

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-31832
Date Received: 7/10/2002
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BOISE VALLEY IRRIGATION DITCH CO Phone: (208)853-5288
8750 N BOGART LN
BOISE ID USA 83714

2. Date of Priority: 06/01/1865

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	02E	5	NE SE NE	ADA	

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	49.34	10251.5
IRRIGATION STORAGE	01/01	12/31		14.5
IRRIGATION FROM STORAGE	03/15	11/15		14.5
AESTHETIC	03/15	11/15	0.17	
AESTHETIC STORAGE	01/01	12/31		14.5

7. Total Quantity Appropriated is:
49.51 C.F.S. and/or 10266 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
04N	01E	14	NE	NW	AESTHETIC	
			NE	NW	AESTHETIC STORAGE	
			NE	NW	IRRIGATION STORAGE	
			NE	NW	IRRIGATION FROM STORAGE	
17.2						
					Section Acres	17.2
					Total Acres	17.2

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31197.

This right is limited to the irrigation of 2779.5 acres within the boundary of the Boise Valley Irrigation Ditch Co.

Water is delivered through the Farmers Union and Boise Valley canals.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

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

The period of use for irrigation, irrigation from storage and aesthetic uses described in this approval may be extended to a beginning date of 3/1 provided that

beneficial use of the water can be shown and other elements of the right are not exceeded. Irrigation, irrigation from storage and aesthetic uses before 3/15 are subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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.

The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.

Rights 63-120G, 63-123, 63-123C, 63-123D, 63-124Q, 53-125J, 63-126F, 63-164E, 63-165M, 63-192, 63-198AG, 63-216C, 63-248, 63-297, 63-2360, 63-16767, 63-18700, 63-21729 and 63-21730 are also diverted through the point of diversion described above.

This right does not grant any right-of-way or easement across the land of another.

15. Basis of Claim: Decreed

RECEIVED

NOV - 4 2008

Department of Water Resources
Adjudication Bureau

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV - 3 2008	
By _____	Clerk
Deputy Clerk	

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

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-00147B,
) 63-02360, 63-31198, 63-31832,
) and 63-31833 (Digital Boundary)

I. FINDINGS OF FACT

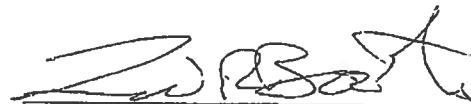
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

Objections and/or responses were timely filed by the Boise Project Board of Control, the Bureau of Reclamation, the Bureau of Land Management, and the State of Idaho. The parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* in each of the subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-00147B, 63-02360, 63-31198, 63-31832, and 63-31833 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Nov. 3, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
NOV - 3 2008	
By _____	Clerk
Beauty Blank	

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-00147B

NAME AND ADDRESS: BOISE VALLEY IRRIGATION
DITCH CO
8750 N BOGART LN
BOISE, ID 83714

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 3.97 CFS
892.80 AFY

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

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION: T02N R03E S04 LOT 7 (NWNE) Within Ada County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	3.97 CFS
			892.80 AFY

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576. During the period beginning October 16 and ending November 15 in any irrigation season, there will be no water diverted for this right if the amount of water released from Lucky Peak Dam into the Boise River is equal to or less than 240.0 cubic feet per second. During the period beginning March 16 and ending April 15 in any irrigation season, there will be no water diverted for this right

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PURPOSE AND PERIOD OF USE (continued)

if the amount of water released from Lucky Peak Dam into the Boise River is equal to or less than 1,100 cubic feet per second.

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF THE BOISE VALLEY IRRIGATION DITCH COMPANY.

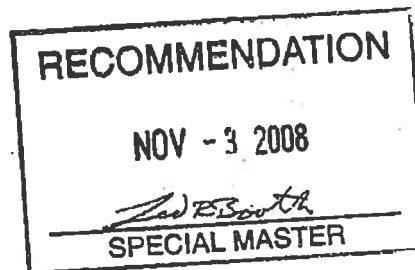
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

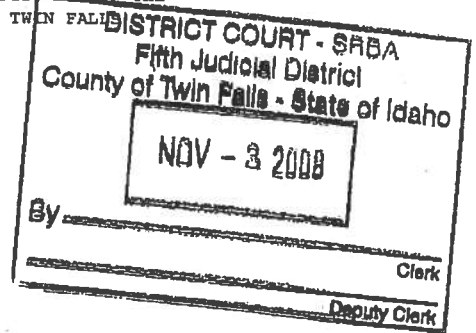


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-31198



NAME AND ADDRESS: BOISE VALLEY IRRIGATION
DITCH CO
8750 N BOGART LN
BOISE, ID 83714

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.11 CFS
24.70 AFY

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

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION: T03N R03E S28 LOT 2 (SWSWSW) Within Ada County
LOT 2 (SWSWSW)
S29 LOT 1 (SESE)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	0.11 CFS 24.70 AFY

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

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY

PLACE OF USE (continued)

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

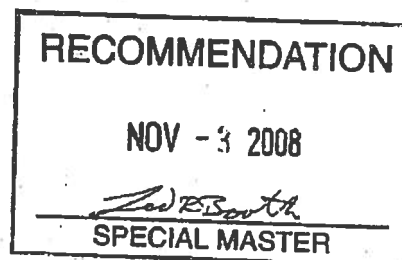
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

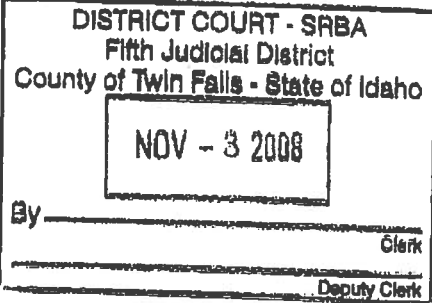


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-02360



NAME AND ADDRESS: BOISE VALLEY IRRIGATION
DITCH CO
8750 N BOGART LN
BOISE, ID 83714

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.20 CFS

PRIORITY DATE: 07/19/1921

POINT OF DIVERSION: T03N R02E S05 NESENE Within Ada County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	1.20 CFS

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

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF THE BOISE VALLEY IRRIGATION DITCH COMPANY. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

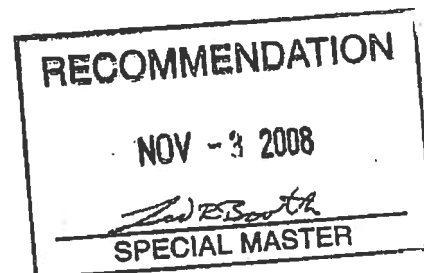
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

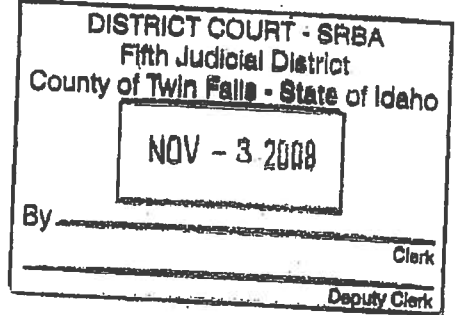
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-31832



NAME AND ADDRESS: BOISE VALLEY IRRIGATION
DITCH CO
8750 N BOGART LN
BOISE, ID 83714

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 49.51 CFS
10266.00 AFY

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

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION: T03N R02E S05 NESENE Within Ada County

Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 53-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	49.34 CFS
		10251.50 AFY
Irrigation Storage	01-01 TO 12-31	14.50 AFY
Irrigation from Storage	03-01 TO 11-15	14.50 AFY
Aesthetic	03-01 TO 11-15	0.17 CFS
Aesthetic Storage	01-01 TO 12-31	14.50 AFY

DIVERSION FOR IRRIGATION AND AESTHETIC UNDER THIS WATER RIGHT PRIOR TO APRIL 1 AND AFTER OCTOBER 31 SHALL OCCUR ONLY AS AUTHORIZED BY THE WATER DISTRICT 63 WATER MASTER AND ONLY WHEN WATER IS BEING RELEASED FOR FLOOD CONTROL BY THE UNITED STATES FROM THE LUCKY PEAK DAM OUTLET UNDER PROCEDURES AND REQUIREMENTS FOR THE MEMORANDUM OF AGREEMENT BETWEEN THE U.S. DEPARTMENT OF THE ARMY AND THE U.S. DEPARTMENT OF THE INTERIOR FOR FLOOD CONTROL OPERATIONS OF THE BOISE RIVER RESERVOIRS DATED NOVEMBER 20, 1953, THE WATER CONTROL MANUAL FOR BOISE RIVER RESERVOIRS, DATED APRIL 1985 AND ANY FUTURE AMENDMENTS OR REVISIONS MADE THERETO PURSUANT TO STATE OR FEDERAL PROCEDURES OR LAW; PROVIDED THAT ANY SUCH USE OF THIS WATER RIGHT PRIOR TO APRIL 1 AND AFTER OCTOBER 31 SHALL BE SUBORDINATED TO WATER

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PURPOSE AND PERIOD OF USE (continued)

RIGHTS FOR STORAGE IN LUCKY PEAK RESERVOIR, LAKE LOWELL,
ARROWROCK RESERVOIR, AND/OR ANDERSON RANCH RESERVOIR, AS DECREED
IN SRBA CASE NO. 39576. THIS PERIOD OF USE CONDITION DOES NOT
APPLY TO IRRIGATION STORAGE AND AESTHETIC STORAGE.

PLACE OF USE:	Irrigation	Within Ada County
	Same as See Remarks	
	Irrigation Storage	Within Ada County
	T04N R01E S14 NENW	
	Irrigation from Storage	Within Ada County
	Same as See Remarks	
	Aesthetic	Within Ada County
	T04N R01E S14 NENW	
	Aesthetic Storage	Within Ada County
	T04N R01E S14 NENW	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN
THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY.
The boundary encompassing the irrigation and irrigation from
storage place of use for this water right is described with a
digital boundary as defined by I.C. Section 42-202B(2) and
authorized pursuant to I.C. Section 42-1411(2)(h). The data
comprising the digital boundary are incorporated herein by
reference and are stored on a CD-ROM disk issued in duplicate
originals on file with the SRBA District Court and the Idaho
Department of Water Resources. A map depicting the place of
use is attached hereto to illustrate the place of use described
by the digital boundary.

2808.43 ACRES TOTAL

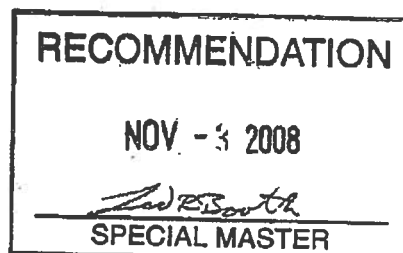
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-31833

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV - 3 2008

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: BOISE VALLEY IRRIGATION
DITCH CO
8750 N BOGART LN
BOISE, ID 83714

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.20 CFS
45.00 AFY

The total instantaneous diversion of water from all points of diversion under Right 63-31833 shall not exceed 0.20 cfs, nor a total combined annual volume of 45.0 af.

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

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION: T03N R03E S28 SWSWS Within Ada County
S29 SWSWS
SESE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	0.20 CFS 45.00 AFY

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

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

The right holder shall accomplish the change authorized by transfer 71032 within one (1) year of the date of approval.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

NOV -4 2008

Lawrence B. Smith
SPECIAL MASTER



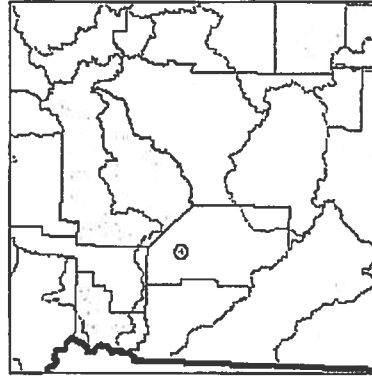
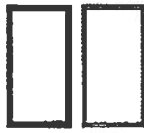
Boise Valley Irrigation Ditch Co

SRBA Recommendations: 63-147B, 63-2360, 63-31198, 63-31832, 63-31833

Service Area Boundary
GIS Place of Use Illustration

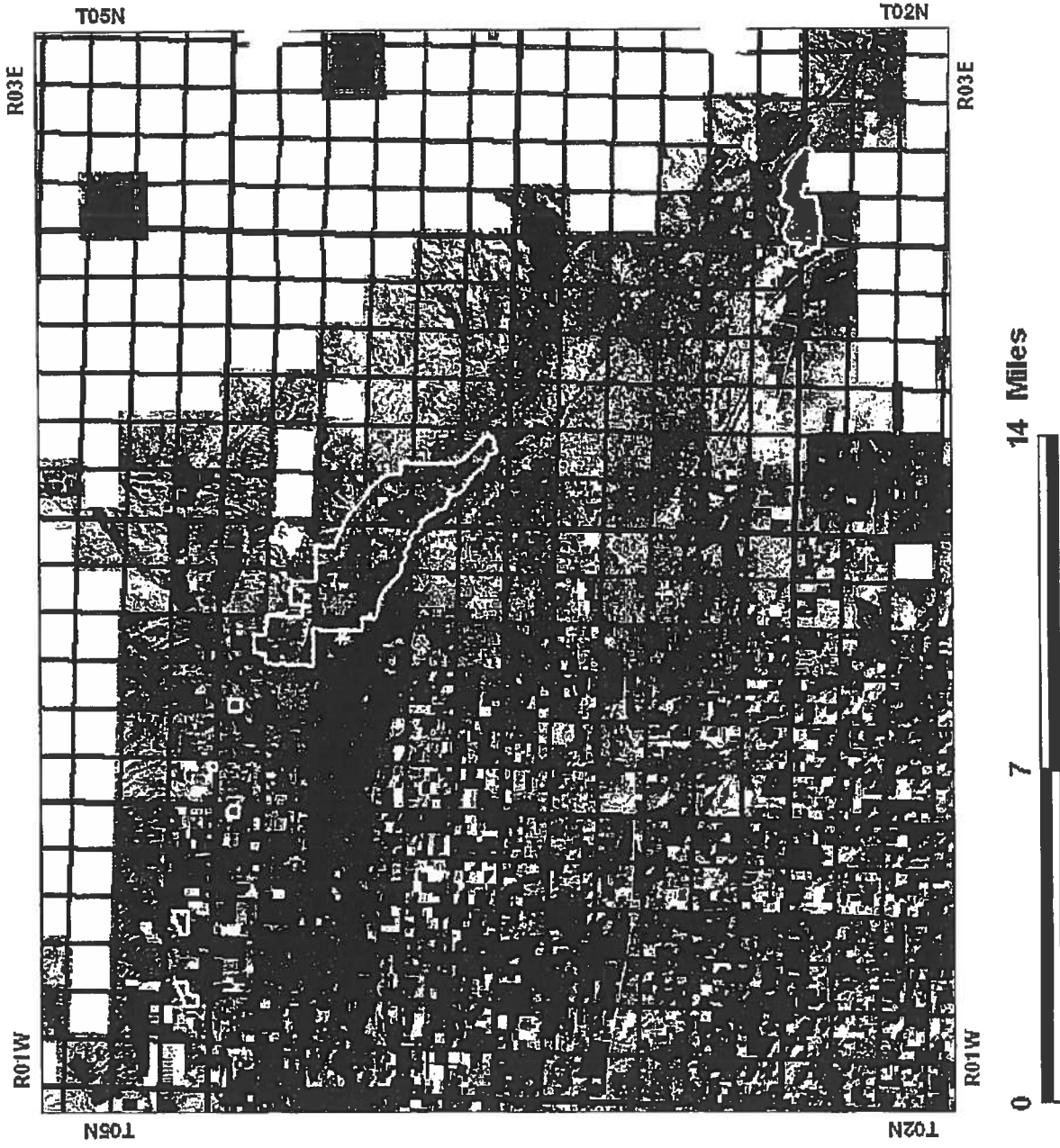
Legend

Service Area
Townships
PLS Sections



Ada County
IDWR Basin 63

Prepared by S. Egbert
On Friday, October 12, 2007
1987/88 Aerial Photography



DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV - 3 2008

By _____ Clerk
Deputy Clerk

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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

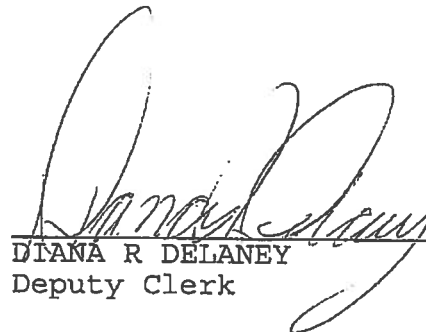
Water Right(s): 63-00147B
63-02360 63-31198 63-31833
63-31832

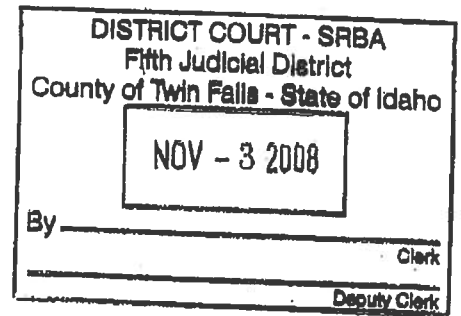
On November 03, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED November 03, 2008.


DIANA R DELANEY
Deputy Clerk



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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-00147B
63-02360 63-31198 63-31833
63-31832

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on November 03, 2008, with sufficient first-class postage prepaid to the following:

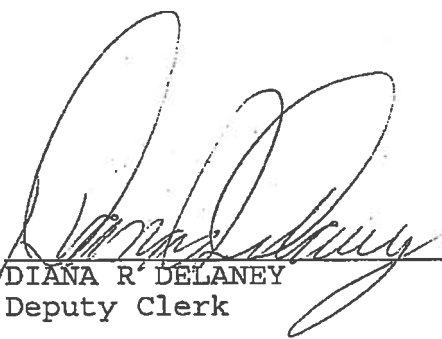
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BOISE VALLEY IRRIGATION
Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

CERTIFICATE OF MAILING

PAGE 1
11/03/08

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724



DIANA R. DELANEY
Deputy Clerk

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, October 02, 2008 4:10 PM
To: Ted Booth; Charlie Honsinger; 'Fredric_Price@blm.gov'; emcgarry@pn.usbr.gov; apb@idahowaters.com
Cc: Spencer, Nick; Williams, Ray; Shurte, Jan
Subject: Boise Valley Irrigation Company Rights - 63-147B, 31198, 31832 & 31833
Attachments: 1-8-08 email and recs.pdf; BVID SF5s.pdf; New 63-31832.RTF

Hello,

It has come to my attention that there are a few housekeeping items, not yet accomplished, before the Boise Valley Irrigation Company rights can be completed. This slipped under my radar last spring and I am trying to bring a closure to it now. Sorry for the huge gap in time.

Attached is my email and recommendations dated 1-8-08 concerning changes made to the Boise Valley Irrigation Company rights after the SF5s had been filed with the SRBA Court. Copies of the original completed SF5s are also attached for your review. We had a status conference on 2-12-08 to discuss the changes in my 1-8-08 email. At this status conference a request was made to remove **Irrigation from Storage same as Irrigation Storage** from the place of use section for 63-31832. I agree that it should not read **same as Irrigation Storage**. So, I have removed this from the place of use portion leaving in the **Irrigation from Storage** use. It seems that it should be left in as a place of use for Departmental research purposes. I also noted that the **Irrigation** use was not listed in the place of use and added that in for the same reason. These uses may not be internally noticed, in a condition, during a review of the water right for research purposes in the future. I did add these uses into the boundary place of use remark per the same request. Attached is a copy of the recommendation for 63-31832 with these changes.

There was a question from within as to whether the aesthetic use was the same place of use as the aesthetic and irrigation storage. After researching the transfer approval and memos it appears the aesthetic is the same place of use which is a pond at the Idaho Shakespeare Festival grounds. This pond is used to irrigate 10 acres surrounding the festival area along with aesthetics. It was transferred with shares of Boise Valley Irrigation Company donated to the Shakespeare Festival. The 10 acres is included in the Boise Valley Irrigation Company rights boundary and the aesthetic, aesthetic storage and irrigation storage are the pond location itself. Just a side note, there is another transfer, other than this right, that added additional acres to the festival ground.

The previously filed SF5's did take care of the other objections from BOR, Boise Project and BLM, which is the purpose of attaching them here. I asked for this status conference to make sure everyone was agreeable with the language change on 63-31832. Now I am not sure that the BOR, Boise Project or BLM care and am sorry for any inconvenience this causes. Thank you for your patience.

Jan Shurte
Water Rights Supervisor
Snake River Basin Adjudication
Western Regional Office
(208) 334-2190

10/22/2008

RECEIVED
NOV 13 2007
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

) Subcase No. 63-147B
)
)
)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

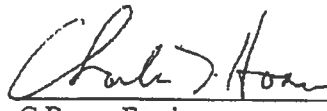
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the attached is an accurate digital depiction of the boundary for the Boise Valley Irrigation Ditch Co produced by IDWR.

