>2</sup>

2006

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<sup>1</sup> Fiege, Mark. "Creating a Hybrid Landscape: Irrigated Agriculture in Idaho," *Journal for the Northwest Environment*, Vol. 11, Numbers 1 & 2, 60-76, 1995.

<sup>2</sup> Idaho Statesman, January 16, 2005, Transforming desert into farmland took cooperation 'In attempting to change a dynamic environment, irrigators ... changed', Internet, October 18, 2005,  
<http://www.idahostatesman.com/apps/pbcs.dll/article?AID=/20050116/NEWS0105/501160316/1022&template=printart>

- **Meeves (1.80cfs) –**

Meeves No. 1 Ditch was built in 1868 by Nelson M. Armstrong. In 1905 Mr. Peter Meeves assumed ownership. "The diversion point of Meeves No. 1 ditch is located on the south bank of the Boise River in the NW ¼ of the SE ¼ of Section 24, T3N, R2E." Source: Ridenbaugh-Rossi Mill Ditch, Idaho State Historical Society Reference Series, No. 515, 1974.

- **Middleton Mill Ditch Company Canal –**

The canal begins on the north bank of the Boise River in SW ¼ SE ¼ of TRN R1W, then flows westerly through Middleton, and 5 miles farther for a total of 27 miles. In 1864, the first 4 miles of the canal was constructed by M.V. and F. O. Palmer, and David and Alex Allison. J. C. and H. P. Isaac, and J. M. Stevenson obtained the water rights in 1871, who added another one mile to the canal in 1872.

S. S. Foote and Mr. Packer purchased the Mill and canal in 1877, but by 1884 Foote assumed full ownership. In 1889, more than 7,000 acres were watered by the canal, and that same year the mill was shutdown, and the majority of the water was then used for irrigation. Today, The Middleton Irrigation Association has rights to 112.79 cfs of water.

- **Mora Canal –** The Mora is an offshoot of the New York Canal, from a point on New York Canal about 13 miles west of Boise River Diversion Dam, then flows northwest below Lake Lowell. The length of the canal is 56 miles, with a diversion capacity of 1,300 cfs.

The canal was originally the Kuna High Line Canal, and excavated between 1908-1909 to a preliminary grade. In 1911 to 1912, the canal was enlarged and extended. In late 1908, a timber flume was constructed over Indian Creek (south fork).

- **Middleton Mill Ditch –** the ditch started in 1864 carrying approximately 1,200 inches of water. By 1900, the ditch reached twenty miles from its source.
- **New York (Main South Side) Canal –** The canal was built between 1906-1908 (Enlarged 1909-1912) and has a 2,800 cfs diversion capacity.

The canal runs 40 miles and feeds more than 5,000 miles of lateral ditches,<sup>32</sup> and drains into Lake Lowell.

The New York Canal obtained its name from earlier New York investors who were financing the canal, but their venture failed. The Reclamation finally came

---

<sup>32</sup> *History of Water Development: Early Irrigation Canals: Pre-Project Ventures*, Boise, Idaho, Internet, October 18, 2005, [http://www.idwr.idaho.gov/water/tvalley/history\\_of\\_water\\_development.htm](http://www.idwr.idaho.gov/water/tvalley/history_of_water_development.htm))