CLAIMANT(s):

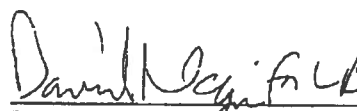
Boise Valley Irrigation Ditch Co

OBJECTOR(s):

USDI-BLM



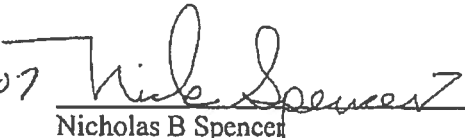
C Bryce Farris Date
Charles L. Hensinger



Larry Brown Date
Attorney for the US Dept of Justice

STANDARD FORM 5 - 63-147B

IDWR Concurrence:

	
Jan Shurte	Nicholas B Spencer
Adjudication Supervisor	Deputy Attorney General
	Attorney for IDWR
10-12-07	10-17-07
Date	Date

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

RIGHT NUMBER: 63-147B

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

J
NBS

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.970 CFS
892.800 AFY

FWP CJK DN LB

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

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION:

T02N R03E S4 NWNE Lot 7 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.970 CFS 892.80 AFY

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

DURING THE PERIOD BEGINNING OCTOBER 16 AND ENDING NOVEMBER 15 IN ANY IRRIGATION SEASON, THERE WILL BE NO DIVERSION OF WATER FOR THIS RIGHT FROM THE POINT OF DIVERSION DESCRIBED ABOVE IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 240.0 CUBIC FEET PER SECOND.

DURING THE PERIOD BEGINNING MARCH 16 AND ENDING APRIL 15 OF ANY IRRIGATION SEASON, THERE WILL BE NO WATER DIVERTED FOR THIS RIGHT FROM THE POINT OF DIVERSION DESCRIBED ABOVE IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 1,100 CUBIC FEET PER SECOND.

SF5 Right No. 63-147B

PLACE OF USE:

2808.43 ACRES TOTAL

THE PLACE OF USE FOR THIS RIGHT IS 198.4 ACRES DESCRIBED IN
TRANSFER S119 AT THE SIMPLOT SPORTS COMPLEX LOCATED IN T02N,
R02E, S1; T02N, R03E, S5, S6; T03N, R02E, S36; T03N, R03E, S31, S32.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE
BOUNDARY OF THE BOISE VALLEY IRRIGATION DITCH COMPANY

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

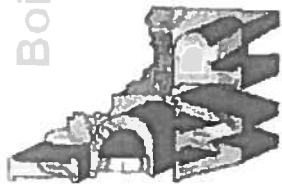
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS DESIGNATED AS NO 15 IN THE STEWART DECREE AND THE
BOISE RIVER WATER MASTERS RECORDS

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-161BN, 63-198AJ, 63-199B, 63-200B,
63-30181.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-147.



Boise Valley Irrigation Ditch Co

SRBA Recommendations: 63-147B, 63-2360, 63-31198, 63-31832, 63-31833

Service Area Boundary
GIS Place of Use Illustration

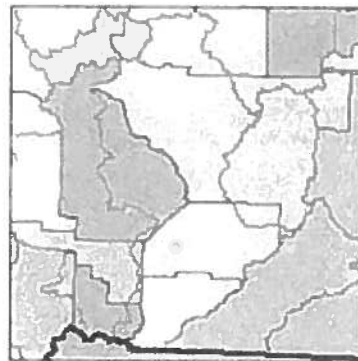
Legend

Service Area



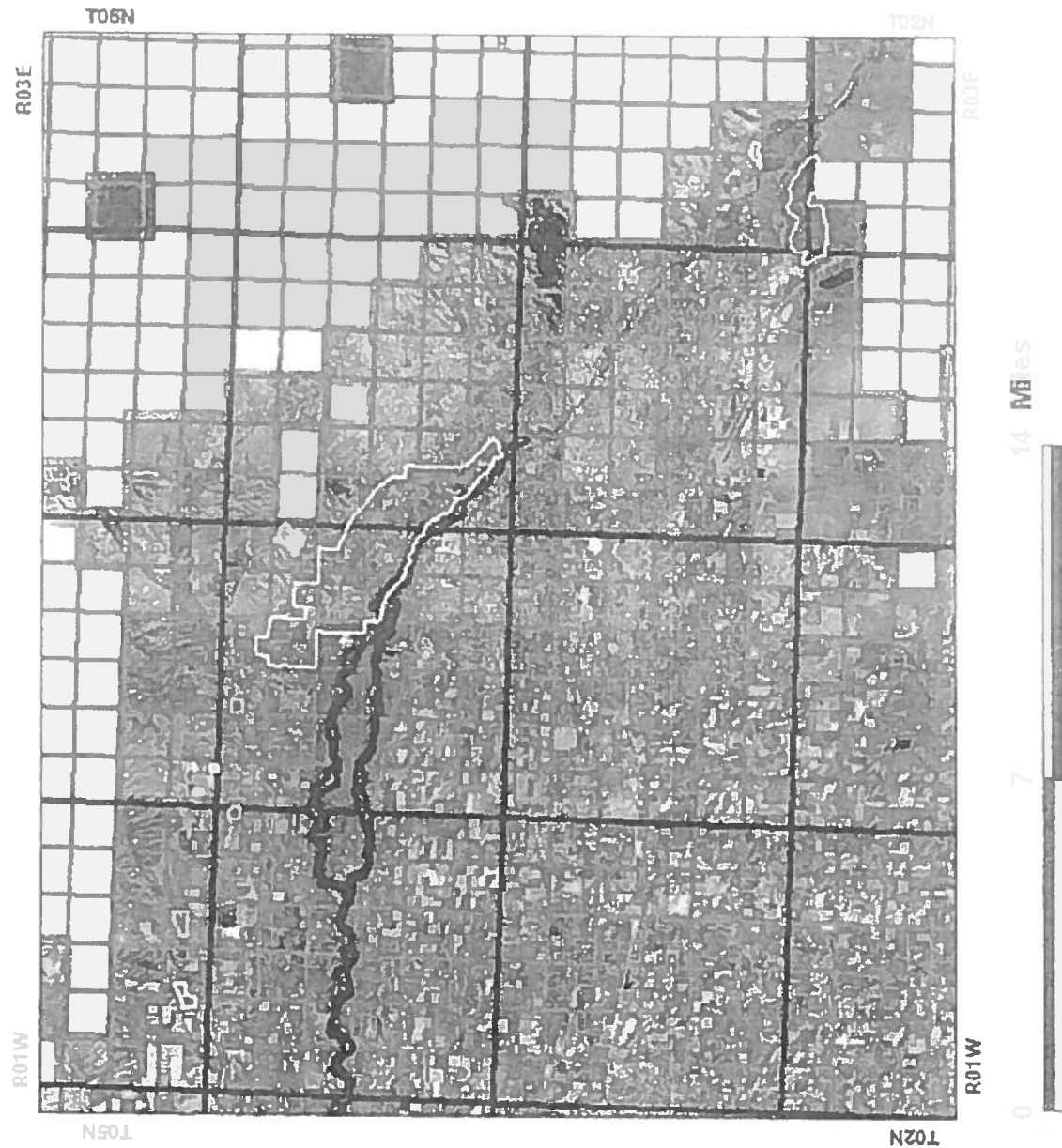
Townships

PLS Sections



Ada County
IDWR Basin 63

Prepared by S. Egbert
On Friday, October 12, 2007
1987/88 Aerial Photography



CERTIFICATE OF MAILING

I certify that on Nov. 9, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

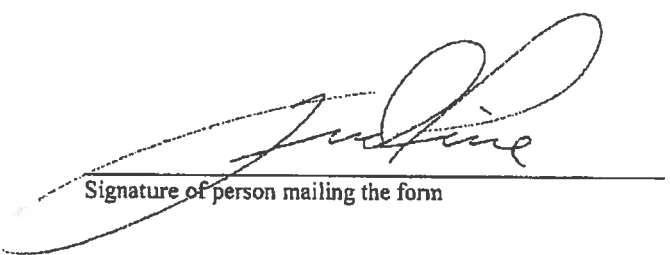
2. Copies to:

United States of America
US Dept of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

~~C. Bryce Farris~~ *Charles L. Honsinger*
455 S Third St
PO Box 2773
Boise, ID 83701-2773

Boise Valley Irrigation Ditch Co
8750 N Bogart Lane
Boise, ID 83714

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form

RECEIVED

NOV 13 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

Subcase No. 63-2360

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the attached is an accurate digital depiction of the boundary for the Boise Valley Irrigation Ditch Co produced by IDWR.

CLAIMANT(s):
Boise Valley Irrigation Ditch Co

OBJECTOR(s):
USDI-BLM


Charles L. Hensinger
11/08/07
Date


Larry Brown
11/8/07
Date
Attorney for the US Dept of Justice

STANDARD FORM 5 - 63-2360

SF5 Right No. 63-2360

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

RIGHT NUMBER: 63-2360

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 07/19/1921

POINT OF DIVERSION:

T03N R02E S5 NESENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

1.200 CFS

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

PLACE OF USE:

2808.43 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF THE BOISE VALLEY IRRIGATION DITCH COMPANY

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.

SF5 Right No. 63-2360

SF5 Right No. 63-2360

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

WATER IS DELIVERED THROUGH THE FARMERS UNION AND BOISE
VALLEY CANALS.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-120G, 63-123C, 63-123D, 63-123E,
63-123F, 63-123G, 63-124Q, 63-125J, 63-126F, 63-165M, 63-198AG,
63-248, 63-297, 63-31832, 63-21729, 63-18700, 63-31937.

FWP CJK J
NBS
DN

SF5 Right No. 63-2360



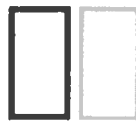
Boise Valley Irrigation Ditch Co

SRBA Recommendations: 63-147B, 63-2360, 63-31198, 63-31832, 63-31833

Service Area Boundary
GIS Place of Use Illustration

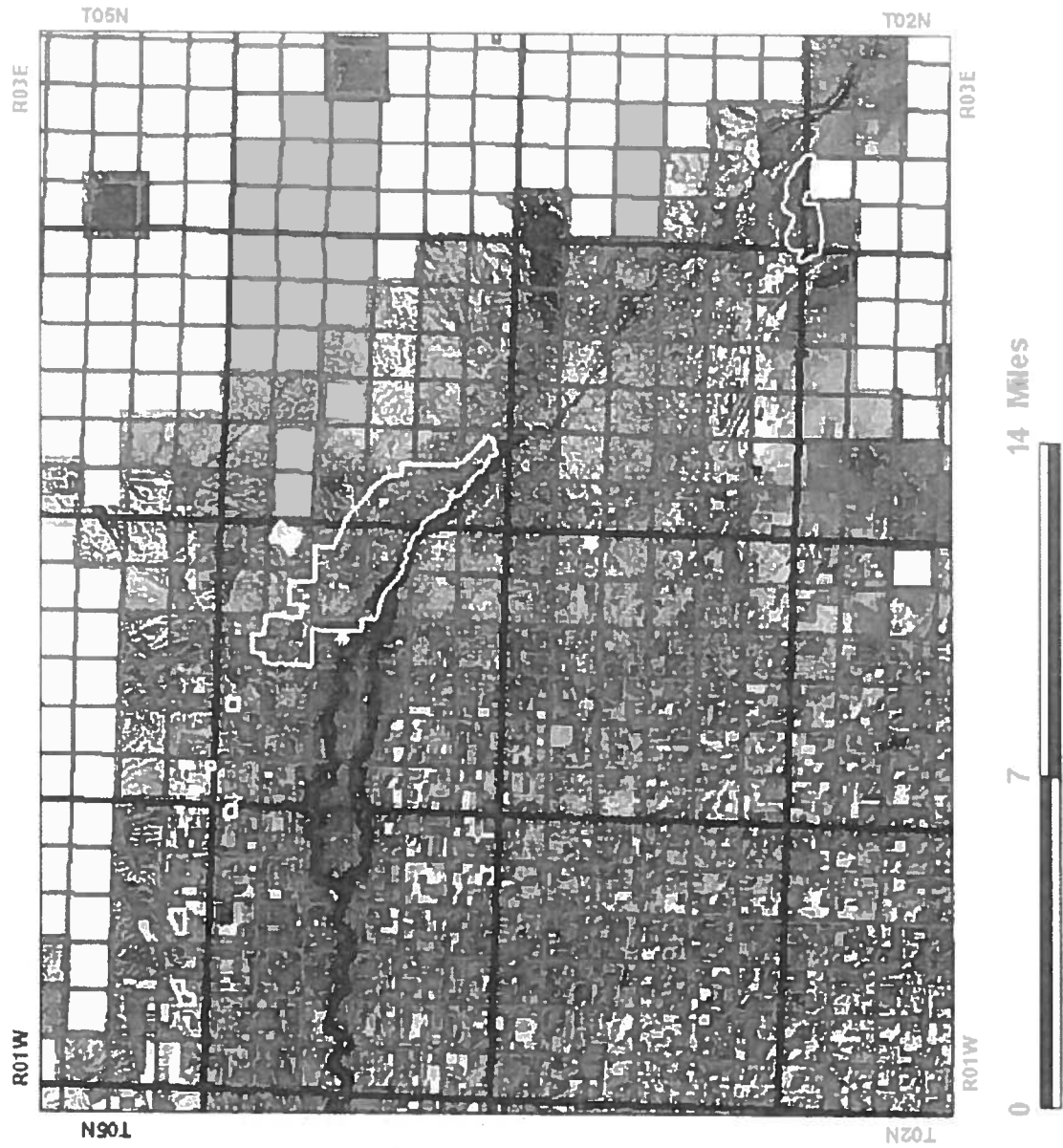
Legend

Service Area
Townships
PLS Sections



Ada County
IDWR Basin 63

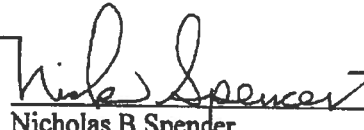
Prepared by S. Egbert
On Friday, October 12, 2007
1987/88 Aerial Photography



IDWR Concurrence:

 10-12-07
Jan Shurte
Adjudication Supervisor

Date

 10-17-07
Nicholas B Spender
Deputy Attorney General
Attorney for IDWR

Date

CERTIFICATE OF MAILING

I certify that on Nov. 9, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

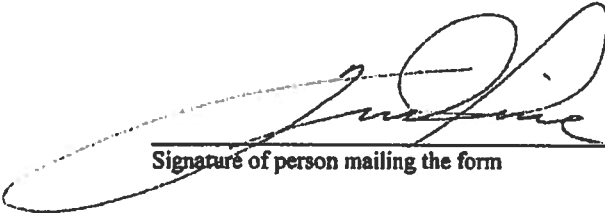
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Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

~~E. Bryce Farris~~ *Charles L. Honsinger*
455 S Third St
PO Box 2773
Boise, ID 83701-2773

Boise Valley Irrigation Ditch Co
8750 N Bogart Lane
Boise, ID 83714

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form

RECEIVED

NOV 13 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

Subcase No. 63-31198

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

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The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

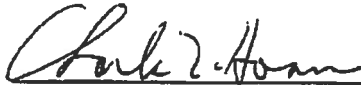
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the attached is an accurate digital depiction of the boundary for the Boise Valley Irrigation Ditch Co produced by IDWR.

CLAIMANT(s):

Boise Valley Irrigation Ditch Co

OBJECTOR(s):

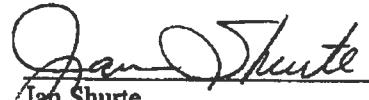
USDI-BLM

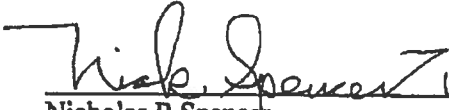
 11-05-07
C Bryce Farris Date
Charles L. Honsinger


Larry Brown Date
Attorney for the US Dept of Justice

STANDARD FORM 5 - 63-31198

IDWR Concurrence:

 10-12-07
Jan Shurte Date
Adjudication Supervisor

 10-17-07
Nicholas B Spencer Date
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-31198

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

RIGHT NUMBER: 63-31198

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.110 CFS
24.700 AFY

JP
NBS
Fwp C.2X
PN

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

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION:

T03N R03E S28 SWSWSW Lot 2 Within ADA County
T03N R03E S28 SWSWSW Lot 2 Within ADA County
T03N R03E S29 SESE Lot 1 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.110 CFS 24.70 AFY

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

PLACE OF USE:

2808.43 ACRES TOTAL

SF5 Right No. 63-31198

SF5 Right No. 63-31198

This right is limited to the irrigation of 5.5 acres in a single irrigation season within the place of use described in approved transfer 67107.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

J
NBS

C.2.H.

DN

Fwp

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

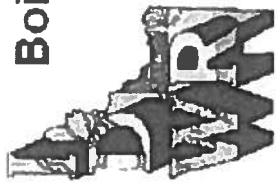
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS DESIGNATED AS NO 15 IN THE STEWERT DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-147.

Right No. 63-31833 is also diverted through points of diversion described above.



Boise Valley Irrigation Ditch Co

SRBA Recommendations: 63-147B, 63-2360, 63-31198, 63-31832, 63-31833

Service Area Boundary
GIS Place of Use Illustration

Legend

Service Area



Townships

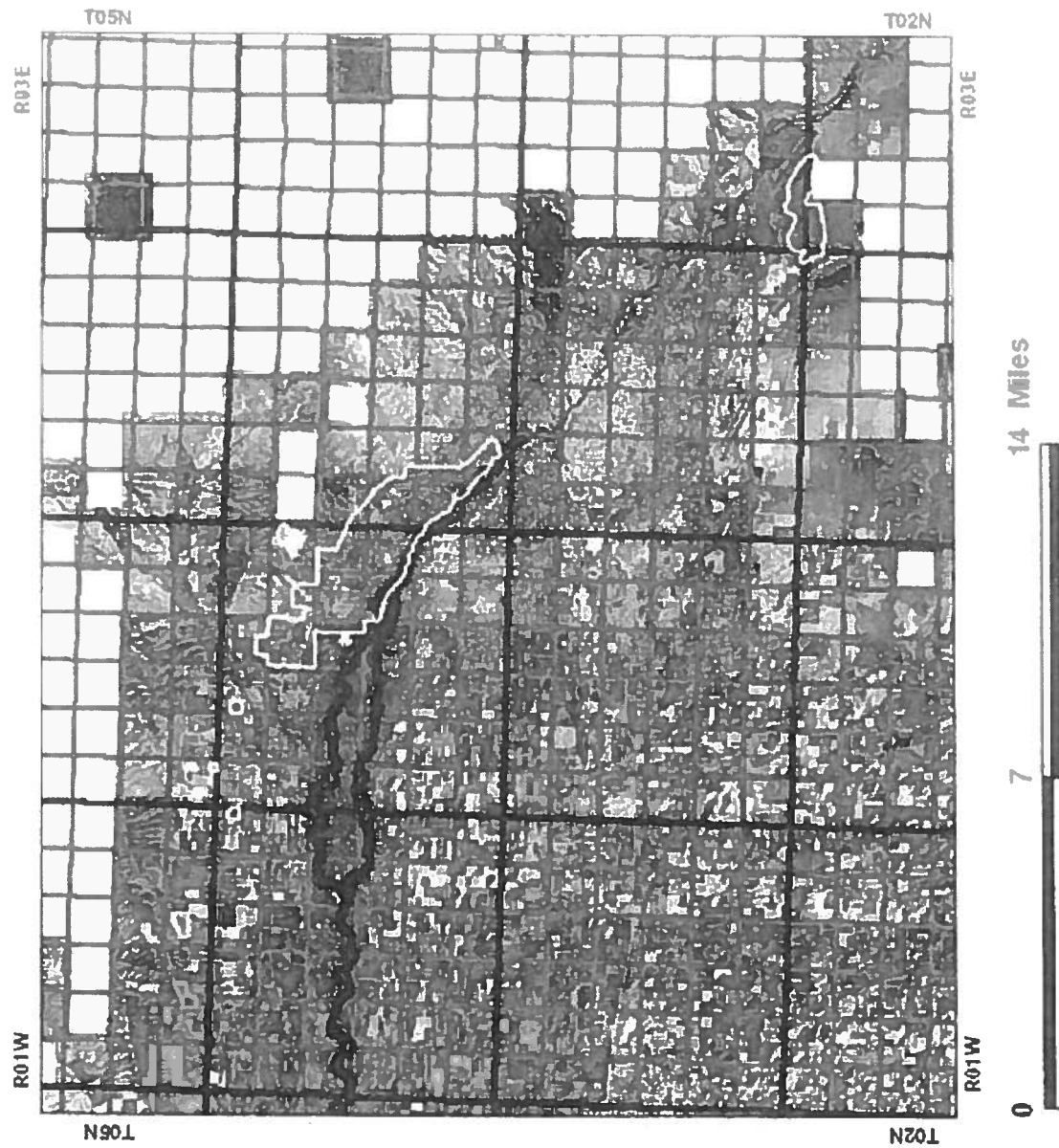


PLS Sections



Ada County
IDWR Basin 63

Prepared by S. Egbert
On Friday, October 12, 2007
1987/88 Aerial Photography



CERTIFICATE OF MAILING

I certify that on Nov. 9, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

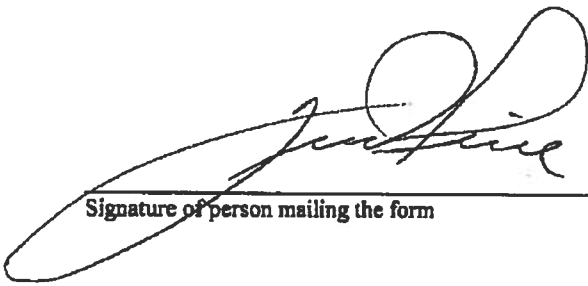
2. Copies to:

United States of America
US Dept of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

~~Ernest Smith~~ *Charles L. Honsinger*
455 S Third St
PO Box 2773
Boise, ID 83701-2773

Boise Valley Irrigation Ditch Co
8750 N Bogart Lane
Boise, ID 83714

IDWR Repository
P.O. Box 83720
Boise, ID 83720


Signature of person mailing the form

RECEIVED

DEC 04 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

Subcase No. 63-31832

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

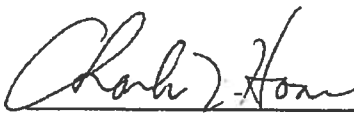
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the attached is an accurate digital depiction of the boundary for the Boise Valley Irrigation Ditch Co produced by IDWR.

CLAIMANT(s):

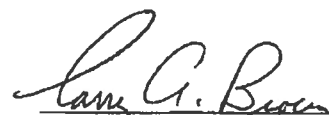
Boise Valley Irrigation Ditch Co

OBJECTOR(s):

USDI-BLM


C Bryce Farris
Charles L. Honinger

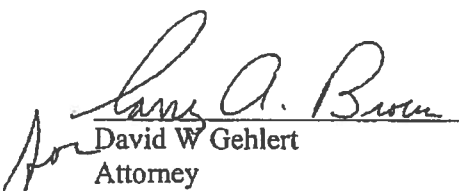
Date


Larry Brown Fwp
Attorney for the US Dept of Justice

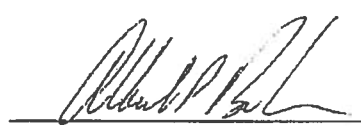
Date

STANDARD FORM 5 - 63-31832

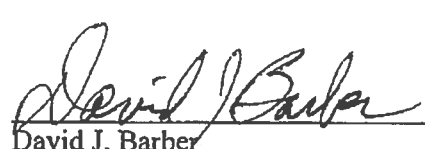
OBJECTOR(s):
USDI-BOR

 11/28/2007
Date
David W Gehlert
Attorney

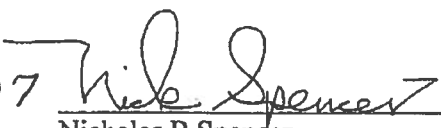
OBJECTOR(s):
Boise Project Board of Control

 11-7-07
Date
Albert P Barker
Attorney

Respondent(s):
State of Idaho

 11/15/2007
Date
David J. Barber
Deputy Attorney General

IDWR Concurrence:

 10-12-07  10-17-07
Date Date
Jan Shurte
Adjudication Supervisor
Nicholas B Spender
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-31832

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

RIGHT NUMBER: 63-31832

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 49.510 CFS
10,266.000 AFY

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

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION:

T03N R02E S5 NESENE Within ADA County

Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 53-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	03/01 11/15	0.170 CFS
AESTHETIC STORAGE	01/01 12/31	14.50 AFY
IRRIGATION STORAGE	01/01 12/31	14.50 AFY
IRRIGATION FROM STORAGE	03/01 11/15	14.50 AFY
IRRIGATION	03/01 11/15	49.340 CFS
		10,251.50 AFY

SF5 Right No. 63-31832

*Relate
xle 1
as it
is
incorrect.
Per JPM
Ted Booth
12-10-07*

Diversion for irrigation and aesthetic under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576. This period of use condition does not apply to Irrigation Storage and Aesthetic Storage.

*QPB
NBS
C2-X*

The period of use for irrigation, irrigation from storage and aesthetic uses described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. Irrigation, irrigation from storage and aesthetic uses before 3/15 are subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE:

IRRIGATION STORAGE in ADA County

FWP

T04N R01E S14 NENW

AESTHETIC in ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE in ADA County

T04N R01E S14 NENW

IRRIGATION FROM STORAGE same as IRRIGATION STORAGE

2808.43 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SF5 Right No. 63-31832

THIS RIGHT IS DESIGNATED AS NO 15 IN THE BOISE RIVER WATER
MASTER RECORDS AND THE STEWART DECREE.

Use of water under this right will be regulated by a watermaster with
responsibility for the distribution of water among appropriators within a
water district. At the time of this approval, this water right is within State
Water District No. 63.

Water is delivered through the Farmers Union and Boise Valley canals.

This right is a split from former right 63-147.

The right holder shall maintain a measuring device and lockable controlling
works of a type approved by the Department in a manner that will provide
the watermaster suitable control of the diversion.

The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.

J
NBS
C-2, K
GRB

N^g 2/13



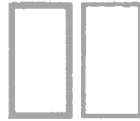
Boise Valley Irrigation Ditch Co

SRBA Recommendations: 63-147B, 63-2360, 63-31198, 63-31832, 63-31833

Service Area Boundary
GIS Place of Use Illustration

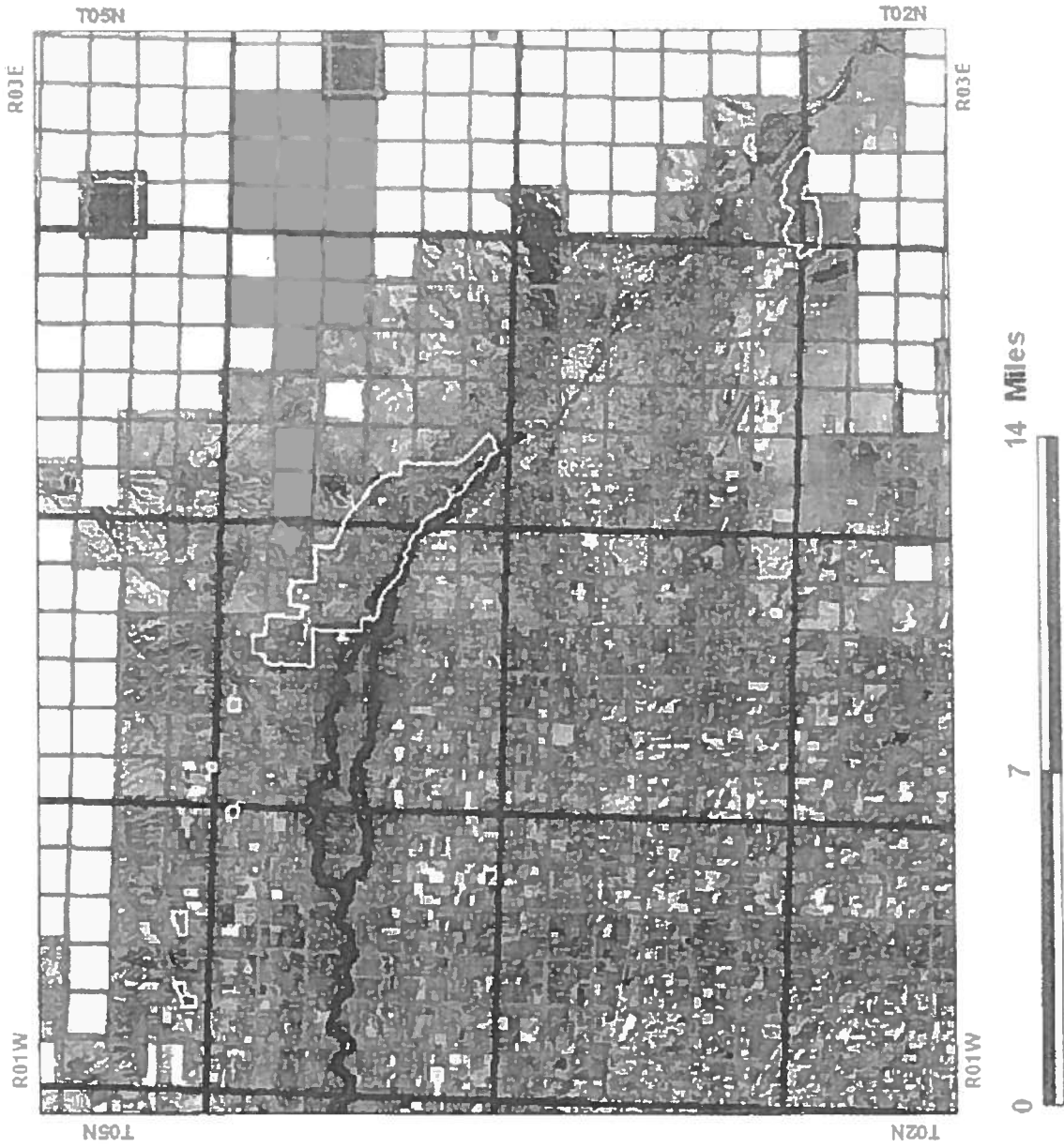
Legend

Service Area
Townships
PLS Sections



Ada County
IDWR Basin 63

Prepared by S. Egbert
On Friday, October 12, 2007
1987/88 Aerial Photography



CERTIFICATE OF MAILING

I certify that on Nov. 28, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

United States of America
US Dept of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

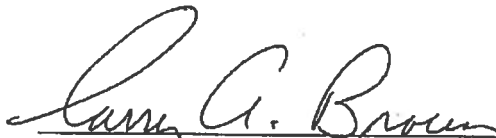
C Bryce Farris
455 S Third St
PO Box 2773
Boise, ID 83701-2773

Boise Valley Irrigation Ditch Co
8750 N Bogart Lane
Boise, ID 83714

Albert P Barker
1010 W Jefferson, Ste 102
PO Box 2139
Boise, ID 83701-2139

State of Idaho
Natural Resources Div
Attorney General's Office
PO Box 44449
Boise, ID 83711-4449

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form

RECEIVED

NOV 13 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

Subcase No. 63-31833

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

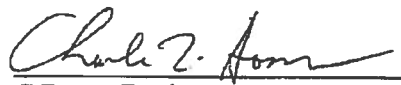
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the attached is an accurate digital depiction of the boundary for the Boise Valley Irrigation Ditch Co produced by IDWR.

CLAIMANT(s):

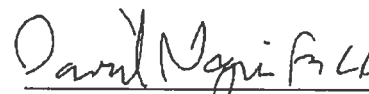
Boise Valley Irrigation Ditch Co

OBJECTOR(s):

USDI-BLM


C Bryce Farris
Charles L. Honsinger

11/05/07
Date


Larry Brown FWP
Attorney for the US Dept of Justice

11/8/07
Date

IDWR Concurrence:

 10-12-07	 10-17-07
Jan Shurte	Nicholas B. Spencer
Adjudication Supervisor	Deputy Attorney General
	Attorney for IDWR
Date	Date

SF5 Right No. 63-31833

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

RIGHT NUMBER: 63-31833

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 CFS
45.000 AFY

FWP

ON

The total instantaneous diversion of water from all points of diversion under Right 63-31833 shall not exceed 0.20 cfs, nor a total combined annual volume of 45.0 af.

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

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION:

T03N R03E S28 SWSWSW Within ADA County

T03N R03E S28 SWSWSW Within ADA County

T03N R03E S29 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.200 CFS 45.00 AFY
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE:

2808.43 ACRES TOTAL

SF5 Right No. 63-31833

SF5 Right No. 63-31833

The place of use of this right is limited to 10 acres within a 30.5 acre place of use located in Lot 2 SWSW (22.4 ac) Sec. 28 and in Lot 1 SESE(8.1 ac), Sec. 29, Twp. 3N, Rge 3E as approved under Transfer No. 71032.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

J
NBS

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.

2N

The right holder shall accomplish the change authorized by transfer 71032 within one (1) year of the date of approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

FWP

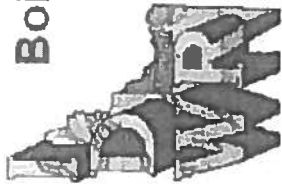
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31197.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

Failure of the right holder to comply with the conditions of transfer 71032 is cause for the Director to rescind approval of the transfer.

Right No. 63-31198 is also diverted through points of diversion described above.



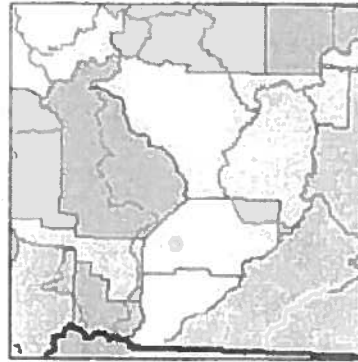
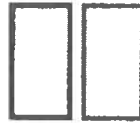
Boise Valley Irrigation Ditch Co

SRBA Recommendations: 63-147B, 63-2360, 63-31198, 63-31832, 63-31833

Service Area Boundary
GIS Place of Use Illustration

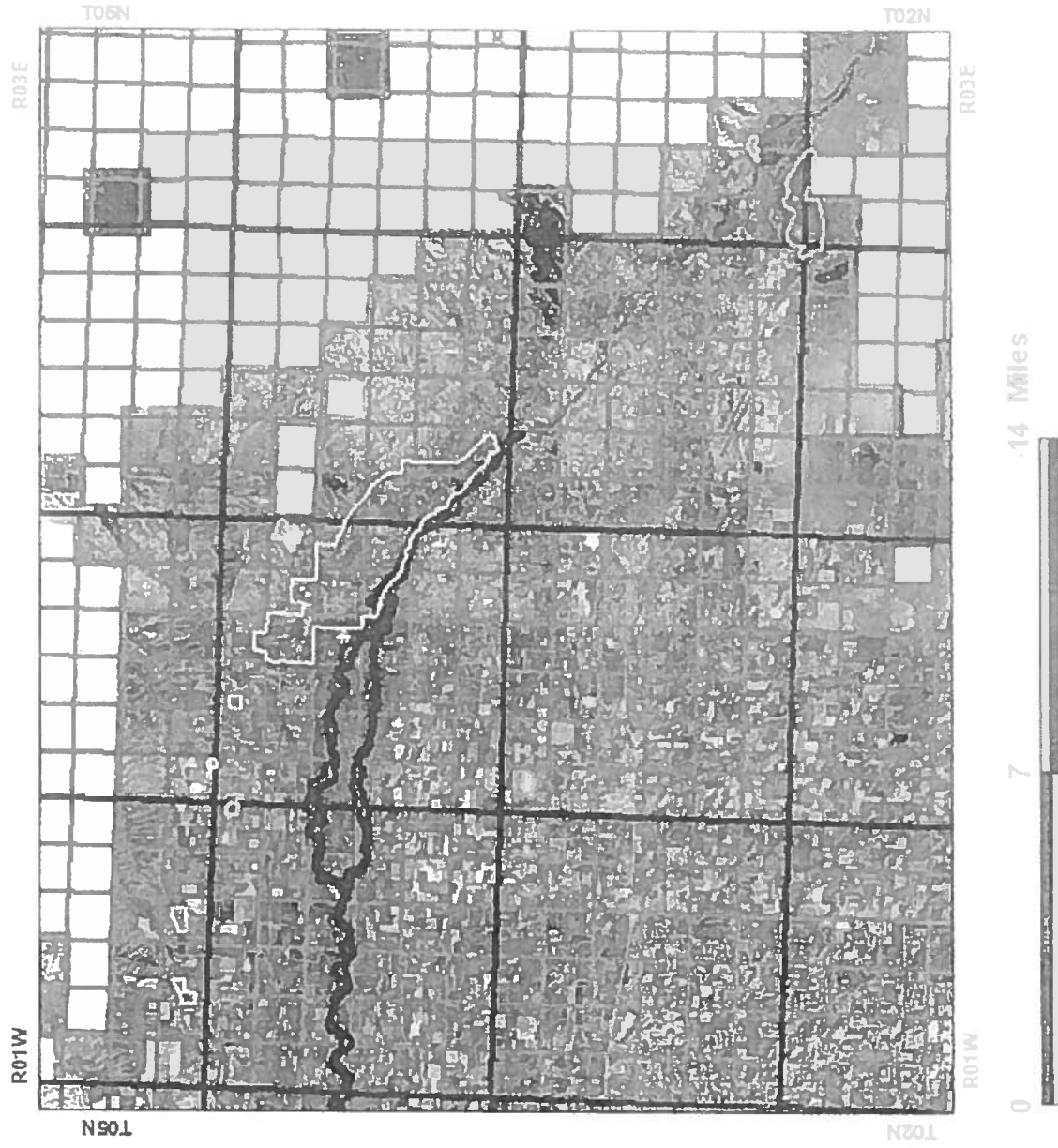
Legend

Service Area
Townships
PLS Sections



Ada County
10WR Basin 63

Prepared by S. Egbert
On Friday, October 12, 2007
1987/88 Aerial Photography



CERTIFICATE OF MAILING

I certify that on Nov. 9, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

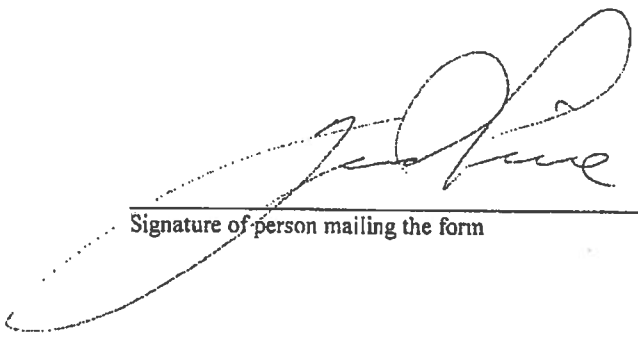
2. Copies to:

United States of America
US Dept of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

~~C. Bryce Paris~~ *Charles L. Honsinger*
455 S Third St
PO Box 2773
Boise, ID 83701-2773

Boise Valley Irrigation Ditch Co
8750 N Bogart Lane
Boise, ID 83714

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form

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

RIGHT NUMBER: 63-31832

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 49.510 CFS
10,266.000 AFY

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

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION:

T03N R02E S5 NESENE Within ADA County

Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 53-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	03/01 11/15	0.170 CFS
AESTHETIC STORAGE	01/01 12/31	14.50 AFY
IRRIGATION STORAGE	01/01 12/31	14.50 AFY
IRRIGATION FROM STORAGE	03/01 11/15	14.50 AFY
IRRIGATION	03/01 11/15	49.340 CFS 10,251.50 AFY

Diversion for irrigation and aesthetic under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576. This period of use condition does not apply to Irrigation Storage and Aesthetic Storage.

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

PLACE OF USE: IRRIGATION STORAGE in ADA County

T04N R01E S14 NENW

AESTHETIC in ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE in ADA County

T04N R01E S14 NENW

IRRIGATION in Ada County

IRRIGATION FROM STORAGE in Ada County same as IRRIGATION STORAGE

2808.43 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY.

The boundary encompassing the irrigation and irrigation from storage place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS DESIGNATED AS NO 15 IN THE BOISE RIVER WATER MASTER RECORDS AND THE STEWART DECREE.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

Water is delivered through the Farmers Union and Boise Valley canals.

This right is a split from former right 63-147.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.

Shurte, Jan

From: Spencer, Nick
Sent: Tuesday, February 12, 2008 3:39 PM
To: Shurte, Jan
Cc: Williams, Ray
Subject: 63-147B et al. (Boise Valley Irrigation Ditch Co.)

Hi Jan. I am sorry you are home sick today and unable to phone in for this status conference. It appears that everybody is okay with the changes you detail in your January 8th e-mail to Ted Booth as regards 63-147B, 63-31198, and 63-31833. However, it appears there are additional bugs in 63-31832. Anyway, what the parties and SM agreed upon was as follows: (1) They'd like you to call Charlie Honsinger to talk about these, particularly 31832, and then (2) prepare new draft SF-5s for circulation and review by the parties. It appears that everybody should be okay with the deletion of the season of use shoulder remark from 31832, as you propose in your e-mail; but there now are place of use issues. There are five uses listed, but places of use for only four of those five are listed. The place of use for "irrigation" is not listed. Probably what will need to be done is for the statement in place of use reading "IRRIGATION FROM STORAGE same as IRRIGATION STORAGE" is that it be deleted, and then down in the remark below, irrigation and irrigation from storage be inserted, so the remark reads as follows: "The boundary encompassing the irrigation and irrigation from storage place of use for this water right is described with a digital boundary" Also, I have a question about the place of use for aesthetics. Is it really the same place of use as the reservoir? Or should it have the same place of use as irrigation and irrigation from storage? Anyway, please give Charlie a call about this before you begin work on the revised SF-5s. Thanks. NBS

Shurte, Jan

From: Ted Booth [tbooth@srba.state.id.us]
Sent: Tuesday, January 08, 2008 2:28 PM
To: Shurte, Jan
Subject: RE: Boise Valley Irrigation Ditch Co. Recommendations

Jan,

I have reviewed the changes you made and everything looks to be in proper order. Because the changes are simply to the form of decree rather than substantive changes, I will issue a master's report ASAP without any opportunity for the parties to comment on the changes.

Thanks,
Ted Booth

Eliminate annoying spam!