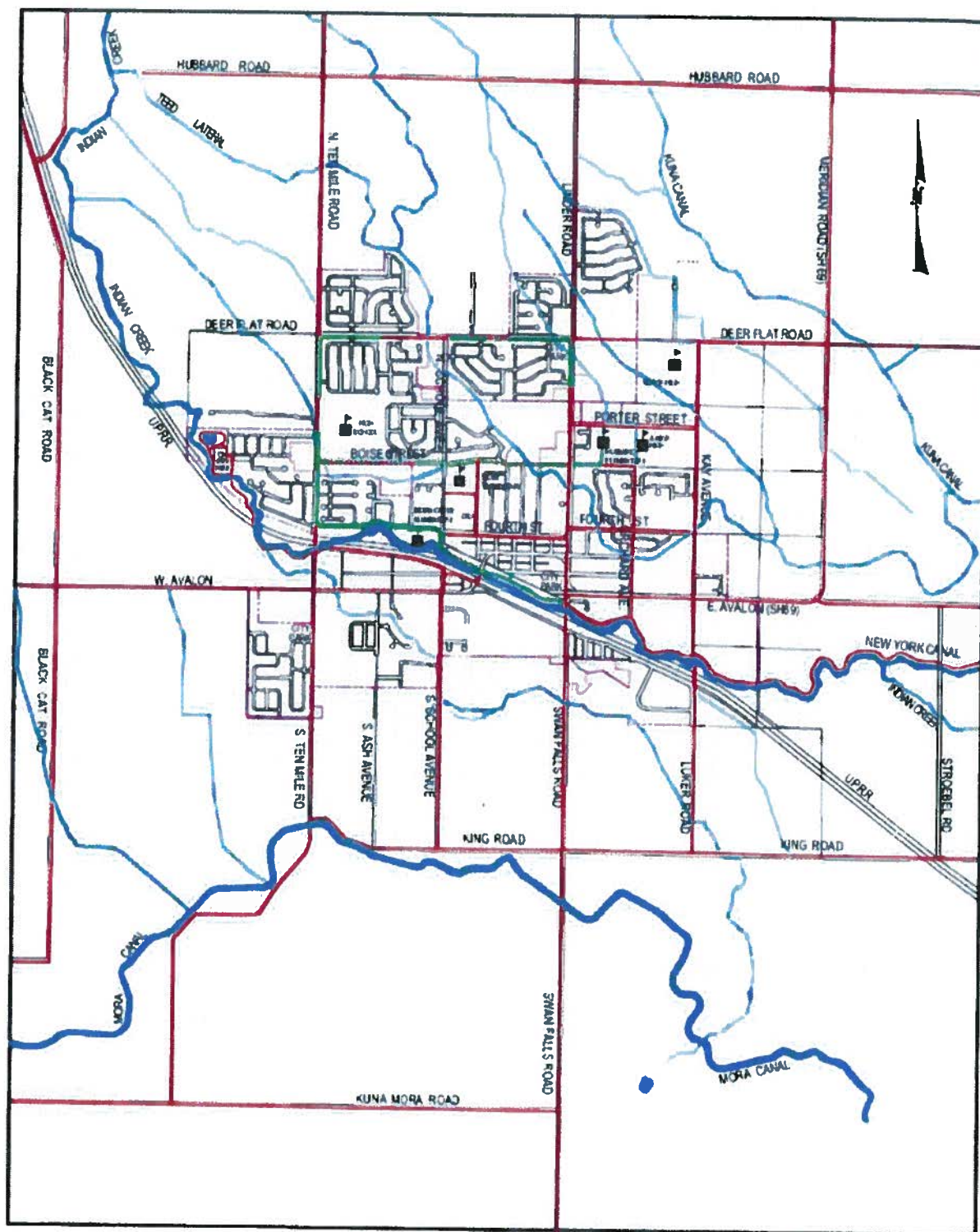


**Figure.** Mora Canal in Relationship to the City of Kuna, Idaho<sup>1</sup>

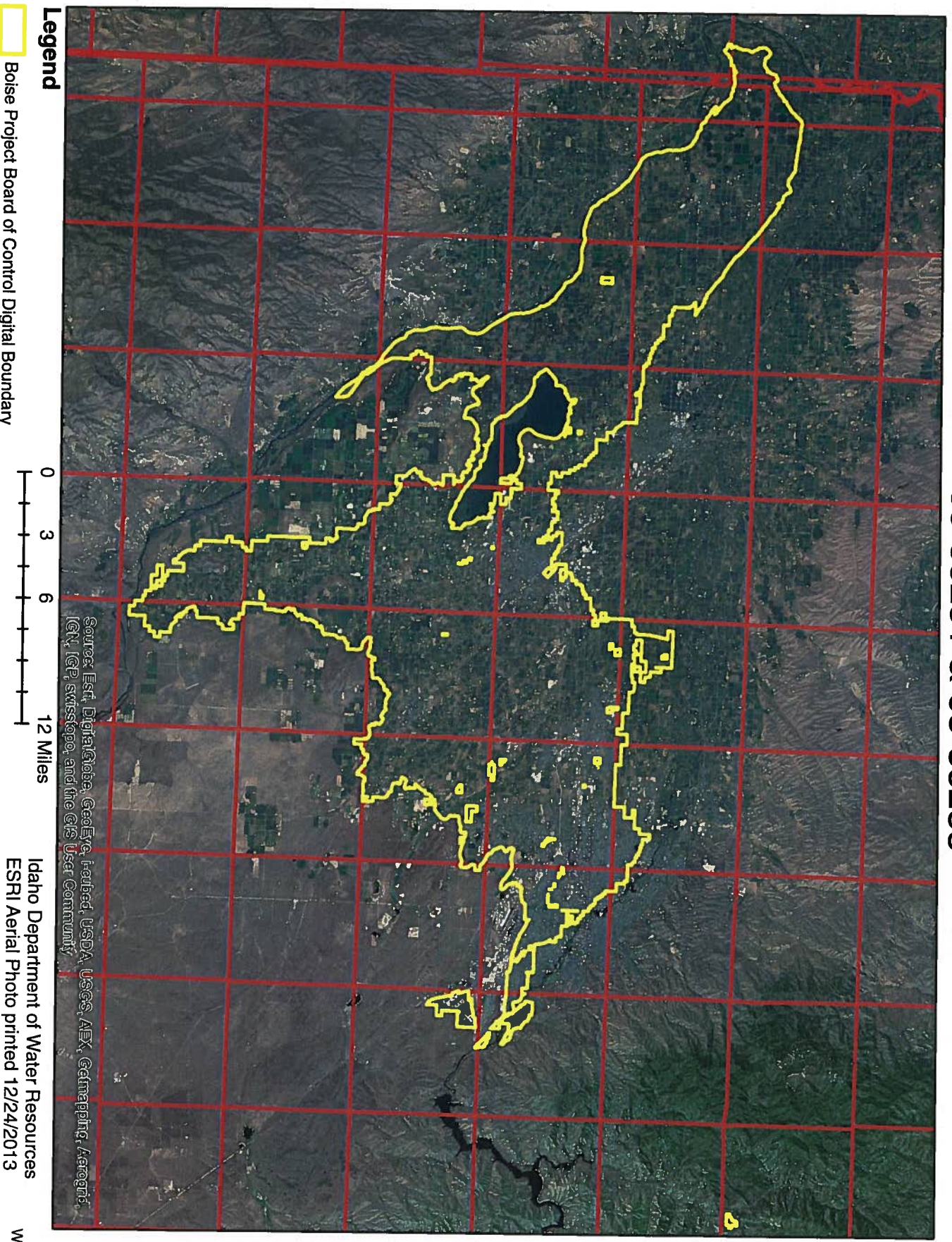
<sup>1</sup> A Comprehensive Plan, city of Kuna, Idaho, Ibid, p. 7-7.

"Surface water includes Indian Creek, the Mora Wasteway, and several irrigation canals and laterals. Both Indian Creek and the Mora Wasteway are natural drainages which have been converted to irrigation facilities during the irrigation season. Indian Creek is typically dry during the period of October 15 through April 15, except during a short period in February and March when Lake Lowell is being filled. The remainder of the time Indian Creek carries irrigation water from a diversion of the New York Canal east of Kuna to Lake Lowell located southwest of Nampa. The Mora Wasteway is typically dry except during the irrigation season when it carries irrigation tail water to its discharge into Indian Creek just west of Ten Mile Road. The Mora Wasteway also has an emergency discharge connection to the **Mora Canal** located approximately 1/4 mile west of Swan Falls Road. This connection allows the Bureau of Reclamation to divert the flow from the Mora Canal into the Mora Wasteway should it be necessary. There are several other natural drainages within Kuna, which over the years have been obscured by agricultural practices. These drainages are currently identifiable by the fact that they are typically the location of irrigation tail water ditches."<sup>2</sup>

---

<sup>2</sup> *A Comprehensive Plan, city of Kuna, Idaho, Hydrology, September 8, 2003, 3, Internet, pp. 10-2, 10-3*

# Boise Project Board of Control Digital Boundary 63-33251 & 63-33253



**Shurte, Jan**

---

**From:** Shurte, Jan  
**Sent:** Friday, December 20, 2013 11:41 AM  
**To:** Barker, Albert (IWRB Member)  
**Subject:** RE: Water Right Claim Nos. 63-33251 and 63-33253

Hi Al,

I have no problem with the cfs amount based on the measurement submitted. However, we do have a question concerning the priority date of 1909. There is a thought that until the Kuna-Mora Canal was built in 1911 increasing the amount of wastewater into Indian Creek and the New York Canal that the 104 cfs from Indian Creek would not have been available until the spring of 1912. I am attaching page 9 of a report Carter gave to me on risk assessment of canals which shows the timeline of the Kuna-Mora Canal.

The proposal is to recommend the 104 cfs with a 3/1/1912 priority date for Indian Creek on 63-33251 and 7.75 cfs with a 3/1/1909 priority date for Ten Mile Creek on 63-33253.

Please let me know if you have any problems with the above assessment. We will be putting the report together next week and still have time for changes up to Christmas.

Thanks,  
Jan

---

**From:** Albert Barker [<mailto:apb@idahowaters.com>]  
**Sent:** Thursday, December 19, 2013 9:36 AM  
**To:** Shurte, Jan  
**Cc:** [tpage@boiseproject.org](mailto:tpage@boiseproject.org); Fritschle, Carter  
**Subject:** FW: Water Right Claim Nos. 63-33251 and 63-33253

Jan-

Attached is a letter with some information on these two late claims.

Albert P. Barker  
Barker Rosholt & Simpson LLP  
1010 W Jefferson, Suite 102  
Boise, Idaho 83702  
(208) 336-0700

**CONFIDENTIALITY NOTICE:** This e-mail and its attachments are confidential and may be privileged. If you believe this e-mail has been sent to you in error, please notify the sender immediately and delete this email. Do not deliver, distribute or copy this transmission.



## **RISK ASSESSMENT: DAM/LEVEE/CANAL FAILURE**

### **CHAPTER 3**

**Twin Falls County Dam – 1984:** Salmon Falls Creek release caused flooding

**Kirby Dam Failure – 1991:** During the summer of 1990, it became apparent that the old log crib structure of the Kirby Dam near Atlanta had become unsound and was in jeopardy of failing. The possibility of failure was of special concern due to the large quantity of mine runoff and tailings that had collected behind the dam over the years. A strategy to stabilize the dam was developed by the Idaho Department of Water Resources and the U.S. Forest Service but was unsuccessful. On May 26, 1991, Kirby Dam collapsed, cutting off electrical power and blocking the primary access bridge to Atlanta. Contaminated sediments (containing arsenic, mercury, and cadmium) were released into the Middle Fork of the Boise River.

**Brown's Pond Dam – 2010:** Browns Pond Dam overtop and breach during rain on snow event - federal declaration (DR1927)

#### **Levee Failure**

**Kootenai County Levee Failure – 2011:** Hayden Lake imminent threat from wave erosion on dike

#### **Canal Failure**

**New York Canal Failure – 1917, 1955, 1959:** Built from 1906-1908 and enlarged in 1912, the canal runs through Boise, ID west for 40 miles to Lake Lowell. The structure's capacity is 2,800 cfs.

**Ridenbaugh Canal Failure – 1973**

**Gem County Canal Failure – 2005:** Occurred in Emmett, breach necessitated assistance from Gem County Road and Bridge Dept.

**Mora Canal Failure – 2006:** Constructed from 1909-1911 in Kuna, ID with a 1,300 cfs capacity, the canal breached due to unknown causes.

**Logan Northern Canal Failure (Utah) – 2009:** Southeast neighboring community Logan, Utah suffered a 2009 failure of the Logan Northern Canal resulting in 3 deaths and extensive residential damages. Just three years prior a Utah State University thesis warned the community of this danger as did multiple landslide studies.

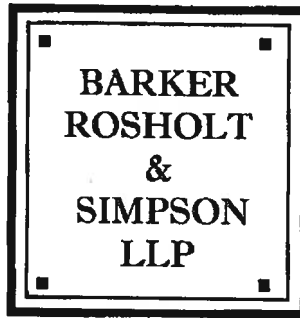
**Canyon County Canal Failure – 2010:** Occurred in Wilder, Washed out road

**Canyon County Canal Failure – 2011:** Occurred in Caldwell, Flooded street, no apparent damage to homes, caused by gophers

**Canyon County Canal Failure – 2011:** Occurred in Caldwell, Washed out roads and flooded several homes

**Elmore County Canal Failure – 2011:** Occurred in Glens Ferry, Flooded homes, basements, and streets, damaged a section of main railroad tracks