My mailbox is protected by iHateSpam, the #1-rated spam buster.
<http://www.ihatespam.net>

From: Shurte, Jan [mailto:Jan.Shurte@idwr.idaho.gov]
Sent: Tuesday, January 08, 2008 10:23 AM
To: Ted Booth
Cc: Shurte, Jan
Subject: Boise Valley Irrigation Ditch Co. Recommendations

Hi Ted,

Attached are the reworded recommendations for the BVID ones that we discussed. Following is an explanation of what I did on each one. Please let me know if I have left something out or made an error on one of these. Sorry for the delay.

63-147B – Removed the place of use remark concerning the 198.4 acres at the Simplot Sports Complex and replaced it with an explanatory remark.

Changed the two shoulder remarks concerning the periods of use and amounts of water by deleting "from this point of diversion" out of each.

63-2360 – All ok on this one.

63-31198 – Removed the place of use remark concerning the 5.5 acres at the Shakespeare Festival and replaced it with an explanatory remark. Did not make sense with the digital boundary remark also.

63-31832 – Deleted shoulder remark concerning season of use as it did not make sense with the period of use and was redundant to the Boise River period of use remark.

63-31833 – Removed the place of use remark concerning the 10 acres at the Shakespeare Festival and replaced it with an explanatory remark. Did not make sense with the digital boundary remark also.

If you have any questions, or I'm missing something, please let me know.

Thanks,

1/8/2008

Shurte, Jan

From: Shurte, Jan
Sent: Tuesday, January 08, 2008 10:23 AM
To: Ted Booth
Cc: Shurte, Jan
Subject: Boise Valley Irrigation Ditch Co. Recommendations
Attachments: 63-147B.RTF; 63-31198.RTF; 63-31832.RTF; 63-31833.RTF

Hi Ted,

Attached are the reworded recommendations for the BVID ones that we discussed. Following is an explanation of what I did on each one. Please let me know if I have left something out or made an error on one of these. Sorry for the delay.

63-147B – Removed the place of use remark concerning the 198.4 acres at the Simplot Sports Complex and replaced it with an explanatory remark.

Changed the two shoulder remarks concerning the periods of use and amounts of water by deleting "from this point of diversion" out of each.

63-2360 – All ok on this one.

63-31198 – Removed the place of use remark concerning the 5.5 acres at the Shakespeare Festival and replaced it with an explanatory remark. Did not make sense with the digital boundary remark also.

63-31832 – Deleted shoulder remark concerning season of use as it did not make sense with the period of use and was redundant to the Boise River period of use remark.

63-31833 – Removed the place of use remark concerning the 10 acres at the Shakespeare Festival and replaced it with an explanatory remark. Did not make sense with the digital boundary remark also.

If you have any questions, or I'm missing something, please let me know.

Thanks,
Jan

1/8/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71032

This is to certify that: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714
(208)853-5288

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-31197	AJC/Decreed	06/01/1865	49.71 cfs	10311 af	N/A	2,789.5	BOISE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-31197	YES	YES	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-31197	63-31833	0.2 cfs	45 af	10.0	30.5	63-31832	49.51cfs	10266 af	N/A	2,779.9
COMBINED										
TOTALS		0.2 cfs	45 af	10.0	30.5		49.51 cfs	10266 af	N/A	2,779.5

Detailed Water Right Description(s) attached

Dated this 16th day of April, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-31832
As Modified by Transfer No. 71032

In accordance with the approval of Transfer No. 71032, Water Right No. 63-31832 is now described as follows.

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
 8750 N BOGART LN
 BOISE ID 83714

Priority Date: June 01, 1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
AESTHETIC	03/15 to	11/15	0.17 CFS	
AESTHETIC STORAGE	01/01 to	12/31		14.5 AF
IRRIGATION STORAGE	01/01 to	12/31		14.5 AF
IRRIGATION FROM STORAGE	03/15 to	11/15		14.5 AF
IRRIGATION	03/15 to	11/15	49.34 CFS	10,251.5 AF
			49.51 CFS	10,266.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER NESENE Sec. 5 Twp 03N Rge 02E ADA County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				<u>Totals</u>
04N 01E 14	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					X												

PLACE OF USE: AESTHETIC, same as Irrigation Storage

PLACE OF USE: AESTHETIC STORAGE, same as Irrigation Storage

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				<u>Totals</u>
04N 01E 14	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					17.2												17.2

Total Acres: 17.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2779.5 acres within the boundary of the Boise Valley Irrigation Ditch Co.
2. Water is delivered through the Farmers Union and Boise Valley canals.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

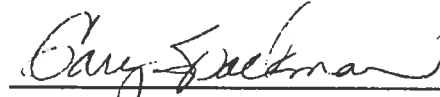
WATER RIGHT NO. 63-31832
As Modified by Transfer No. 71032

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Anderson Ranch Reservoir, Arrowrock Reservoir, Lucky Peak Reservoir or Lake Lowell as decreed in SRBA Case No. 39576.
6. The period of use for irrigation, irrigation from storage and aesthetic uses described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. Irrigation, irrigation from storage and aesthetic uses before 3/15 are subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. 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.
8. The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.
9. Rights 63-120G, 63-123, 63-123C, 63-123D, 63-124Q, 53-125J, 63-126F, 63-164E, 63-165M, 63-192, 63-198AG, 63-216C, 63-248, 63-297, 63-2360, 63-16767, 63-18700, 63-21729 and 63-21730 are also diverted through the point of diversion described above.
10. This right does not grant any right-of-way or easement across the land of another.
11. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 16th day of April, 2004



Chief, Water Allocation Bureau

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, October 02, 2008 4:10 PM
To: Ted Booth; Charlie Honsinger; 'Fredric_Price@blm.gov'; emcgarry@pn.usbr.gov; apb@idahowaters.com
Cc: Spencer, Nick; Williams, Ray; Shurte, Jan
Subject: Boise Valley Irrigation Company Rights - 63-147B, 31198, 31832 & 31833
Attachments: 1-8-08 email and recs.pdf; BVID SF5s.pdf; New 63-31832.RTF

Hello,

It has come to my attention that there are a few housekeeping items, not yet accomplished, before the Boise Valley Irrigation Company rights can be completed. This slipped under my radar last spring and I am trying to bring a closure to it now. Sorry for the huge gap in time.

Attached is my email and recommendations dated 1-8-08 concerning changes made to the Boise Valley Irrigation Company rights after the SF5s had been filed with the SRBA Court. Copies of the original completed SF5s are also attached for your review. We had a status conference on 2-12-08 to discuss the changes in my 1-8-08 email. At this status conference a request was made to remove **Irrigation from Storage same as Irrigation Storage** from the place of use section for 63-31832. I agree that it should not read **same as Irrigation Storage**. So, I have removed this from the place of use portion leaving in the **Irrigation from Storage** use. It seems that it should be left in as a place of use for Departmental research purposes. I also noted that the **Irrigation** use was not listed in the place of use and added that in for the same reason. These uses may not be internally noticed, in a condition, during a review of the water right for research purposes in the future. I did add these uses into the boundary place of use remark per the same request. Attached is a copy of the recommendation for 63-31832 with these changes.

There was a question from within as to whether the aesthetic use was the same place of use as the aesthetic and irrigation storage. After researching the transfer approval and memos it appears the aesthetic is the same place of use which is a pond at the Idaho Shakespeare Festival grounds. This pond is used to irrigate 10 acres surrounding the festival area along with aesthetics. It was transferred with shares of Boise Valley Irrigation Company donated to the Shakespeare Festival. The 10 acres is included in the Boise Valley Irrigation Company rights boundary and the aesthetic, aesthetic storage and irrigation storage are the pond location itself. Just a side note, there is another transfer, other than this right, that added additional acres to the festival ground.

The previously filed SF5's did take care of the other objections from BOR, Boise Project and BLM, which is the purpose of attaching them here. I asked for this status conference to make sure everyone was agreeable with the language change on 63-31832. Now I am not sure that the BOR, Boise Project or BLM care and am sorry for any inconvenience this causes. Thank you for your patience.

Jan Shurte
Water Rights Supervisor
Snake River Basin Adjudication
Western Regional Office
(208) 334-2190

10/2/2008

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

RIGHT NUMBER: 63-31832

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 49.510 CFS
10,266.000 AFY

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

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION:

T03N R02E S5 NESENE Within ADA County

Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 53-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	03/01 11/15	0.170 CFS
AESTHETIC STORAGE	01/01 12/31	14.50 AFY
IRRIGATION STORAGE	01/01 12/31	14.50 AFY
IRRIGATION FROM STORAGE	03/01 11/15	14.50 AFY
IRRIGATION	03/01 11/15	49.340 CFS 10,251.50 AFY

Diversion for irrigation and aesthetic under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576. This period of use condition does not apply to Irrigation Storage and Aesthetic Storage.

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

PLACE OF USE: IRRIGATION STORAGE in ADA County

T04N R01E S14 NENW

AESTHETIC in ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE in ADA County

T04N R01E S14 NENW

IRRIGATION in Ada County

IRRIGATION FROM STORAGE in Ada County same as IRRIGATION STORAGE

2808.43 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY.

The boundary encompassing the irrigation and irrigation from storage place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS DESIGNATED AS NO 15 IN THE BOISE RIVER WATER MASTER RECORDS AND THE STEWART DECREE.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

Water is delivered through the Farmers Union and Boise Valley canals.

This right is a split from former right 63-147.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.

Purpose and
Period of Use:

Purpose of Use	Period of Use	Quantity
Irrigation	03-01 TO 11-15	49.34 CFS
		10251.50 AFY
Irrigation Storage	01-01 TO 12-31	14.50 AFY
Irrigation from Storage	03-01 TO 11-15	14.50 AFY
Aesthetic	03-01 TO 11-15	.17 CFS
Aesthetic Storage	01-01 TO 12-31	14.50 AFY

Diversion for irrigation, ^{and} ~~aesthetic~~ and ~~aesthetic storage~~ under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576. *This period of use condition does not apply to the Irrigation Storage and Aesthetic Storage.*

ON
APB SBF

Place of Use:	Irrigation Storage	Within Ada County
	T04N R01E S14	NENW
	Irrigation from Storage	Within Ada County
	T04N R01E S14	NENW 17.2
	17.2 Acres Total	
	Aesthetic	Within Ada County
	T04N R01E S14	NENW
	Aesthetic Storage	Within Ada County
	T04N R01E S14	NENW

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)

SUBCASE: 63-31832

STANDARD FORM 5

**STIPULATED ELEMENTS OF A WATER
RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Boise Valley Ditch Company
8750 N. Bogart
Boise, ID 83714

OBJECTOR:
Boise Project Board of Control, *et. Al.*

Date

Albert P. Barker

Date

IDWR CONCURRENCE:

OBJECTOR:
Bureau of Reclamation

Date

Date

SRBA

DIRECTORS REPORT 63-31832

IWT072

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

Right Number: 63-31832

Name and Address: BOISE VALLEY IRRIGATION DITCH
8750 N BOGART LN
BOISE, ID 83714

Source: BOISE RIVER Tributary: SNAKE RIVER

Quantity: 49.51 CFS
10266.00 AFY

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

Priority Date: 06-01-1865

Diversion Point: T03N R02E S05 NESENE Within Ada County

Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 63-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.

Other Provisions Necessary for Definition / Administration of this
Water Right:

Explanatory Material: Basis of Claim - Decreed

The portion of Right 63-31832 used for conveyance losses is 5.94 cfs. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

This right is a split from former right 63-147.

THIS RIGHT IS DESIGNATED AS NO 15 IN THE BOISE RIVER
WATER MASTER RECORDS AND THE STEWART DECREE

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

RECEIVED

JAN 30 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 29 2008	
By _____	Clerk
Deputy Clerk	

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

In Re SRBA	)	Subcases: 63-00147B, 63-002360, 63-31198,
	)	63-31832, and 63-31833
Case No. 39576	)	
_____	)	ORDER SETTING STATUS CONFERENCE

In November 2007, the parties to the above-captioned subcases filed *Standard Forms 5* resolving all objections. In reviewing the *SF-5s*, this Special Master had several concerns regarding some of the language on each right except 63-2360. This Special Master contacted Idaho Department of Water Resources Agent Jan Shurte for the purpose of discussing these concerns, and the culmination of that discussion is set forth in the attached e-mail correspondence and attachments thereto from Jan Shurte.

In addition, this Special Master has one more concern regarding the place of use for water right 63-31832. Specifically, the place of use for "Irrigation from Storage" is described as "Same as Irrigation Storage" which, in turn, is described as a 40-acre parcel. The description of the POU then states an acreage limitation of 2808.43 acres total, and this goes on to include the "digital boundary" language. On the attachment regarding water right 63-31832, this Special Master has handwritten a suggestion for correcting this problem.

For the purpose of discussing these issues, a **status conference will be held on Tuesday, February 12, 2008, at 2:30 pm (MT) at the SRBA Courthouse, 253 – 3rd Avenue North, Twin Falls.** Parties may participate by telephone by dialing the number 1-225-383-1099 and when

prompted entering code 675342. If you have any difficulty connecting to this call, call the SRBA Court immediately at 208-736-3011.

DATED January 29, 2008.

A handwritten signature in black ink, appearing to read 'T. R. Booth', written over a horizontal line.

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on January 29, 2008, with sufficient first-class postage to the following:

BOISE PROJECT BOARD OF CONTROL

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BOISE VALLEY IRRIGATION

Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

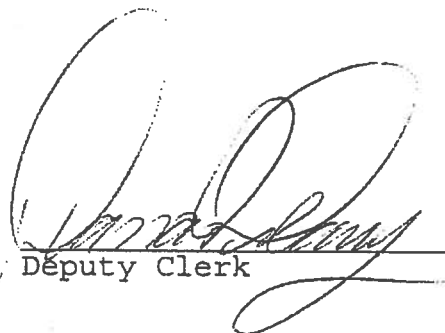
STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Ted Booth

From: Shurte, Jan [Jan.Shurte@idwr.idaho.gov]
Sent: Tuesday, January 08, 2008 10:23 AM
To: Ted Booth
Cc: Shurte, Jan
Subject: Boise Valley Irrigation Ditch Co. Recommendations
Attachments: 63-147B.RTF; 63-31198.RTF; 63-31832.RTF; 63-31833.RTF

Hi Ted,

Attached are the reworded recommendations for the BVID ones that we discussed. Following is an explanation of what I did on each one. Please let me know if I have left something out or made an error on one of these. Sorry for the delay.

63-147B – Removed the place of use remark concerning the 198.4 acres at the Simplot Sports Complex and replaced it with an explanatory remark.

Changed the two shoulder remarks concerning the periods of use and amounts of water by deleting "from this point of diversion" out of each.

63-2360 – All ok on this one.

63-31198 – Removed the place of use remark concerning the 5.5 acres at the Shakespeare Festival and replaced it with an explanatory remark. Did not make sense with the digital boundary remark also.

63-31832 – Deleted shoulder remark concerning season of use as it did not make sense with the period of use and was redundant to the Boise River period of use remark.

63-31833 – Removed the place of use remark concerning the 10 acres at the Shakespeare Festival and replaced it with an explanatory remark. Did not make sense with the digital boundary remark also.

If you have any questions, or I'm missing something, please let me know.

Thanks,
Jan

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

RIGHT NUMBER: 63-147B

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.970 CFS
892.80 AFY

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

PRIORITY DATE: 06/01/1865

POINT OF
DIVERSION:

T02N R03E S4 NWNE Lot 7 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.970 CFS 892.80 AFY

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

DURING THE PERIOD BEGINNING OCTOBER 16 AND ENDING NOVEMBER 15 IN ANY IRRIGATION SEASON, THERE WILL BE NO WATER DIVERTED FOR THIS RIGHT IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 240.0 CUBIC FEET PER SECOND.

DURING THE PERIOD BEGINNING MARCH 16 AND ENDING APRIL 15 IN ANY IRRIGATION SEASON, THERE WILL BE NO WATER DIVERTED FOR THIS RIGHT IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 1,100 CUBIC FEET PER SECOND.

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF THE BOISE VALLEY IRRIGATION DITCH COMPANY

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS DESIGNATED AS NO 15 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-161BN, 63-198AJ, 63-199B, 63-200B, 63-30181.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-147.

Transfer No. 5119 transferred 198.4 acres under this right to be used within the Simplot Sports Complex located in portions of Sec. 1, T2N, R2E; Sec. 5 & 6, T.2N, R3E; Sec. 36, T3N, R2E and Sec. 32, T.3N, R3E. These acres are within the digital boundary for the Boise Valley Irrigation Ditch Co.

01/08/2008

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

RIGHT NUMBER: 63-31198

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.110 CFS
24.70 AFY

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

PRIORITY DATE: 06/01/1865

POINT OF
DIVERSION:

T03N R03E S28 SWSWSW Lot 2 Within ADA County
T03N R03E S28 SWSWSW Lot 2 Within ADA County
T03N R03E S29 SESE Lot 1 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.110 CFS 24.70 AFY

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

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS DESIGNATED AS NO 15 IN THE STEWERT DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

Transfer No. 67107 transferred 5.5 acres under this right to be used within a 30.5 acre permissible place of use at the Idaho Shakespeare Festival grounds in the SWSW, S28 and SESE, S29, T3N, R1E. These acres are within the digital boundary for this ditch company.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-147.

Right No. 63-31833 is also diverted through points of diversion described above.

01/08/2008

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

RIGHT NUMBER: 63-31832

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 49.510 CFS
10,266.00 AFY

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

PRIORITY DATE: 06/01/1865

POINT OF
DIVERSION:

T03N R02E S5 NESENE Within ADA County
Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 53-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	03/01 11/15	0.170 CFS
AESTHETIC STORAGE	01/01 12/31	14.50 AFY
IRRIGATION STORAGE	01/01 12/31	14.50 AFY
IRRIGATION FROM STORAGE	03/01 11/15	14.50 AFY
IRRIGATION	03/01 11/15	49.340 CFS 10,251.50 AFY

Diversion for irrigation and aesthetic under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576. This period of use condition does not apply to Irrigation Storage and Aesthetic Storage.

PLACE OF USE: IRRIGATION STORAGE in ADA County

T04N R01E S14 NENW

AESTHETIC in ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE in ADA County

T04N R01E S14 NENW

IRRIGATION FROM STORAGE same as IRRIGATION STORAGE

- Suggest Delete, TRB

irrigation from storage - Suggest Add, TRB

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS DESIGNATED AS NO 15 IN THE BOISE RIVER WATER
MASTER RECORDS AND THE STEWART DECREE.

Use of water under this right will be regulated by a watermaster with
responsibility for the distribution of water among appropriators within a
water district. At the time of this approval, this water right is within State
Water District No. 63.

Water is delivered through the Farmers Union and Boise Valley canals.

This right is a split from former right 63-147.

The right holder shall maintain a measuring device and lockable controlling
works of a type approved by the Department in a manner that will provide
the watermaster suitable control of the diversion.

The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.

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

RIGHT NUMBER: 63-31833

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 CFS
45.00 AFY

The total instantaneous diversion of water from all points of diversion under Right 63-31833 shall not exceed 0.20 cfs, nor a total combined annual volume of 45.0 af.

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

PRIORITY DATE: 06/01/1865

POINT OF
DIVERSION:

T03N R03E S28 SWSWSW Within ADA County

T03N R03E S28 SWSWSW Within ADA County

T03N R03E S29 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.200 CFS 45.00 AFY
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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.

The right holder shall accomplish the change authorized by transfer 71032 within one (1) year of the date of approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31197.

Transfer No. 71032 transferred 10 acres under this right to be used within a 30.5 acre permissible place of use at the Idaho Shakespeare Festival grounds in the SWSW, Sec. 28 and SESE, Sec. 29, T3N. R1E. These acres are within the digital boundaries for this ditch company.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

Failure of the right holder to comply with the conditions of transfer 71032 is cause for the Director to rescind approval of the transfer.

Right No. 63-31198 is also diverted through points of diversion described above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31832 V2

WATER RIGHT NUMBER: 63-31832 V2

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	RINGERT CLARK CHARTERED 455 S 3RD ST PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Current Owner	BOISE VALLEY IRRIGATION DITCH CO 8750 N BOGART LN BOISE, ID 83714 (208)853-5288

Priority Date: 06/01/1865

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
AESTHETIC	03/01 to 11/15	0.170 CFS	
AESTHETIC STORAGE	01/01 to 12/31		14.50 AF
IRRIGATION STORAGE	01/01 to 12/31		14.50 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		14.50 AF
IRRIGATION	03/01 to 11/15	49.340 CFS	10,251.50 AF
	<u>Total Diversion:</u>	49.510 CFS	10,266.00 AF

Location of Point(s) of Diversion

BOISE RIVER	NE1/4SE1/4NE1/4	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		

Place of UseAESTHETIC Within ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE Within ADA County

T04N R01E S14 NENW

IRRIGATION STORAGE Within ADA County

T04N R01E S14 NENW

IRRIGATION FROM STORAGE same as AESTHETICConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31832 V2

1. THIS RIGHT IS DESIGNATED AS NO 15 IN THE BOISE RIVER WATER MASTER RECORDS AND THE STEWART DECREE.
2. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
3. X36 Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 63-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
6. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
7. S45 Diversion for irrigation and aesthetic under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576. This period of use condition does not apply to Irrigation Storage and Aesthetic Storage.
8. Water is delivered through the Farmers Union and Boise Valley canals.
9. P21 This right is a split from former right 63-147.
10. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. X56 The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.
12. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31832 V2

Comments:

1. jshurte 10/12/2007 Objection Review

Comment: BLM Objections resolved without a decrease in acres. Snapping issue. Also resolved the BOR & Boise Project Board of Control objection to the Season of Use by adding irrigation and "aesthetic" purposes were subject to the condition and then a line that Irrigation Storage and Aesthetic Storage were not. Basically, the year round season of use for irrigation storage and aesthetic storage within the ditch company was kept at year round.

2. jshurte 1/8/2008 Condition Deletion

Comment: Prior to issuance of the partial decree and after the SF5 was signed Special Master Ted Booth phoned to say that he felt the Condition No. X61(shoulder remark) was redundant to the Boise River Season of Use remark and inaccurate as to the season of use listed under purpose of use. This was correct, therefore, I deleted the X61 shoulder remark and resubmitted for partial decree per Special Master Ted Booths request.

Water Supply Bank:

*Copy
SFS completed
sent to
S.O. 10-12-07*

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

In Re SRBA

Case No. 39576

) **Subcase No. 63-31832**
)
)
) **STANDARD FORM 5**
)
) **STIPULATED ELEMENTS OF A**
) **WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the attached is an accurate digital depiction of the boundary for the Boise Valley Irrigation Ditch Co produced by IDWR.

CLAIMANT(s):

Boise Valley Irrigation Ditch Co

OBJECTOR(s):

USDI-BLM

C Bryce Farris

Date

Larry Brown

Date

Attorney for the US Dept of Justice

OBJECTOR(s):

USDI-BOR

OBJECTOR(s):

Boise Project Board of Control

David W Gehlert
Attorney

Date

Albert P Barker
Attorney

Date

Respondent(s):

State of Idaho

David J. Barber
Deputy Attorney General

Date

IDWR Concurrence:

 10-12-07

Jan Shurte
Adjudication Supervisor

Date

Nicholas B Spencer
Deputy Attorney General
Attorney for IDWR

Date

CERTIFICATE OF MAILING

I certify that on _____, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

United States of America
US Dept of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

C Bryce Farris
455 S Third St
PO Box 2773
Boise, ID 83701-2773

Boise Valley Irrigation Ditch Co
8750 N Bogart Lane
Boise, ID 83714

Albert P Barker
1010 W Jefferson, Ste 102
PO Box 2139
Boise, ID 83701-2139

State of Idaho
Natural Resources Div
Attorney General's Office
PO Box 44449
Boise, ID 83711-4449

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Signature of person mailing the form

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

RIGHT NUMBER: 63-31832

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 49.510 CFS
10,266.000 AFY

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

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION:

T03N R02E S5 NESENE Within ADA County

Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 53-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	03/01 11/15	0.170 CFS
AESTHETIC STORAGE	01/01 12/31	14.50 AFY
IRRIGATION STORAGE	01/01 12/31	14.50 AFY
IRRIGATION FROM STORAGE	03/01 11/15	14.50 AFY
IRRIGATION	03/01 11/15	49.340 CFS 10,251.50 AFY

Diversion for irrigation and aesthetic under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576. This period of use condition does not apply to Irrigation Storage and Aesthetic Storage.



The period of use for irrigation, irrigation from storage and aesthetic uses described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. Irrigation, irrigation from storage and aesthetic uses before 3/15 are subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION STORAGE in ADA County

T04N R01E S14 NENW

AESTHETIC in ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE in ADA County

T04N R01E S14 NENW

IRRIGATION FROM STORAGE same as IRRIGATION STORAGE

2808.43 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS DESIGNATED AS NO 15 IN THE BOISE RIVER WATER
MASTER RECORDS AND THE STEWART DECREE.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

Water is delivered through the Farmers Union and Boise Valley canals.

This right is a split from former right 63-147.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.

A handwritten signature in black ink, appearing to be a stylized 'J' or 'K' with a long horizontal stroke extending to the right.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31832 V2

WATER RIGHT NUMBER: 63-31832 V2

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	RINGERT CLARK CHARTERED 455 S 3RD ST PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Current Owner	BOISE VALLEY IRRIGATION DITCH CO 8750 N BOGART LN BOISE, ID 83714 (208)853-5288

Priority Date: 06/01/1865

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
AESTHETIC	03/01 to 11/15	0.170 CFS	
AESTHETIC STORAGE	01/01 to 12/31		14.50 AF
IRRIGATION STORAGE	01/01 to 12/31		14.50 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		14.50 AF
IRRIGATION	03/01 to 11/15	49.340 CFS	10,251.50 AF
	<u>Total Diversion:</u>	49.510 CFS	10,266.00 AF

Location of Point(s) of Diversion

BOISE RIVER	NE1/4SE1/4NE1/4	Sec. 5,	Twp 03N,	Rge 02E, B.M.
ADA County				

Place of UseAESTHETIC Within ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE Within ADA County

T04N R01E S14 NENW

IRRIGATION STORAGE Within ADA County

T04N R01E S14 NENW

IRRIGATION FROM STORAGE same as AESTHETICConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31832 V2

1. THIS RIGHT IS DESIGNATED AS NO 15 IN THE BOISE RIVER WATER MASTER RECORDS AND THE STEWART DECREE.
2. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
3. X36 Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 53-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
6. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
7. S45 Diversion for irrigation and aesthetic under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576. This period of use condition does not apply to Irrigation Storage and Aesthetic Storage.
8. Water is delivered through the Farmers Union and Boise Valley canals.
9. P21 This right is a split from former right 63-147.
10. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. X56 The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.
12. C18 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.
13. X61 The period of use for irrigation, irrigation from storage and aesthetic uses described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. Irrigation, irrigation from storage and aesthetic uses before 3/15 are subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31832 V2

Comments:

1. jshurte 10/12/2007 Objection Review

Comment: BLM Objections resolved without a decrease in acres. Snapping issue. Also resolved the BOR & Boise Project Board of Control objection to the Season of Use by adding irrigation and "aesthetic" purposes were subject to the condition and then a line that Irrigation Storage and Aesthetic Storage were not. Basically, the year round season of use for irrigation storage and aesthetic storage within the ditch company was kept at year round.

Water Supply Bank:

Shurte, Jan

From: Harvey, Becky
Sent: Wednesday, October 03, 2007 3:11 PM
To: Shurte, Jan
Subject: FW: SF-5 for 63-31832

Jan ~ Where are we on the SF 5s for Boise Valley? I don't recall the status. Thanks.
Becky

-----Original Message-----

From: Spencer, Nick
Sent: Tuesday, October 02, 2007 8:48 AM
To: Harvey, Becky
Subject: FW: SF-5 for 63-31832

-----Original Message-----

From: Charlie Honsinger [mailto:Charlie@ringertclark.com]
Sent: Tuesday, October 02, 2007 8:09 AM
To: Elizabeth McGarry
Cc: apb@idahowaters.com; Spencer, Nick; David.Gehlert@usdoj.gov
Subject: RE: SF-5 for 63-31832

Yup, I that is right. But I think IDWR wants to do all the SF5s for Boise Valley Irrigation Ditch Company as a package - including objections by BOR, BLM and Board of Control.

charlie

-----Original Message-----

From: Elizabeth McGarry [mailto:EMCGARRY@pn.usbr.gov]
Sent: Monday, October 01, 2007 5:33 PM
To: Charlie Honsinger
Cc: apb@idahowaters.com; nick.spencer@idwr.idaho.gov; David.Gehlert@usdoj.gov
Subject: RE: SF-5 for 63-31832

63-147B is a BLM objection - BOR did not object to season of use for that. So Dave Gehlert can coordinate with Larry Brown of DOJ for that SF5. I assume the other water rights listed are similar, because they are not on my BOR list. I am just handling the BOR objections.

Gail

>>> "Charlie Honsinger" <Charlie@ringertclark.com> 10/1/2007 9:49 AM
>>>

Gail: There are several: 63-00147B, 63-02360, 63-31198, 63-31833. I think that is it.

charlie

-----Original Message-----

From: Elizabeth McGarry [mailto:EMCGARRY@pn.usbr.gov]
Sent: Monday, October 01, 2007 9:34 AM
To: Charlie Honsinger
Cc: apb@idahowaters.com; nick.spencer@idwr.idaho.gov; David.Gehlert@usdoj.gov
Subject: RE: SF-5 for 63-31832

What's the number on the other one?

>>> "Charlie Honsinger" <Charlie@ringertclark.com> 10/1/2007 9:36 AM
>>>

Thank you Gail. I already have this one, and will need the others as well. Also, I think IDWR will want to change this one somewhat to match their formatting?

Charlie Honsinger

-----Original Message-----

From: Elizabeth McGarry [mailto:EMCGARRY@pn.usbr.gov]
Sent: Friday, September 28, 2007 4:03 PM
To: Charlie Honsinger
Cc: apb@idahowaters.com; nick.spencer@idwr.idaho.gov;
David.Gehlert@usdoj.gov
Subject: Fwd: SF-5 for 63-31832

Here is what was sent earlier.

>>> E. Gail McGarry 6/5/2007 12:19 PM >>>

Attached is a scanned copy of the changes that were initialed at the initial hearing. The Cover sheet for the SF-5 was not signed at that hearing.

Let me know if you want me to send you the original initialed page.
Gail

SRBA

DIRECTORS REPORT 63-31832

IWT072

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

Right Number: 63-31832

Name and Address: BOISE VALLEY IRRIGATION DITCH
8750 N BOGART LN
BOISE, ID 83714

Source: BOISE RIVER Tributary: SNAKE RIVER

Quantity: 49.51 CFS
10266.00 AFY

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

Priority Date: 06-01-1865

Diversion Point: T03N R02E S05 NESENE Within Ada County

Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 63-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.

Other Provisions Necessary for Definition / Administration of this
Water Right:

Explanatory Material: Basis of Claim - Decreed

The portion of Right 63-31832 used for conveyance losses is 5.94 cfs. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

This right is a split from former right 63-147.

THIS RIGHT IS DESIGNATED AS NO 15 IN THE BOISE RIVER
WATER MASTER RECORDS AND THE STEWART DECREE

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Purpose and
Period of Use:

Purpose of Use	Period of Use	Quantity
Irrigation	03-01 TO 11-15	49.34 CFS
		10251.50 AFY
Irrigation Storage	01-01 TO 12-31	14.50 AFY
Irrigation from Storage	03-01 TO 11-15	14.50 AFY
Aesthetic	03-01 TO 11-15	.17 CFS
Aesthetic Storage	01-01 TO 12-31	14.50 AFY

Diversion for irrigation, ^{and} aesthetic, ~~and aesthetic storage~~ under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576. *This period of use condition does not apply to the Irrigation Storage and Aesthetic Storage.*

ON
APP
SBF

Place of Use:	Irrigation Storage	Within Ada County
	T04N R01E S14	NENW
	Irrigation from Storage	Within Ada County
	T04N R01E S14	NENW 17.2
	17.2 Acres Total	
	Aesthetic	Within Ada County
	T04N R01E S14	NENW
	Aesthetic Storage	Within Ada County
	T04N R01E S14	NENW

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Example from
FVIO, BOR & BPBC
SRBA

DIRECTORS REPORT 63-31832

IWT072

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

Right Number: 63-31832

Name and Address: BOISE VALLEY IRRIGATION DITCH
8750 N BOGART LN
BOISE, ID 83714

Source: BOISE RIVER Tributary: SNAKE RIVER

Quantity: 49.51 CFS
10266.00 AFY

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Priority Date: 06-01-1865

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Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 53-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.

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Explanatory Material: Basis of Claim - Decreed

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WATER MASTER RECORDS AND THE STEWART DECREE

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Purpose and
Period of Use:

Purpose of Use	Period of Use	Quantity
Irrigation	03-01 TO 11-15	49.34 CFS
		10251.50 AFY
Irrigation Storage	01-01 TO 12-31	14.50 AFY
Irrigation from Storage	03-01 TO 11-15	14.50 AFY
Aesthetic	03-01 TO 11-15	.17 CFS
Aesthetic Storage	01-01 TO 12-31	14.50 AFY

Diversion for irrigation, ^{and} ~~aesthetic, and aesthetic storage~~ under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576. *This period of use condition does not apply to the Irrigation Storage and Aesthetic Storage.*

ON
APP
SBF

Place of Use:	Irrigation Storage	Within Ada County
	T04N R01E S14	NENW
	Irrigation from Storage	Within Ada County
	T04N R01E S14	NENW 17.2
	17.2 Acres Total	
	Aesthetic	Within Ada County
	T04N R01E S14	NENW
	Aesthetic Storage	Within Ada County
	T04N R01E S14	NENW

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Shurte, Jan

From: Harvey, Becky
Sent: Tuesday, July 17, 2007 3:32 PM
To: Shurte, Jan
Subject: RE: Boise Valley Irr Co

63-31832 has an entry in the ROA "Oral Motion to Withdraw Objection by BLM" and "Bench Order Granting Motion to Withdraw BLM Objection" on March 20th. Normally, we would do a Stip to Resolve.

-----Original Message-----

From: Shurte, Jan
Sent: Tuesday, July 17, 2007 3:08 PM
To: Harvey, Becky
Subject: RE: Boise Valley Irr Co

Becky,

One last thing I just thought of. Has anything been decided on the SOU objection and if not I am presuming I do a resolution of the BLM objection on the large place of use and let the SOU objection with 63-31832 go forward? Is there any special cover page for this type of objection resolution - where there is an outstanding objection on one of the claims still?

Thanks,
Jan

From: Harvey, Becky
Sent: Wednesday, July 11, 2007 4:24 PM
To: Shurte, Jan
Subject: Boise Valley Irr Co

Jan ~

Where are we at on getting the SF 5s done on these? I know Fred Price sent an email and we had made progress on the digital boundary...do you need cover sheets yet? Let me know.

Thanks!

Becky

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank you.

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)

SUBCASE: 63-31832

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER
RIGHT

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Boise Valley Ditch Company
8750 N. Bogart
Boise, ID 83714

OBJECTOR:
Boise Project Board of Control, *et. Al.*

Date

Albert P. Barker

Date

IDWR CONCURRENCE:

OBJECTOR:
Bureau of Reclamation

Date

Date

Shurte, Jan

From: Harvey, Becky
Sent: Tuesday, July 17, 2007 3:32 PM
To: Shurte, Jan
Subject: RE: Boise Valley Irr Co

63-31832 has an entry in the ROA "Oral Motion to Withdraw Objection by BLM" and "Bench Order Granting Motion to Withdraw BLM Objection" on March 20th. Normally, we would do a Stip to Resolve.

-----Original Message-----

From: Shurte, Jan
Sent: Tuesday, July 17, 2007 3:08 PM
To: Harvey, Becky
Subject: RE: Boise Valley Irr Co

Becky,

One last thing I just thought of. Has anything been decided on the SOU objection and if not I am presuming I do a resolution of the BLM objection on the large place of use and let the SOU objection with 63-31832 go forward? Is there any special cover page for this type of objection resolution - where there is an outstanding objection on one of the claims still?

Thanks,
Jan

From: Harvey, Becky
Sent: Wednesday, July 11, 2007 4:24 PM
To: Shurte, Jan
Subject: Boise Valley Irr Co

Jan ~

Where are we at on getting the SF 5s done on these? I know Fred Price sent an email and we had made progress on the digital boundary...do you need cover sheets yet? Let me know.

Thanks!

Becky

Confidentiality Notice: This e-mail may contain information that is exempt from disclosure under applicable law. This message is intended only for the use of the individual named. If you have received this message by mistake, please notify the sender immediately by e-mail. Do not review, disclose, copy, or distribute any information in this message.

*Nick will
get informa-
tion from
Charlie as to*

tion exempt from disclosure under applicable law. If you have received this message by mistake, please delete the message from your system and do not reply to this message. Thank you.

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

In Re SRBA

Case No. 39576

A. Subcase 63-31832

(Insert water right number)

STANDARD FORM 1
AMEL ~~1~~ ~~2~~ ~~3~~ ~~4~~ ~~5~~ ~~6~~ ~~7~~ ~~8~~ ~~9~~ ~~10~~ ~~11~~ ~~12~~ ~~13~~ ~~14~~ ~~15~~ ~~16~~ ~~17~~ ~~18~~ ~~19~~ ~~20~~ ~~21~~ ~~22~~ ~~23~~ ~~24~~ ~~25~~ ~~26~~ ~~27~~ ~~28~~ ~~29~~ ~~30~~ ~~31~~ ~~32~~ ~~33~~ ~~34~~ ~~35~~ ~~36~~ ~~37~~ ~~38~~ ~~39~~ ~~40~~ ~~41~~ ~~42~~ ~~43~~ ~~44~~ ~~45~~ ~~46~~ ~~47~~ ~~48~~ ~~49~~ ~~50~~ ~~51~~ ~~52~~ ~~53~~ ~~54~~ ~~55~~ ~~56~~ ~~57~~ ~~58~~ ~~59~~ ~~60~~ ~~61~~ ~~62~~ ~~63~~ ~~64~~ ~~65~~ ~~66~~ ~~67~~ ~~68~~ ~~69~~ ~~70~~ ~~71~~ ~~72~~ ~~73~~ ~~74~~ ~~75~~ ~~76~~ ~~77~~ ~~78~~ ~~79~~ ~~80~~ ~~81~~ ~~82~~ ~~83~~ ~~84~~ ~~85~~ ~~86~~ ~~87~~ ~~88~~ ~~89~~ ~~90~~ ~~91~~ ~~92~~ ~~93~~ ~~94~~ ~~95~~ ~~96~~ ~~97~~ ~~98~~ ~~99~~ ~~100~~ ~~101~~ ~~102~~ ~~103~~ ~~104~~ ~~105~~ ~~106~~ ~~107~~ ~~108~~ ~~109~~ ~~110~~ ~~111~~ ~~112~~ ~~113~~ ~~114~~ ~~115~~ ~~116~~ ~~117~~ ~~118~~ ~~119~~ ~~120~~ ~~121~~ ~~122~~ ~~123~~ ~~124~~ ~~125~~ ~~126~~ ~~127~~ ~~128~~ ~~129~~ ~~130~~ ~~131~~ ~~132~~ ~~133~~ ~~134~~ ~~135~~ ~~136~~ ~~137~~ ~~138~~ 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D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box (es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:

8. ☒ **Period of Year**

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

9. ☐ **Place of Use**
Should be:

10. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described.

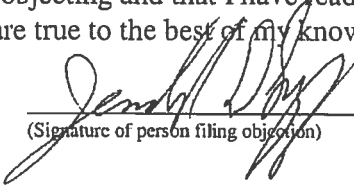
E. REASONS SUPPORTING EACH OBJECTION(S): The proposed language is intended to preserve the historical practice of allowing Reclamation's reservoirs to fill until April 1 and after October 31 if necessary.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

9.5.06

Valerie J Shaw



Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 6.2.2012

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on SEP. 8, 2006 I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Boise Valley Irrigation District Company
Address: 8750 N. Bogart Ln
Boise, ID 83714

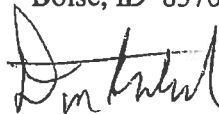
3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

Albert P. Barker
Barker Rosholt & Simpson, LLP
PO Box 2139
Boise, ID 83701-2139



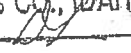
Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED

SEP 12 2006

DEPARTMENT OF
WATER RESOURCES

2006 SEP 13 AM 9:45

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 

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

In Re SRBA

Case No. 39576

) Subcase Nos. 63-00146, 63-00183, 63-00192,
) 63-00198AC, 63-00216C, 63-00230M,
) 63-00278, 63-00279B, 63-19425, 63-20041,
) 63-31808, and 63-31832
)
) ORDER GRANTING UNITED STATES'
) MOTION FOR LEAVE TO FILE
) AMENDED OBJECTIONS

On September 11, 2006, the United States of America, Bureau of Reclamation, filed the *United States' Motion for Leave to File Amended Objections* in the above-captioned subcases. Attached thereto were proposed amended objections, which were lodged with the Court. The proposed amended objections seek to correct an error of omission contained in the original objections filed by the United States on April 21, 2006.

Having reviewed the *Motion*, and good causes appearing, the *Motion* is hereby **granted**. The Clerk of the SRBA Court is instructed to file the previously lodged amended objections, which shall replace and supersede the objections originally filed by the United States.