ALBERT P. BARKER  
JOHN A. ROSHOLT  
JOHN K. SIMPSON  
TRAVIS L. THOMPSON  
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(208) 735-2444 facsimile

*Albert P. Barker*  
apb@idahowaters.com

December 19, 2013

**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,

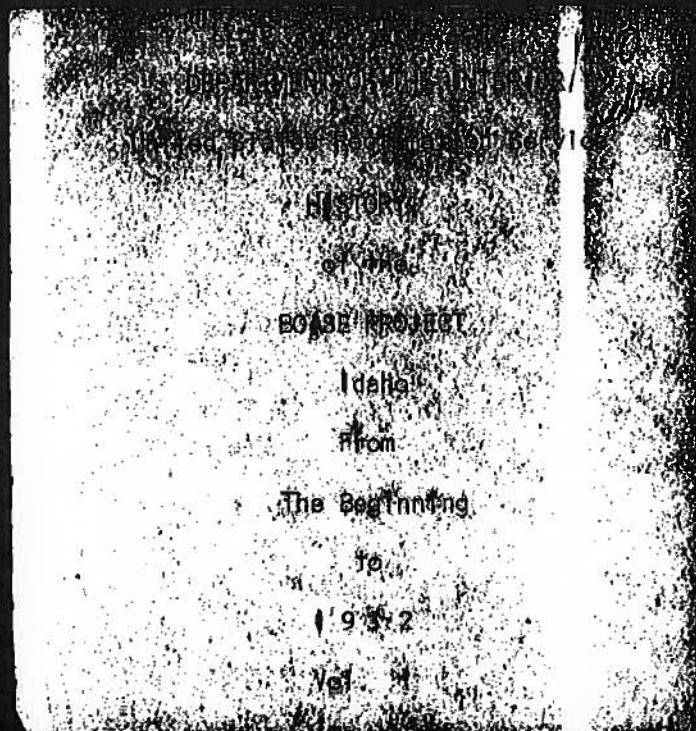
**BARKER ROSHOLT & SIMPSON LLP**

A handwritten signature in black ink, appearing to read 'Albert P. Barker', with a stylized, cursive script.

Albert P. Barker

APB/jlw  
Enclosures

cc: Tim Page (via e-mail)



February 1908

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

February 1908

Flacing of pipe turnouts on Main Canal be-  
gan by C. E. Hoque, 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 B. & O. Railroad being placed by A.  
E. Hughes, 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 (J. E. Thompson contractor)

April 1908

Flacing of pipe turnouts on Main Canal  
completed. C. E. Hoque 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. & 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

O. 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

Cutlet Channel in D. H. 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 begun on structures on laterals - force account.

with adverse conditions. Mr. Bond is responsible for the statement that the annual cost of operation of the New York 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 Attachment (during May and June) and from the Deer Flat High-Line. From this canal water was dropped below the Lower Attachment and deliveries made to a limited territory in Deer Flat.

During 1909, J. L. Rhoad, Assistant Engineer, acted as Superintendent of Irrigation. Edwin Healy was watermaster on the Main Canal and B. V. Bower 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. Bower 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 each of Payette-Boise Water Users 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 Hampa-Meridian canal was in position to cover about 10,000 of land which was irrigated and about 40,000 acres of dry land without water. As previously stated, the Hampa-Meridian 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**

Meeting with Al Barker and Tim(BPBC) 12-11-13

63-33251 – Late Claim – Indian Creek

Claimed – NESE, S 29, T2N, R.1E which turned out to be the location where North Indian Creek meets the NYC. IDWR suggests this is the point where the NYC is injected into North Indian Creek using it as a conveyance system for the NYC. Then just further down in the NENW S. 30 Indian Creek flows into North Indian Creek which is now carrying the New York Canal water plus any water (very little according to Carter Fritschle who has been driving by there everyday for 18 years and Tim the project manager) from North Indian Creek. Indian Creek is barely flowing any water either at this point where it joins with the North Indian Creek/New York Canal. IDWR calls the point of diversion claimed as actually being the point at which the NYC is injected into North Indian Creek which turns into Indian Creek after they combine in S. 30.