Dated Sept. 12, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING UNITED STATES' MOTION FOR LEAVE TO FILE AMENDED OBJECTIONS was mailed on September 13, 2006, with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Div.
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, Idaho 83711-4449

U.S. Department of Justice
Environment & Natural Resources Div.
550 W Fort St., MSC 033
Boise, ID 83724

Middleton Irrigation Association
c/o Sam Rosti
1460 N Pollard Ln
Star, Idaho 83669

Boise Project Board of Control
Albert Barker
P O Box 2139
Boise, Idaho 83701-2139

Settlers Irrigation District
Scott L Campbell
P O Box 829
Boise, Idaho 83701-0829

Ballentyne Ditch Co Ltd
c/o Joe King
170 Sierra Way
Eagle, Idaho 83616

Boise Valley Irrigation Ditch Co
8750 N Bogart Ln
Boise, Idaho 83714

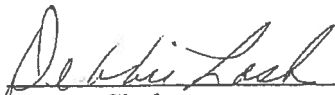
Boise City Canal Co
Bruce M Smith
950 W Bannock Ste 520
Boise, Idaho 83702

Warm Springs Ditch Co
c/o Hoff Companies Inc
1840 N Lakes Ave
Meridian, Idaho 83642

Union Ditch Co Ltd
P O Box 31
Eagle, Idaho 83616

Pioneer Ditch Co Ltd
P O Box 70
Star, Idaho 83669

Riverview Ventures
P O Box 9294
Boise, Idaho 83707


Deputy Clerk



U.S. Department of Justice

Environment and Natural Resources Division

DWG:DAJ

90-6-2-63c

David A. Jarvis
Labat-Anderson, Inc.
1961 Stout Street, 8th Floor
Denver, Colorado 80294

Telephone (303) 844-1485
Facsimile (303) 844-1350
E-mail: David.Jarvis2@usdoj.gov

RECEIVED

September 8, 2006

SEP 12 2006

DEPARTMENT OF
WATER RESOURCES

via FedEx Mail

Diana R. Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

Re: SRBA Case No. 39576
Subcase Nos. 63-00146, 63-00183, 63-00192, 63-00198AC, 63-00216C, 63-00230M, 63-00278, 63-00279B, 63-19425, 63-20041, 63-31808, and 63-31892

Dear Ms. Delaney:

Enclosed for filing is the original document and eleven in the above mentioned subcases:

1. **UNITED STATES' MOTION FOR LEAVE TO FILE AMENDED OBJECTIONS**

enclosed are copies of the twelve Amended Objections (one for each subcase) for which the United States is seeking leave to file.

Thank you for your time and attention in this matter.

Sincerely,

David A. Jarvis
Paralegal

Enclosures

RECEIVED

SEP 12 2006

DEPARTMENT OF
WATER RESOURCES

Names of Parties Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
Environment and Natural Resources Division

DAVID W. GEHLERT
Attorney, Department of Justice
Natural Resources Section
Environment and Natural Resources Division
1961 Stout St., 8th Floor
Denver, CO 80294
(303) 844-1386

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

In Re SRBA	)	Subcase No.: 63-00146, 63-00183, 63-00192,
	)	63-00198AC, 63-00216C, 63-00230M, 63-00278,
Case No. 39576	)	63-00279B, 63-19425, 63-20041, 63-31808 and
	)	63-31832
	)	
	)	UNITED STATES' MOTION FOR LEAVE
	)	TO FILE AMENDED OBJECTIONS
	)	

The United States, on behalf of the Bureau of Reclamation ("BOR") and pursuant to Idaho Rule of Civil Procedure 15(a), hereby petitions this Court for leave to file amended SF-1 Objections in the above listed subcases.

Standard of Review

Once responsive pleadings have been filed, a party may "amend a pleading only

by leave of court or by written consent of the adverse party.” I.R.C.P. 15(a) (2006). However, “leave shall be freely given when justice so requires.” *Id.* Under the liberal approach to pleading employed by the rule,

In the absence of any apparent or declared reason – such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of the allowance of the amendment, futility of amendment, etc. – the leave sought should, as the rules require, “be freely given.”

Clark v. Olsen, 110 Idaho 323, 326, 715 P.2d 993, 996 (1986), citing *Foman v. Davis*, 371 U.S. 178, 182 (1962).

Factual Background

The United States objected to one aspect of the Director’s determination of the “season of use” for the listed subcases. The question of the appropriate season of use was originally broached in Basin 63, Part I, when the United States challenged the extended season. After negotiation between the United States and the Idaho Department of Water Resources (“IDWR”), a settlement was adopted which subordinated the extended season to storage at BOR reservoirs. The subordination language was used to resolve the United States “season of use” objections in Part I. The same language was then applied in the Director’s Report for Basin 63, Part II; however, the Director’s Report erroneously applied the subordination only to irrigation uses and omitted other extended season uses such as aesthetics and recharge.

Consequently, on April 21, 2006 the United States filed Objections to these twelve subcases so that the season of use language could be conformed to the terms of the settlement agreement and the season of use decreed in Basin 63, Part I. However, the United States’ objections inadvertently applied this subordination to only one of the BOR reservoirs – Lucky Peak Reservoir – rather than to all four BOR reservoirs – Lucky Peak Reservoir, Lake

Lowell, Arrowrock Reservoir, and Anderson Ranch Reservoir – listed on the Director’s Report recommendations for period of use.

Argument

Leave to amend is appropriate here because the United States has not engaged in dilatory actions and amendment will not result in prejudice to the other parties to these subcases.

There cannot be delay here because the initial hearings have not yet been set. Nor there is there prejudice to the other parties. In *Smith v. Great Basin Grain Co.*, 98 Idaho 266, 272, 561 P.2d 1299, 1305 (1977), the Idaho Supreme Court held that where the basic facts at issue will remain unaltered by an amendment, granting a motion to amend does not prejudice the opposing party. Here the basic facts remain unaltered. The United States’ proposed amendment does not substantially alter the United States’ position in these subcases, nor does it seek to modify the Director’s recommendations. Rather, the United States is merely seeking to correct an obvious omission to each of the twelve Objections. Moreover, given the resolution of the season of use in Basin 63, Part I, and the Director’s recommendation that the subordination language from Basin 63, Part I, be applied to all four of the BOR Reservoirs at issue in Basin 63, Part II, the United States’ proposed amendment will not come as a surprise to the other parties.

The Idaho Supreme Court’s decision in *Christensen Family Trust v. Christensen*, 133 Idaho 866, 993 P.2d 1197 (1999) makes it obvious that leave to amend is appropriately granted here. First, in contrast to the United States’ prompt action, in *Christensen* the plaintiff waited almost a year before moving to amend its complaint. Despite that long delay, the court found that the circumstances of the case were such that the amendment would not delay

resolution of the matter.¹ *Christensen Family Trust*, 133 Idaho at 872, 993 P.2d at 872. Such is the case here as well. Second, the court recognized that the opposing party was not prejudiced because basic facts giving rise to the claims were already known. *Id.* Again, that is the case here as well.

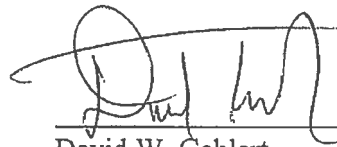
As the Idaho Supreme Court has frequently reminded, “[i]n the interest of justice, district courts should favor liberal grants of leave to amend a complaint.” *Hines v. Hines*, 129 Idaho 847, 853, 934 P.2d 20, 26 (1997). Here, because there is neither prejudice, nor delay nor bad faith, this Court should grant the United States’ motion.

Petition

Thus, the United States now asks the Court’s leave to allow the United States to file amended SF-1 Objections in order to correct its error of omission regarding the desired subordination language in each of these twelve subcases.

Respectfully submitted this 8th day of September, 2006.

Attorney for the United States



David W. Gehlert

¹ The district court had cancelled the original trial setting in favor of a motions hearings. The Idaho Supreme Court found that nothing in the record indicated that considering the allegations in the amended complaint would have delayed the motions hearing. *Christensen Family Trust*, 133 Idaho at 872; 993 P.2d at 872.

CERTIFICATE OF MAILING

I certify that on September 8th, 2006, true and correct copies of the **UNITED STATES' MOTION FOR LEAVE TO FILE AMENDED OBJECTIONS** was served as noted on the following:

By FedEx Mail:

DISTRICT COURT (original + 11 copies)
253 Third Ave., North
Twin Falls, ID 83301
208-736-2121

By First-Class Mail:

New Union Ditch Co., Ltd
P.O. Box 31
Eagle, ID 83616

Pioneer Ditch Co., Ltd.
P.O. Box 70
Star, ID 83669

Warm Springs Ditch Co.
c/o Hoff Companies, Inc.
1840 N. Lakes Avenue
Meridian, ID 83642

Middleton Irrigation Assn., Inc.
c/o Same Rosti
1460 N. Pollard Ln.
Star, ID 83669

Scott L. Campbell
Moffatt Thomas Barrett Rock & Fields
Chtd.
P.O. Box 829
Boise, ID 83701-0829

Riverview Ventures
P.O. Box 9294
Boise, ID 83707

Ballentyne Ditch Co., Ltd.
c/o Joe King
170 N. Sierra Way
Eagle, ID 83616

Boise Valley Irrigation Ditch Co.
8750 N. Bogart Ln.
Boise, ID 83714

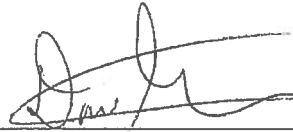
Bruce M. Smith
225 N. Ninth Street, Ste. 420
Boise, ID 83702

Albert P. Barker
Barker Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701-2139

David J. Barber
State of Idaho
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

A handwritten signature in black ink, appearing to read 'David W. Gehlert', is written over a horizontal line.

David W. Gehlert

RECEIVED

APR 25 2005

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

A. Subcase Number: 63-31832

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise Project Board of Control acting on its own behalf and on behalf of
and for the following individual entities:
New York Irrigation District, Nampa & Meridian Irrigation District, Wilder
Irrigation District, Boise-Kuna Irrigation District, Big Bend Irrigation
District

Address: 2465 Overland Road
Boise, Idaho 83705
Phone: (208) 344-1141

Name & Address of Attorney, if any:

Albert P. Barker, ISB # 2867
Paul L. Arrington, ISB # 7198
Barker Rosholt & Simpson, LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: 208-336-0700
Facsimile: 208-344-6034

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name Boise Valley Irrigation Ditch Co
Address: 8750 N Bogart Ln
Boise, ID 83714

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☒ **Period of Year**

Should be: Diversion for irrigation, ~~aesthetic~~, ~~aesthetic storage~~ under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, as decreed in SRBA Case No. 39576.

9. ☐ **Place of Use**

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described.

E. **REASONS SUPPORTING EACH OBJECTION(S):** The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow injury to the objector's water rights and diminution of contract water reliability.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Twin Falls)

Paul L. Arrington, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 20, 2006.



Sharon Hart Strickland
Notary Public for: Idaho
Residing at: Gooding
My Commission Expires: 12-22-09

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 21, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

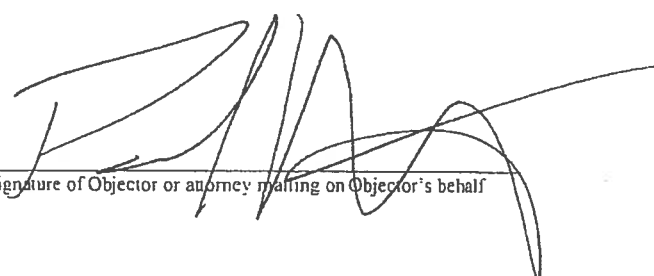
Name: Boise Valley Irrigation Ditch Co
Address: 8750 N Bogart Ln
Boise, ID 83714

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724


Signature of Objector or attorney mailing on Objector's behalf

RECEIVED
APR 25 2006
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

Case No. 39576)

A. Subcase 63-31832
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 378-5306 E.Gail McGarry

Name & Address of Attorney, if any:

David W. Gehlert ((303)844-1386)

Trial Attorney, General Litigation Section

Environment and Natural Resource Division

U.S. Department of Justice

1961 Stout Street - 8th Floor

Denver, CO 80294

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS REPORT

Name: Boise Valley Irrigation Ditch Co

Address: 8750 N Bogart Ln.
Boise, ID 83714

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:

8. ☒ **Period of Year**

Should be: Diversion for irrigation, aesthetic, aesthetic storage under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, as decreed in SRBA Case No. 39576.

9. ☐ **Place of Use**
Should be:

11. **I object because:**

- ☐ This water right should not exist.
☐ This water right was not recommended, but should be recommended with the elements described.

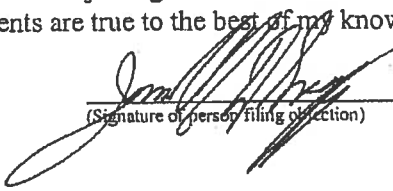
E. **REASONS SUPPORTING EACH OBJECTION(S):** The proposed language is intended to preserve the historical practice of allowing Reclamation's reservoirs to fill until April 1 and after October 31 if necessary.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

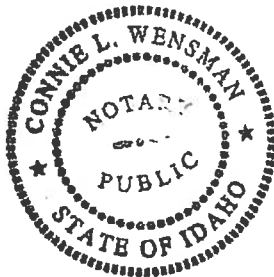
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

Connie L. Wensman



Notary Public for: Idaho
Residing at: MERIDIAN
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 4-21, 2006 I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

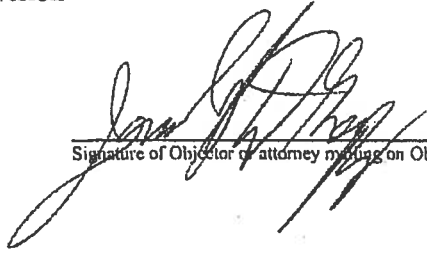
Name: Boise Valley Irrigation Ditch Co
Address: 8750 N Bogart Ln
Boise, ID 83714

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

RECEIVED
APR 21 2006
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

A. Subcase 63-31832
(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN I

Name: Boise Valley Irrigation Ditch Co.
Address: 8750 N. Bogart Lane; Boise, Idaho 83714

Name: _____
Address: _____ ;

Name: _____
Address: _____ ;

Name: _____
Address: _____ ;

SAME AS
OTHER BLM
OBJECTION
IN 63-147B

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

David May Jr. for LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 19, 2006
Linda C. Buck
Linda C. Buck



Notary Public for Idaho

Residing at: Mountain Home,

My Commission Expires: 12-21-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 4-19-, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Boise Valley Irrigation Ditch Co.
Address: 8750 N. Bogart Lane; Boise, Idaho 83714

Name:
Address: ;

Name:
Address: ;

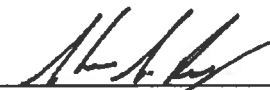
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

12/12/2005

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

RIGHT NUMBER: 63-31832
NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

POUs on BLM:
-Irrigation is not authorized

SOURCE: BOISE RIVER
QUANTITY: 49.510 CFS
10,266.00 AFY

TRIBUTARY: SNAKE RIVER

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

PRIORITY DATE: 06/01/1865

POINT OF
DIVERSION:

T03N R02E S5 NESENE Within ADA County

Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 53-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
AESTHETIC	03/01 11/15	0.170 CFS
AESTHETIC STORAGE	01/01 12/31	14.50 AFY
IRRIGATION STORAGE	01/01 12/31	14.50 AFY
IRRIGATION FROM STORAGE	03/01 11/15	14.50 AFY
IRRIGATION	03/01 11/15	49.340 CFS 10,251.50 AFY

The period of use for irrigation, irrigation from storage and aesthetic uses described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. Irrigation, irrigation from storage and aesthetic uses before 3/15 are subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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

PLACE OF USE: IRRIGATION STORAGE Within ADA County

T04N R01E S14 NENW

AESTHETIC Within ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE Within ADA County

T04N R01E S14 NENW

17.2 ACRES TOTAL

The boundary encompassing the place of use for this water right is
Director's Report B63 - Part II Page 1582

described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.

This right is a split from former right 63-147.

THIS RIGHT IS DESIGNATED AS NO 15 IN THE BOISE RIVER WATER MASTER RECORDS AND THE STEWART DECREE.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Water is delivered through the Farmers Union and Boise Valley canals.

RightID577113 (63-31832)

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County



Lot 1 = NENE

Lot 2 = NWNE

Lot 3 = NENW

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	02E	1	1	NENE			SENE							
	03E	5 BLM	4	NENE		1	NWNE							
			2	NENW		3	NWNW	BLM						
		6	4	NENE		1	NWNE			SWNE			SENE	
			2	NENW		3	NWNW		5	SWNW			SESW	
03N	02E	36		SWSE			SESE							
	03E	28	2	SWSW		1	SESW							
		29		NESE		1	SESE							
		31		NESW		3	NWSW		4	SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
		32		NESW			NWSW			SWSW			SESW	
				NWSE			SWSE			SESE				
04N	01E	3		NESW			SWSW			SESW				
				NWSE			SWSE			SESE				
		4	4	NWNW			SWNW			SESW				
		9	3	NENW										
		10		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SESW	
				NESW			NWSW			SWSW			SESE	
				NESE			NWSE			SWSE				
		11		SWNE	BLM									
				SESW										
				NESW			SWSW			SESW				
				NESE			NWSE			SWSE				
		12		NENE			NWNE			SWNE			SENE	
				SESW										
				NESW										
				NESE			NWSE							
		13		SWNE			SENE							
				NENW			NWNW			SWNW			SESW	
				NESW			NWSW			SWSW			SESE	
				NESE			NWSE			SWNE			SENE	
		14		NENE			NWNE			SWNW			SESW	
				NENW			NWNW			SWSW			SESE	
				NESW			NWSW			SWSE				
				NESE			NWSE							

05N	02E	15	NENE		NWNE		SWNE		SENE
			NESE	1	SESE				
		23	NENE	2	NWNE	1	SENE		
			NWNW	5	SWNW	6	SENE		
			NWSE				SENE		
		24	NENE		NWNE		SWNE		SENE
			NENW		NWNW		SWNW		SENE
			NESW	4	NWSW				
			NESE		NWSE	2	SWSE	1	SESE
		25	NESE	1					
		18	NWSW	3	SWSW		SESW		
		19	NENE		NWNE		SWNE		SENE
			NENW	1	NWNW	2	SWNW		SENE
			NESW	3	NWSW	4	SWSW		SENE
			NESE		NWSE		SWSE		SESE
		20	SWSW						
		29	NWNW		SWNW				
			NWSW		SWSW		SESW		
		30	NENE		NWNE		SWNE		SENE
			NENW	5	NWNW	4	SWNW		SENE
			NESW	2					
			NESE		NWSE	1	SWSE		SESE
		31	NENE	1					
		32	NWNE		SWNE		SENE		
			NENW		NWNW	5	SWNW	4	SENE
			NESW	3					
			NESE	2	NWSE				
	01W	1	SENE						
	01E	31	SESE						
	01W	32	SENE						
			NESE						
		33	SWNW						
			NWSW						
		34	NWNE		SWNE		SENE		
			SENE						
			NESW						

Place of Use Legal Description: IRRIGATION STORAGE ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01E	14		NENW										

Place of Use Legal Description: IRRIGATION FROM STORAGE ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01E	14		NENW	17.2									

Place of Use Legal Description: AESTHETIC ADA County

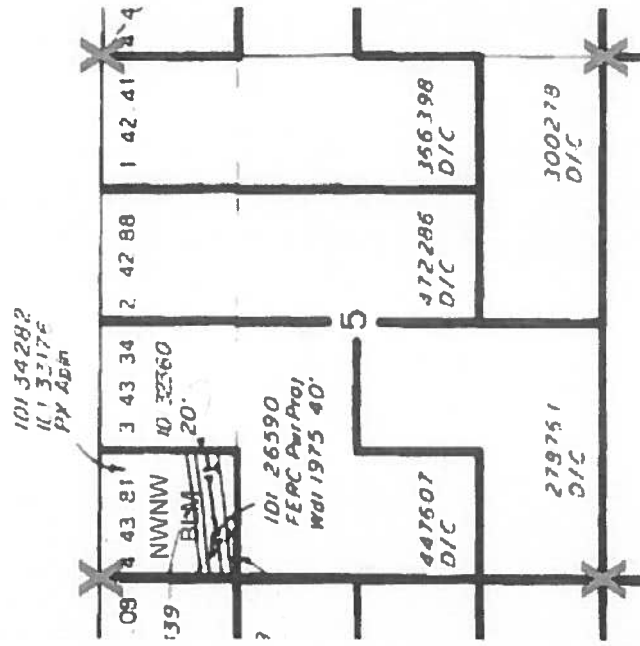
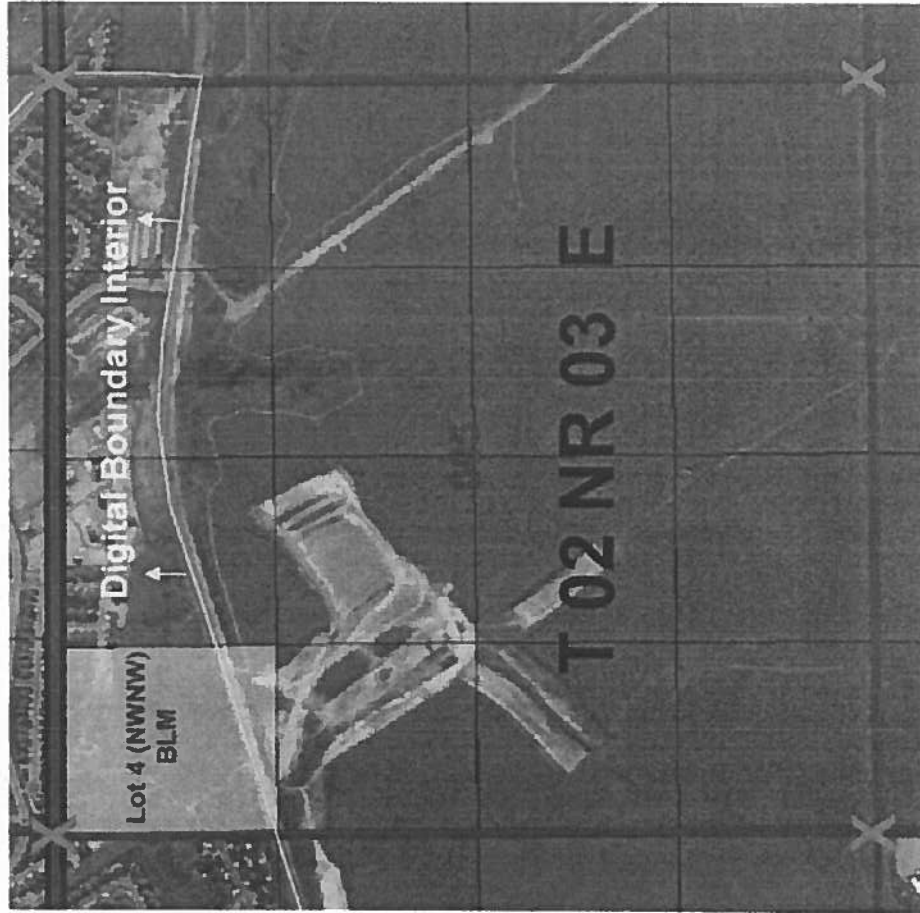
Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01E	14		NENW										