Then in the NENW, S 9 T2N, R1W the New York Canal begins again with cement walls flowing in a southwesterly direction and Indian Creek continues to flow in a northwesterly direction. This is actually the real point of diversion for Indian Creek water for the BPBC because at this point Indian Creek is diverted out of the NYC and the difference between how much water was flowing into the canal in the points listed above and how much water is flowing out of the canal in Sec. 9 is the amount of water this claim should be recommended for.

In our discussion it was discovered that 1000 cfs is the maximum amount that can be diverted through Kuna due to a house located on the corner of where Indian Creek crosses Swan Falls Road. If more than 1000 cs is diverted through Kuna this home would be washed away. Therefore, they limit the diversion through Kuna to 1000 cfs. Therefore, by measuring how much Indian Creek water is coming out of the location where the NYC heads southwesterly and Indian Creek heads northwesterly minus the 1000 cfs we can determine the amount of water diverted out of the NYC for Indian Creek created between the two points. It will likely remain that claimed as 104 cfs.

We will use a 4-1-1912 priority date rather than the 1903 date claimed because the the storage in Lake Lowell (Deer Flat lower embankment) was completed then. Until that point no Indian Creek water could have been utilized to irrigate all the project lands. Al and Tim will try to come up with an earlier date if they can find any other documentation. In lieu of that we will recommend the 4-1-1912 date.

Wastewater condition. Janicek remark.

# Where New York Canal "Diverts" from Indian Creek in T02N, R01W, S09, NENW



DOWNSTREAM SPLIT

**Shurte, Jan**

---

**From:** Fritschle, Carter  
**Sent:** Thursday, November 21, 2013 12:57 PM  
**To:** Shurte, Jan  
**Subject:** History of the Boise Project  
**Attachments:** History of Boise Project.pdf; 3.7 Dam\_Levee\_Canal Failure Draft.pdf

The History of the Boise Project is attached.

Page 9 of the Dam Levee Canal Failure Draft attachment states the New York Canal was built from 1906-1908 and enlarged in 1912, and the Mora Canal was constructed from 1908-1911.

I also found this photo of the New York Canal diversion on October 3, 1906. Capacity of the canal at that time was 200 cfs.



# Where Indian Creek Enters District in T01N, R01E, S04, NENW Lot 3



# Where District Water is Injected into North Indian Creek T02N, R01E, S29, NESE



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, GeoMapping, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

0 550 1,100 2,200 Feet



DAD ON CLAIM

# Confluence of North Indian Creek and Indian Creek T02N, R01E, S30, NENW



0 385 770 1,540 Feet



LOCATION OF INDIAN CREEK ENTERING N. INDIAN CR

**Shurte, Jan**

---

**From:** Shurte, Jan  
**Sent:** Wednesday, October 30, 2013 1:34 PM  
**To:** Al Barker  
**Cc:** Fritschle, Carter  
**Subject:** Boise Project Board of Control Claim Nos. 63-33251 and 63-33253  
**Attachments:** BPBC Ten Mile NY Canal.pdf

Al,

The above claims are the two remaining late claims to be reviewed for the Boise Project and Riverside Irrigation District late claims you have submitted over the years. We have a few questions concerning the above two claims as follows:

63-33251

This claim is for diversion of water from Indian Creek. We have questions concerning the amount of water diverted from Indian Creek. It appears that the point of diversion on this claim is actually the point of injection of the BPBC water from the New York Canal into North Indian Creek which then joins with Indian Creek approximately 1 ½ miles downstream. Indian Creek then flows approximately 5 ¼ miles to the point where the New York Canal is again formed and Indian Creek flows northwest with the New York Canal flowing west. We need to determine how much Indian Creek water is actually entering the district to know the amount of Indian Creek water involved at the point where the New York Canal begins again and Indian Creek continues to the west in the NENW, S9, T2N, R1W.

We also need some type of evidence of priority for the 1903 priority date claimed.

63-33253

This claim is for diversion of water from Blacks Creek. We do plan on recommending the source as Ten Mile Creek per the topographic map for this area. However, it is difficult to tell from the attached aerial photo what exactly we are seeing as the diversion into the New York Canal with an outlet from the New York on the opposite side? If this is the diversion into the New York, then it seems that it would be the best place to determine the amount of water flowing into the canal. We just need further details.

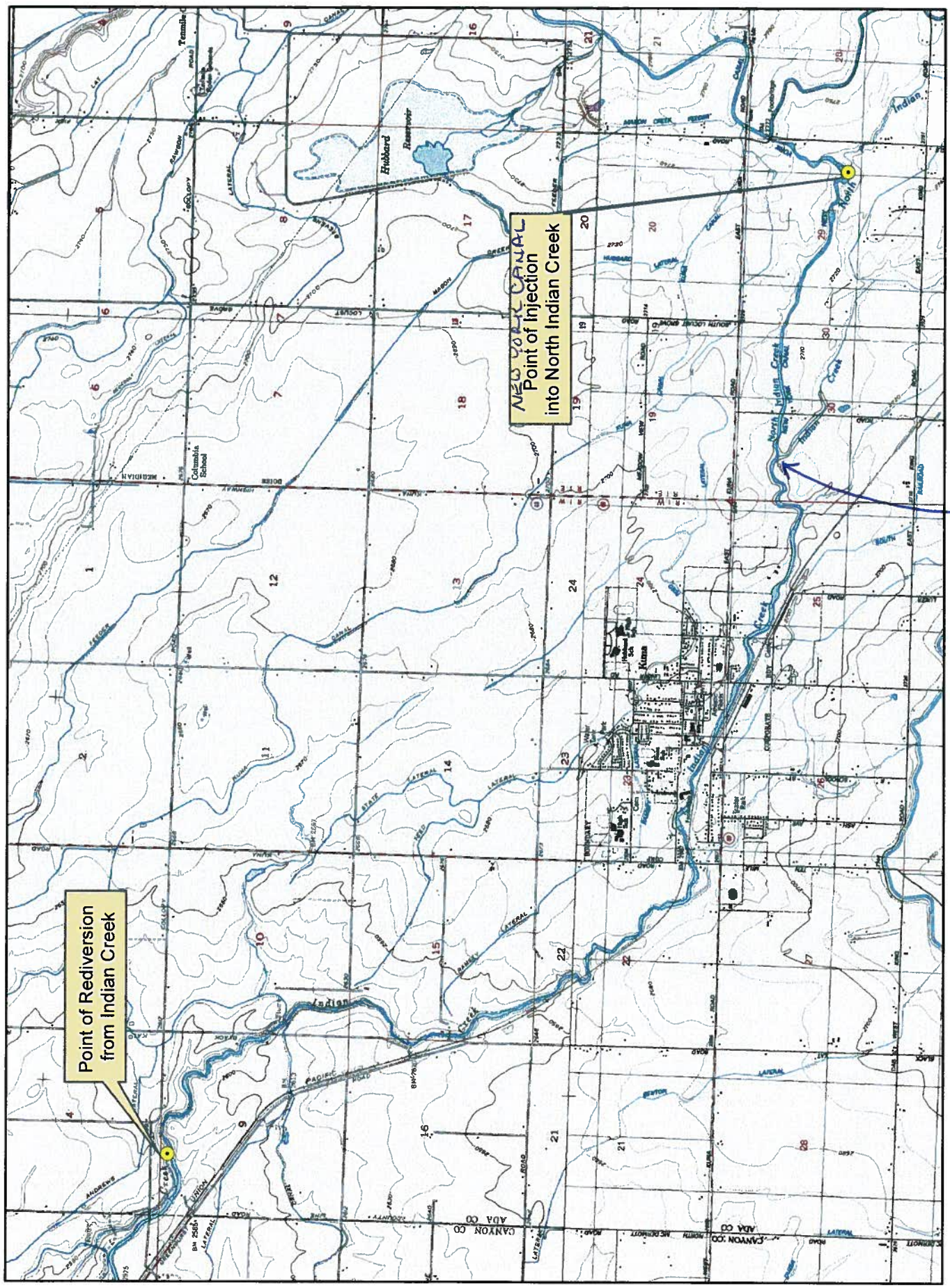
We also need some type of evidence of priority for the 1903 priority date claimed.

Please submit information concerning the above matters, or call me if you have any questions. It could be that a meeting or field exam is needed for these rights. I do plan on having them recommended in the late claim report this December.

Thanks,

Jan Shurte  
Adjudication Technical Analyst  
Idaho Dept of Water Resources  
322 E Front St., Boise, ID 83720  
(208)287-4992  
[jan.shurte@idwr.idaho.gov](mailto:jan.shurte@idwr.idaho.gov)

# Indian Creek in Kuna Area



Point of Rediversion  
from Indian Creek

NEW YORK CANAL  
Point of Injection  
into North Indian Creek



6 Miles

3

1.5

0

PT. WHERE INDIAN CK FLOWS INTO  
N. INDIAN C.K.