Place of Use Legal Description: AESTHETIC STORAGE ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01E	14		NENW										

Total Acres: 17.2

63-00147B, 63-02360, 63-31198, 63-31832, 63-31833

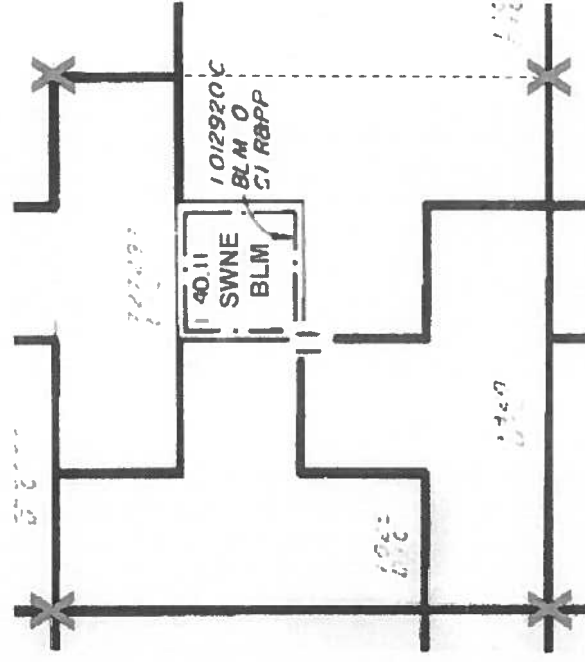
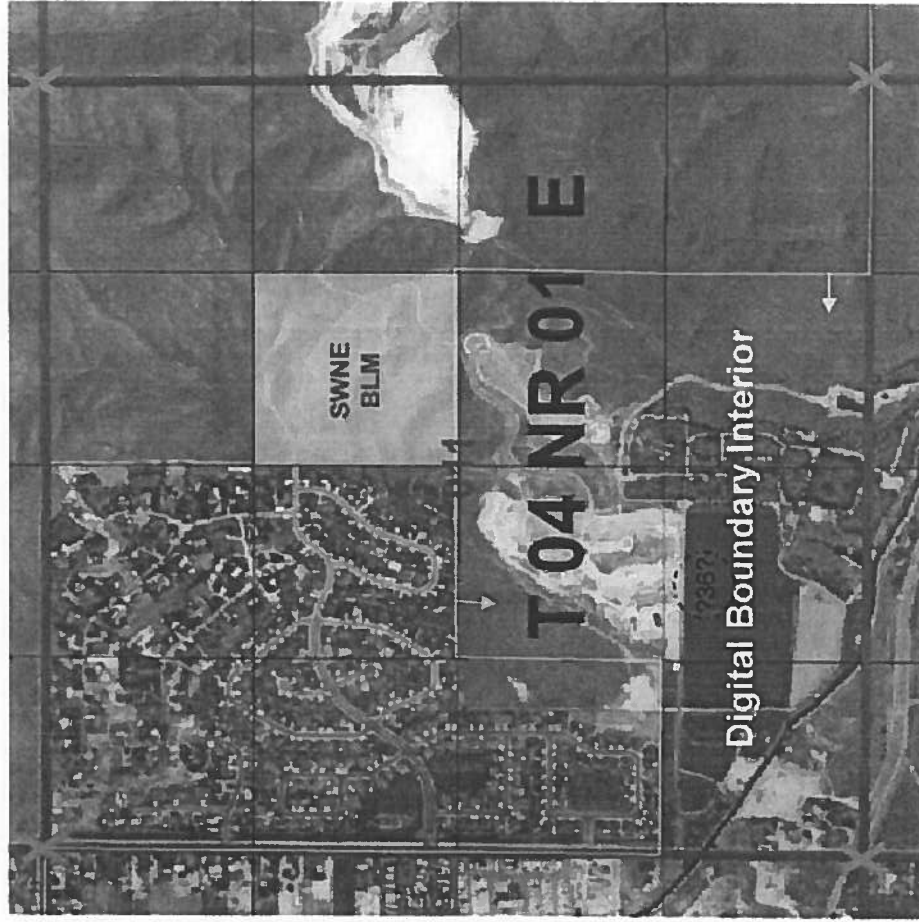


-Remove POU on BLM from data and adjust digital boundary accordingly

63-00147B, 63-02360, 63-31198, 63-31832, 63-31833



63-00147B, 63-02360, 63-31198, 63-31832, 63-31833



-Remove POU on BLM from data

TOWNSHIP 2 NORTH RANGE 3 EAST OF THE BOISE MERIDIAN, IDAHO

ADA COUNTY DOI

BOISE DISTRICT SEC. 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC.
1	1	1	1
2	1	1	2
3	1	1	3
4	1	1	4
5	1	1	5
6	1	1	6
7	1	1	7
8	1	1	8
9	1	1	9
10	1	1	10
11	1	1	11
12	1	1	12
13	1	1	13
14	1	1	14
15	1	1	15
16	1	1	16
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24	1	1	24
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26	1	1	26
27	1	1	27
28	1	1	28
29	1	1	29
30	1	1	30
31	1	1	31
32	1	1	32
33	1	1	33
34	1	1	34
35	1	1	35
36	1	1	36

MT 23872.1 Mt. Vista Trail
Historical information ref. data and details
public access

MT 34007 R/W Title Cable 5 Buried

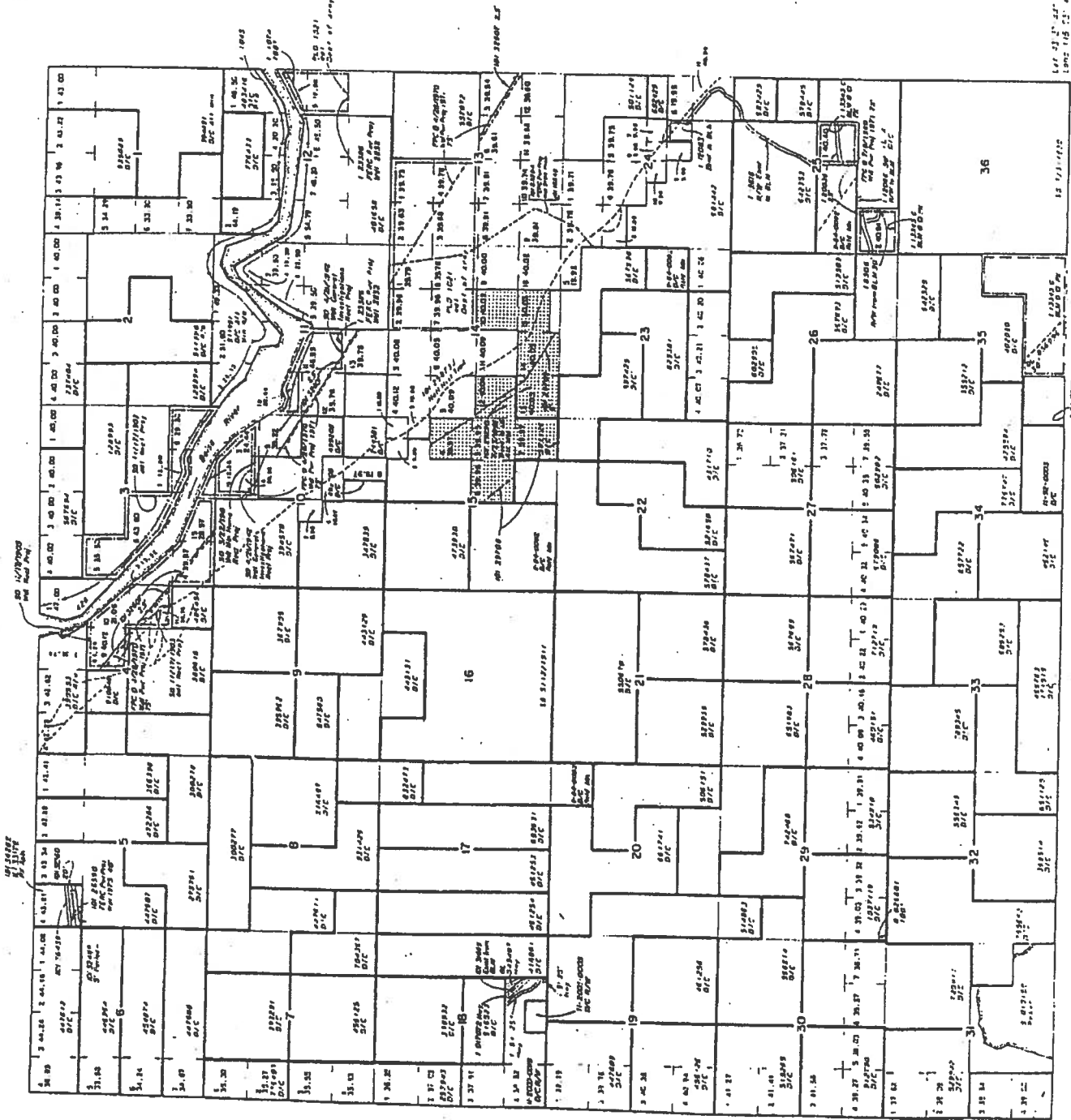
Sec 5: Within Lot 4

MT 33888 R/W Title 2.5

Sec 5: Within Lot 4

FOR OTHERS EFFECTIVE BEFORE OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

CONVEY TO	DATE
1.1.1	1.1.1
1.1.2	1.1.2
1.1.3	1.1.3
1.1.4	1.1.4
1.1.5	1.1.5
1.1.6	1.1.6
1.1.7	1.1.7
1.1.8	1.1.8
1.1.9	1.1.9
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1.1.91	1.1.91
1.1.92	1.1.92
1.1.93	1.1.93
1.1.94	1.1.94
1.1.95	1.1.95
1.1.96	1.1.96
1.1.97	1.1.97
1.1.98	1.1.98
1.1.99	1.1.99
1.1.100	1.1.100



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

ADA COUNTY 001
DISTANCE SEC 3

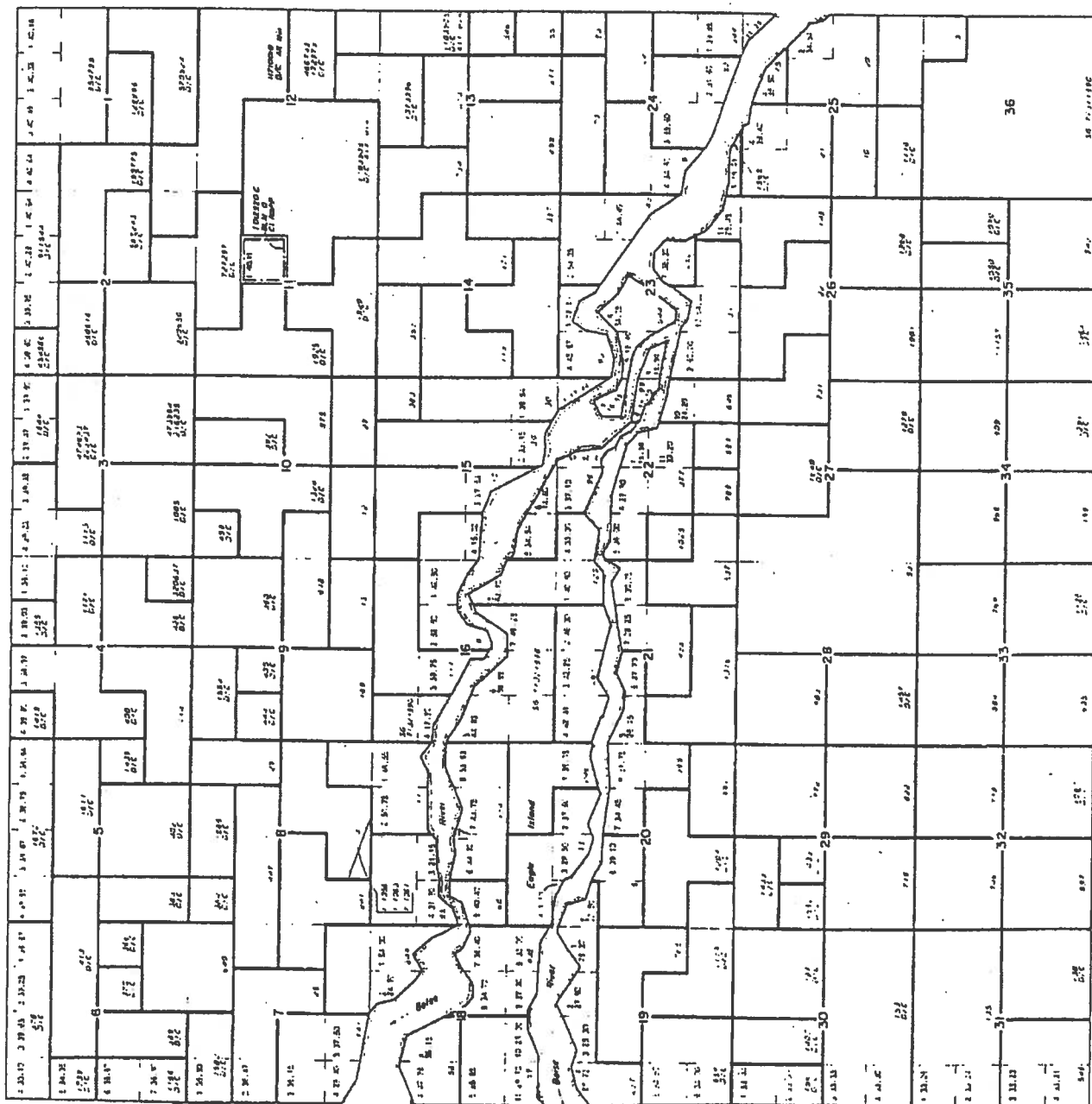
MT PLAT[illegible]

Survey Pending Group No 092
Partial TA

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
11.1	

USE PLATS:



This plot is the Bureau's Record of Tolls, and is used as a graphic display of the tolling cards between 40 and other toll charges which are collected by lateral movements of circles on wheels.

SCALE in Chinese

SCALE in Cents

Page 4

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Case No. 39576

(Insert water right number)

STANDARD FORM 1 OBJECTION

B. NAME AND ADDRESS OF PERSON OBJECTING

Name & Address of Attorney, if any:
Albert P. Barker, ISB # 2867
Paul L. Arrington, ISB # 7198
Barker Rosholt & Simpson, LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: 208-336-0700
Facsimile: 208-344-6034

Name Boise Valley Irrigation Ditch Co
Address: 8750 N Bogart Ln
Boise, ID 83714

COPY

OBJ. IS TO
AESTHETIC USE
PRIOR TO &
AFTER 4-1
TO 10-31 -
JUST WANT
LANGUAGE
CHANGED

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☒ **Period of Year**

Should be: Diversion for irrigation, aesthetic, aesthetic storage under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, as decreed in SRBA Case No. 39576.

9. ☐ **Place of Use**

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described.

E. **REASONS SUPPORTING EACH OBJECTION(S):** The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow injury to the objector's water rights and diminution of contract water reliability.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Twin Falls)

Paul L. Arrington, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection. know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 20, 2006.



Sharon Hart Strickland
Sharon Hart Strickland
Notary Public for: Idaho
Residing at: Gooding
My Commission Expires: 12-22-09

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 21, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

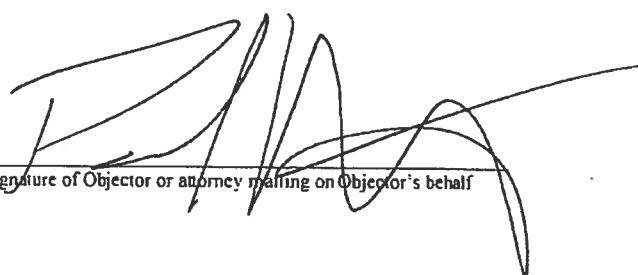
Name: Boise Valley Irrigation Ditch Co
Address: 8750 N Bogart Ln
Boise, ID 83714

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724


Signature of Objector or attorney mailing on Objector's behalf

RECEIVED

APR 25 2006

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 63-31832
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 378-5306 E.Gail McGarry

Name & Address of Attorney, if any:
David W. Gehlert ((303)844-1386)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS REPORT

Name: Boise Valley Irrigation Ditch Co

Address: 8750 N Bogart Ln.
Boise, ID 83714

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:

8. ☒ **Period of Year**

Should be: Diversion for irrigation, aesthetic, aesthetic storage under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, as decreed in SRBA Case No. 39576.

9. ☐ **Place of Use**
Should be:

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described.

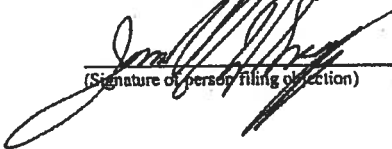
E. REASONS SUPPORTING EACH OBJECTION(S): The proposed language is intended to preserve the historical practice of allowing Reclamation's reservoirs to fill until April 1 and after October 31 if necessary.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

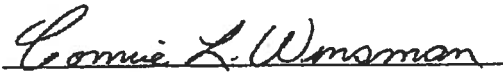
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

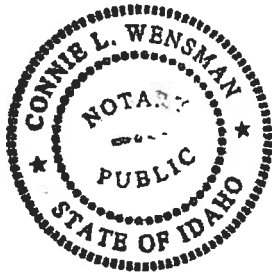
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:





Notary Public for: Idaho
Residing at: MERIDIAN
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 4-21, 2006 I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

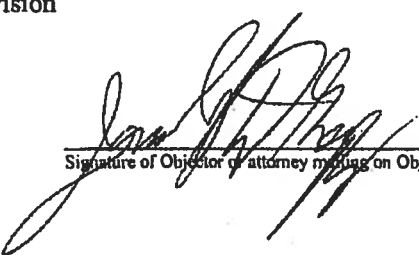
Name: Boise Valley Irrigation Ditch Co
Address: 8750 N Bogart Ln
Boise, ID 83714

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

STAN MATLOCK
853-0992

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31832 V1

WATER RIGHT NUMBER: 63-31832 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	RINGERT CLARK CHARTERED 455 S 3RD ST PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Current Owner	BOISE VALLEY IRRIGATION DITCH CO 8750 N BOGART LN BOISE, ID 83714 (208)853-5288

Priority Date: 06/01/1865

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
AESTHETIC	03/01 to 11/15	0.170 CFS	
AESTHETIC STORAGE	01/01 to 12/31		14.50 AF
IRRIGATION STORAGE	01/01 to 12/31		14.50 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		14.50 AF
IRRIGATION	03/01 to 11/15	49.340 CFS	10,251.50 AF
	<u>Total Diversion:</u>	49.510 CFS	10,266.00 AF

Location of Point(s) of Diversion

BOISE RIVER	NE1/4SE1/4NE1/4	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		

Place of Use

AESTHETIC Within ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE Within ADA County

T04N R01E S14 NENW

IRRIGATION STORAGE Within ADA County

T04N R01E S14 NENW

IRRIGATION FROM STORAGE Within ADA County

T04N R01E S14 NENW 17.2

Total Acres: 17.2

Corrected 544
Cond. for Boise
River to 545
prior to Aug. Dept.