**Shurte, Jan**

---

**From:** Shurte, Jan  
**Sent:** Wednesday, October 30, 2013 1:34 PM  
**To:** Al Barker  
**Cc:** Fritschle, Carter  
**Subject:** Boise Project Board of Control Claim Nos. 63-33251 and 63-33253  
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Al,

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63-33251

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We also need some type of evidence of priority for the 1903 priority date claimed.

Please submit information concerning the above matters, or call me if you have any questions. It could be that a meeting or field exam is needed for these rights. I do plan on having them recommended in the late claim report this December.

Thanks,

Jan Shurte  
Adjudication Technical Analyst  
Idaho Dept of Water Resources  
322 E Front St., Boise, ID 83720  
(208)287-4992  
[jan.shurte@idwr.idaho.gov](mailto:jan.shurte@idwr.idaho.gov)

**Shurte, Jan**

---

**From:** Fritschle, Carter  
**Sent:** Tuesday, October 08, 2013 4:41 PM  
**To:** Shurte, Jan  
**Subject:** RE: Indian Creek  
**Attachments:** District Water Injected into Indian Creek.pdf

The injection of water into North Indian Creek takes place in the NESE of Section 29.

---

**From:** Fritschle, Carter  
**Sent:** Tuesday, October 08, 2013 4:33 PM  
**To:** Shurte, Jan  
**Subject:** Indian Creek

Jan,

Attached are two maps. One shows where Indian Creek goes under Kuna-Mora Road and enters the district.

The other shows where the natural channel of Indian Creek becomes the constructed New York Canal.

Any water that is naturally occurring in Indian Creek would have to be flowing under the bridge on Kuna-Mora Road. Below that point, the water in Indian Creek is return flows from the irrigation of lands within the Boise-Kuna Irrigation District and the water injected into Indian Creek via the New York Canal at the Eagle Road crossing in T02N, R01E, S29, NENE. I am working on a map for that location too.

Carter

# Where Indian Creek Enters District in T01N, R01E, S04, NENW Lot 3



# Where District Water is Injected into North Indian Creek T02N, R01E, S29, NESE



Source: Esri, DigitalGlobe, GeoEye, iSat, USDA, USGS, AEX, GeoMapping, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

# Confluence of North Indian Creek and Indian Creek T02N, R01E, S30, NENW



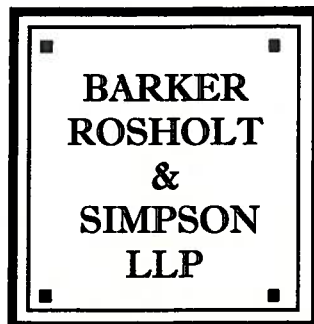
0 385 770 1,540 Feet



# Where New York Canal "Diverts" from Indian Creek in T02N, R01W, S09, NENW



**ALBERT P. BARKER**  
**JOHN A. ROSHOLT**  
**JOHN K. SIMPSON**  
**TRAVIS L. THOMPSON**  
**SHELLEY M. DAVIS**  
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(208) 735-2444 facsimile  
jar@idahowaters.com

*Albert P. Barker*  
apb@idahowaters.com

November 4, 2010

RECEIVED

NOV 08 2010

WATER RESOURCES  
WESTERN REGION

Idaho Department of Water Resources  
Attn: Jan Shurte  
2735 Airport Way  
Boise, ID 83705-5082

*Re: Amended Notices of Claim to Water Rights 63-33251 & 33253*

Dear Jan:

Enclosed for filing are Amended Notices of Claim to Water Rights 63-33251 and 63-33253. Sharon Strickland spoke with Craig Saxton and he said to direct these Amended Notices to you. These Amended Notices serve merely to correct the source in item #3 on the applications, to show that the POD is on two tributaries to the Boise River, and not the Boise River itself. The description of the diversion works remains the same and correctly describes the point at which the New York Canal intersects the drains/creeks.

Please let me know if you have any questions.

Very truly yours,

**BARKER ROSHOLT & SIMPSON LLP**



Albert P. Barker

APB/se  
Enclosures