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IRRIGATION Within ADA County

T02N R02E S01 Lot 1 NENE	T02N R02E S01 SENE
T02N R03E S05 Lot 4 NENE	T02N R03E S05 Lot 1 NWNE
T02N R03E S05 Lot 2 NENW	T02N R03E S05 Lot 3 NWNW
T02N R03E S06 Lot 4 NENE	T02N R03E S06 Lot 1 NWNE
T02N R03E S06 SWNE	T02N R03E S06 SENE
T02N R03E S06 Lot 2 NENW	T02N R03E S06 Lot 3 NWNW
T02N R03E S06 Lot 5 SWNW	T02N R03E S06 SENW
T03N R02E S36 SWSE	T03N R02E S36 SESE
T03N R03E S28 Lot 2 SWSW	T03N R03E S28 Lot 1 SESW
T03N R03E S29 NESE	T03N R03E S29 Lot 1 SESE
T03N R03E S31 NESW	T03N R03E S31 Lot 3 NWSW
T03N R03E S31 Lot 4 SWSW	T03N R03E S31 SESW
T03N R03E S31 NESE	T03N R03E S31 NWSE
T03N R03E S31 SWSE	T03N R03E S31 SESE
T03N R03E S32 NESW	T03N R03E S32 NWSW
T03N R03E S32 SWSW	T03N R03E S32 SESW
T03N R03E S32 NWSE	T03N R03E S32 SWSE
T03N R03E S32 SESE	T04N R01E S03 NESW
T04N R01E S03 SWSW	T04N R01E S03 SESW
T04N R01E S03 NWSE	T04N R01E S03 SWSE
T04N R01E S03 SESE	T04N R01E S04 Lot 4 NWNW
T04N R01E S04 SWNW	T04N R01E S04 SENW
T04N R01E S09 Lot 3 NENW	T04N R01E S10 NENE
T04N R01E S10 NWNE	T04N R01E S10 SWNE
T04N R01E S10 SENE	T04N R01E S10 NENW
T04N R01E S10 NWNW	T04N R01E S10 SWNW
T04N R01E S10 SENW	T04N R01E S10 NESW
T04N R01E S10 NWSW	T04N R01E S10 SWSW
T04N R01E S10 SESW	T04N R01E S10 NESE
T04N R01E S10 NWSE	T04N R01E S10 SWSE
T04N R01E S10 SESE	T04N R01E S11 SWNE
T04N R01E S11 SENW	T04N R01E S11 NESW
T04N R01E S11 SWSW	T04N R01E S11 SESW
T04N R01E S11 NESE	T04N R01E S11 NWSE
T04N R01E S11 SWSE	T04N R01E S12 NENE

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T04N R01E S12	NWNE	T04N R01E S12	SWNE
T04N R01E S12	SENE	T04N R01E S12	SENW
T04N R01E S12	NESW	T04N R01E S12	NESE
T04N R01E S12	NWSE	T04N R01E S13	SWNE
T04N R01E S13	SENE	T04N R01E S13	NENW
T04N R01E S13	NWNW	T04N R01E S13	SWNW
T04N R01E S13	SENW	T04N R01E S13	NESW
T04N R01E S13	NWSW	T04N R01E S13	SWSW
T04N R01E S13	SESW	T04N R01E S13	NESE
T04N R01E S13	NWSE	T04N R01E S13	SWSE
T04N R01E S13	SESE	T04N R01E S14	NENE
T04N R01E S14	NWNE	T04N R01E S14	SWNE
T04N R01E S14	SENE	T04N R01E S14	NENW
T04N R01E S14	NWNW	T04N R01E S14	SWNW
T04N R01E S14	SENW	T04N R01E S14	NESW
T04N R01E S14	NWSW	T04N R01E S14	SWSW
T04N R01E S14	SESW	T04N R01E S14	NESE
T04N R01E S14	NWSE	T04N R01E S14	SWSE
T04N R01E S14	SESE	T04N R01E S15	NENE
T04N R01E S15	NWNE	T04N R01E S15	SWNE
T04N R01E S15	SENE	T04N R01E S15	NESE
T04N R01E S15 Lot 1	SESE	T04N R01E S23	NENE
T04N R01E S23 Lot 2	NWNE	T04N R01E S23 Lot 1	SENE
T04N R01E S23 Lot 4	NWNW	T04N R01E S23 Lot 5	SWNW
T04N R01E S23 Lot 6	SENW	T04N R01E S23 Lot 7	NWSE
T04N R01E S24	NENE	T04N R01E S24	NWNE
T04N R01E S24	SWNE	T04N R01E S24	SENE
T04N R01E S24	NENW	T04N R01E S24	NWNW
T04N R01E S24	SWNW	T04N R01E S24	SENW
T04N R01E S24 Lot 3	NESW	T04N R01E S24 Lot 4	NWSW
T04N R01E S24	NESE	T04N R01E S24	NWSE
T04N R01E S24 Lot 2	SWSE	T04N R01E S24 Lot 1	SESE
T04N R01E S25 Lot 1	NESE	T04N R02E S18 Lot 3	NWSW
T04N R02E S18 Lot 4	SWSW	T04N R02E S18	SESW
T04N R02E S19	NENE	T04N R02E S19	NWNE
T04N R02E S19	SWNE	T04N R02E S19	SENE

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T04N R02E S19	NENW	T04N R02E S19 Lot 1 NWNW
T04N R02E S19 Lot 2 SWNW		T04N R02E S19 SENW
T04N R02E S19	NESW	T04N R02E S19 Lot 3 NWSW
T04N R02E S19 Lot 4 SWSW		T04N R02E S19 SESW
T04N R02E S19	NESE	T04N R02E S19 NWSE
T04N R02E S19	SWSE	T04N R02E S19 SESE
T04N R02E S20	SWSW	T04N R02E S29 NWNW
T04N R02E S29	SWNW	T04N R02E S29 NWSW
T04N R02E S29	SWSW	T04N R02E S29 SESW
T04N R02E S30	NENE	T04N R02E S30 NWNE
T04N R02E S30	SWNE	T04N R02E S30 SENE
T04N R02E S30	NENW	T04N R02E S30 Lot 5 NWNW
T04N R02E S30 Lot 4 SWNW		T04N R02E S30 SENW
T04N R02E S30 Lot 2 NESW		T04N R02E S30 NESE
T04N R02E S30	NWSE	T04N R02E S30 Lot 1 SWSE
T04N R02E S30	SESE	T04N R02E S31 Lot 1 NENE
T04N R02E S32	NWNE	T04N R02E S32 SWNE
T04N R02E S32	SENE	T04N R02E S32 NENW
T04N R02E S32	NWNW	T04N R02E S32 Lot 5 SWNW
T04N R02E S32 Lot 4 SENW		T04N R02E S32 Lot 3 NESW
T04N R02E S32	NESE	T04N R02E S32 Lot 2 NWSE
T04N R01W S01	SENE	T05N R01E S31 SESE
T05N R01W S32	SENE	T05N R01W S32 NESE
T05N R01W S33	SWNW	T05N R01W S33 NWSW
T05N R01W S34	NWNE	T05N R01W S34 SWNE
T05N R01W S34	SENE	T05N R01W S34 SENW
T05N R01W S34	NESW	

Total Acres: 2808.43

Conditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31832 V1

3. C18 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.
4. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
5. X56 The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY.
7. P21 This right is a split from former right 63-147.
8. THIS RIGHT IS DESIGNATED AS NO 15 IN THE BOISE RIVER WATER MASTER RECORDS AND THE STEWART DECREE.
9. X61 The period of use for irrigation, irrigation from storage and aesthetic uses described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. Irrigation, irrigation from storage and aesthetic uses before 3/15 are subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
10. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. Water is delivered through the Farmers Union and Boise Valley canals.
12. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
13. X36 Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 53-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
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Comments:

1. psdaggs 4/16/2004 11:40:52 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 71032
2. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
3. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
4. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
5. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
6. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
7. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
8. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
9. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
10. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
11. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	7/13/2004 8:08:04 AM	mschulte			Active
POD	7/13/2004 8:08:18 AM	mschulte			Active
Source	7/13/2004 8:08:33 AM	mschulte			Active
POU	7/13/2004 8:08:50 AM	mschulte			Active
Use	7/13/2004 8:09:08 AM	mschulte			Active
Season	7/13/2004 8:12:37 AM	mschulte			Active
Quantity	7/13/2004 8:13:23 AM	mschulte			Active
Summary			07/13/2004	mschulte	Active
POU	9/15/2004 10:25:28 AM	mschulte			Active
POU	9/15/2004 10:53:06 AM	mschulte			Active
POU	2/2/2005 11:28:43 AM	mschulte			Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31832 V1

Water Supply Bank:

RECEIVED

MAY 26 2005

WATER RESOURCES
WESTERN REGION

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 24, 2005

Water Right Number: 63-31832

BOISE VALLEY IRRIGATION DITCH CO.
8750 N. BOGART LN.
BOISE, ID 83714
Telephone Number: (208)853-3288

c/o

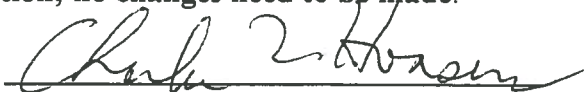
CHARLES L. HONSINGER
RINGERT CLARK CHARTERED
BOISE, ID 83701-2773
Telephone Number: (208) 342-4591

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
Place of Use
2. Describe the changes you wish to make in the proposed recommendation:
Change place of use from 2779.5 acres to 2822.83 acres
2808.43
3. Give a brief explanation as to why you disagree with these portions:
BVID erroneously did not include 28.93 acres in the place of use when discussing the same with IDWR.

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

DATE: 05/25/05

SIGNATURE:



Please print your name: Charles L. Honsinger

05/31/2005

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

RIGHT NUMBER: 63-31832

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 49.510 CFS
10,266.00 AFY

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

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION:

T03N R02E S5 NESENE Within ADA County

Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 53-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	03/01 11/15	0.170 CFS
AESTHETIC STORAGE	01/01 12/31	14.50 AFY
IRRIGATION STORAGE	01/01 12/31	14.50 AFY
IRRIGATION FROM STORAGE	03/01 11/15	14.50 AFY
IRRIGATION	03/01 11/15	49.340 CFS 10,251.50 AFY

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

The period of use for irrigation, irrigation from storage and aesthetic uses described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. Irrigation, irrigation from storage and aesthetic uses before 3/15 are subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION STORAGE Within ADA County

T04N R01E S14 NENW

AESTHETIC Within ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE Within ADA County

T04N R01E S14 NENW

17.2 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

State

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within

Water District No. 63.

The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.

This right is a split from former right 63-147.

THIS RIGHT IS DESIGNATED AS NO 15 IN THE BOISE RIVER WATER
MASTER RECORDS AND THE STEWART DECREE.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Water is delivered through the Farmers Union and Boise Valley canals.

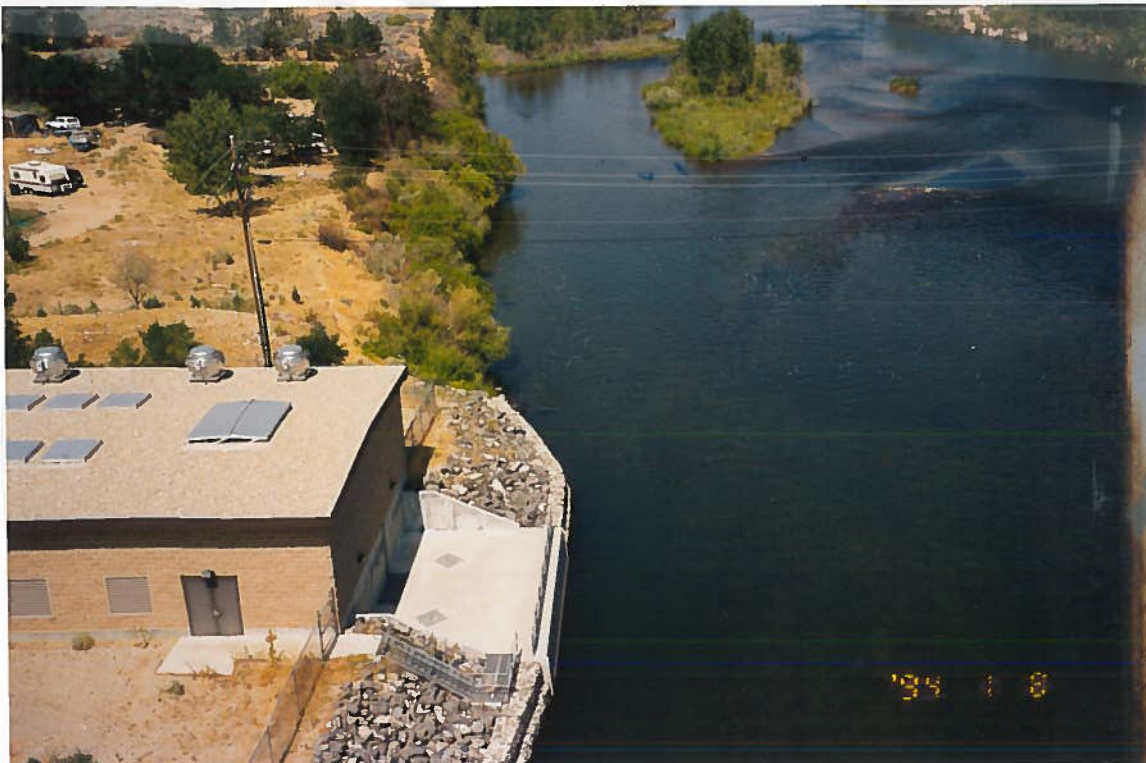
BOISE VALLEY IRRIGATION DITCH CO
PHOTOGRAPHS DATED 8/19/2002

PHOTO #1



**HEADGATE IN THE
FARMERS UNION
CANAL.**

PHOTO #2



**POINT OF DIVERSION
AND PUMP STATION IN
THE BOISE RIVER NEAR
THE HWY 21 BRIDGE
THAT SERVES THE
SIMPLIST COMPLEX AT
COLUMBIA VILLAGE**

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-31197 - Now 63-31832Owner: Bonnie Valley Irr. Ditch Co Phone No. See 63-147B

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☒ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: Stan Matlock**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 6-1-1865 = same as decreed

(If priority date, based on your exam, seems questionable, explain below.)

Source: Bonnie River Tributary to Snake River

- ☐ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			SE	NE	5	3N	2E	Ida	GPS

Description of diverting works

Concrete structure on the East bank of river, diverts to The Farmer's Union canal. A concrete headgate 1 1/4 miles downstream diverts water to the BVID Co. canal

OVERLAP REVIEW

Other water rights with the same point of diversion: see attached POD search

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

- ☐ No change
- ☐ Different Uses

Use Irrigation From 3-1 To 11-15 Amount 49.54 CFS _____ AFA _____

Use Aesthetics From 3-1 To 11-15 Amount .17 CFS _____ AFA _____

Use Irrigation + Aesthetic Storage From _____ To _____ Amount _____ CFS _____ AFA 14.5 AF

TOTAL VOLUME – Groundwater only NA

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☒ No change
- ☐ Changes Exam found: Domestic # of homes _____ Stock # _____
- Types _____ Additional comments: _____

PLACE OF USE:

- ☐ No Change
- ☒ Changes shown below:

2808.43

Limited to ~~2871.5~~ acres within the boundary of BVID. Co.			NE				NW				SW				SE				Totals
Place of Use																			
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: *The first 1 1/4 miles of canal carries BVID. Co. Farmers Union and Capital View Irr. Dist. water. Below the BVID diversion Farmers Union delivers 785 inches of Boise Valley's water to users within the Farmers Union delivery area and Capital*

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
NA					

FLOW MEASUREMENTS:

Conveyance loss estimates completed 4-7-03 - See Farmers Union file

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Split from 63-147 and designated as No. 15
T66743 added storage and aesthetic uses to the original right.
T70558 added the Boise Veterans Cemetery site to the boundary. These other transfers moved the POU east of the main delivery area to the Shakespeare, Simplot sites and for delivery within limited Wales service area. This right is the remainder and

primary decreed right for the company. See the
attached maps for additional information about
BVID Co's boundary and place of use.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Meel Schulte

BOISE VALLEY IRRIGATION DITCH CO.

ADDITIONAL INFORMATION ABOUT THE BOUNDARY AND PLACE OF USE.

The boundary and place of use for the Boise Valley Irrigation Ditch Co. is not a contiguous shape due the delivery systems and several transfers that moved water from their historical area of delivery to several locations. The largest place of use is approximately 2375 acres lying in the northwest Boise and east Eagle areas.

Boise Valley's water is diverted from the Boise River into the Farmers Union canal. About 1¼ miles downstream a head gate delivers water to the Boise Valley's own canal. The Farmer's Union canal continues to carry about 785 inches of Boise Valley water downstream from the head gate to Boise Valley shareholders. Some of the 785 shares are within the Boise Valley's historic boundary and some are further to the west within the Farmer' Union boundary. This split delivery system causes a fragmented boundary and place of use for Boise Valley that overlaps with the Farmer's Union Canal Co. boundary and place of use.

Several approved transfers have established points of diversion and places of use east of Boise that also contributed to the fragmentation of the company's boundary and place of use. Transfer 67107 moved 5.5 inches of water to irrigate 5.5 acres within a 30.9 acre parcel at the Shakespear Festival site. Approved transfer 71032 moved 10 inches of water to the Shakespear site to irrigate and additional 10 acres within the 30.9 acre parcel. Transfer 5119 was approved to move 3.97 cfs to irrigate 198.4 acres at the Simplot Sports Complex and common areas in Columbia Village. This water is diverted at a pumping station in the Boise River just upstream from the Hwy 21 bridge into a pipe line that serves the Micron plant, the Simplot Complex and United Water's proposed municipal station.

Below is a summary of the place of use acres for Boise Valley :

2375.1 acres	Within the main boundary
15.5 acres	Shakespear Festival site
198.4 acres	Simplot Complex
42.2 acres	Within the United Water service area
19.4 shares	Quong place of use
15.0 shares	Ada County landfill shares
16.0 shares	McCrae place of use
14.6 shares	Hanson place of use
12.97 shares	Moyle place of use
3.33 shares	Charlton place of use
1.0 shares	Canova place of use
43.33 shares	Buckhorn Estates place of use
14.6 shares	ACHD shares
37.0 shares	Veterans Cemetary irrigation

2808.43 acres Total acres irrigated within the boundaries of Boise Valley Irrigation Co.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31832 V1

WATER RIGHT NUMBER: 63-31832 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	RINGERT CLARK CHARTERED 455 S 3RD ST PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Current Owner	BOISE VALLEY IRRIGATION DITCH CO 8750 N BOGART LN BOISE, ID 83714 (208)853-5288

Priority Date: 06/01/1865

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
AESTHETIC	03/01 to 11/15	0.170 CFS	
AESTHETIC STORAGE	01/01 to 12/31		14.50 AF
IRRIGATION STORAGE	01/01 to 12/31		14.50 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		14.50 AF
IRRIGATION	03/01 to 11/15	49.340 CFS	10,251.50 AF
	<u>Total Diversion:</u>	49.510 CFS	10,266.00 AF

Location of Point(s) of Diversion

BOISE RIVER	NE1/4SE1/4NE1/4	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		

Place of Use

AESTHETIC Within ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE Within ADA County

T04N R01E S14 NENW

IRRIGATION STORAGE Within ADA County

T04N R01E S14 NENW

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31832 V1

1. Water is delivered through the Farmers Union and Boise Valley canals.
2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
4. C18 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.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
6. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. R65 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.
8. S44 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Anderson Ranch Reservoir, Arrowrock Reservoir, Lucky Peak Reservoir or Lake Lowell as decreed in SRBA Case No. 39576.
9. X36 Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 63-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.
10. X56 The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.
11. X61 The period of use for irrigation, irrigation from storage and aesthetic uses described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. Irrigation, irrigation from storage and aesthetic uses before 3/15 are subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Remarks:

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 15 IN THE BOISE RIVER WATER MASTER RECORDS AND THE STEWART DECREE.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2779.5 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31832 V1

3. Explanatory This right is a split from former right 63-147.

Comments:

1. psdaggs 4/16/2004 11:40:52 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 71032
2. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
3. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
4. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
5. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
6. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
7. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
8. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
9. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
10. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145
11. mcase 7/21/2004 POD
Comment: Correlated PODID 617594 from SpatialDataID 342577 to SpatialDataID 303145

Water Supply Bank:

63-31197 (10)
(10)

XII.

That the defendants JAMES L. GRAHAM, FRANK N. GRAHAM and WILLIAM GILBERT, be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on said river near the SE corner of NW 1/4 of NE 1/4, Sec. 21, T. 4 N. R. 1 E. B.M., for use upon Lots 2 and 3 in NW 1/4 NE 1/4 and NE 1/4 NW 1/4, and lot 1 in NE 1/4 of NE 1/4, Sec. 20, and lots 3 and 4 in N. 1/2 NW 1/4, Sec. 21, all in T. 4 N. R. 1 E. B.M., in the following amount and from the following date;
63 0144
220 inches, from June 1, 1865; and hereby designated as Right No. 12. And be adjudged to pay \$15.40 costs, in addition to the costs incurred by them.

XIII.

That the defendant the EUREKA WATER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river easterly of what is now the farm of William Simpson in Sec. 23, T. 4 N. R. 1 W. B.M., for use upon the lands lying under its canal system, in the following amount and from the following date;
63 0145 7-27-1865, 1064
1666 inches, from June 1, 1865; and hereby designated as Right No. 13. And be adjudged to pay \$116.62 costs, in addition to the costs incurred by it.

XIV.

That the defendant the NEW UNION DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river on Lot 2, Sec. 23, T. 4 N. R. 1 E. B. M., for use upon the lands lying under its canal system, in the following amount and from the following date;
63 0146
688 inches, from June 1, 1865; and hereby designated as Right No. 14. And be adjudged to pay \$48.16 costs, in addition to the costs incurred by it.

XV.

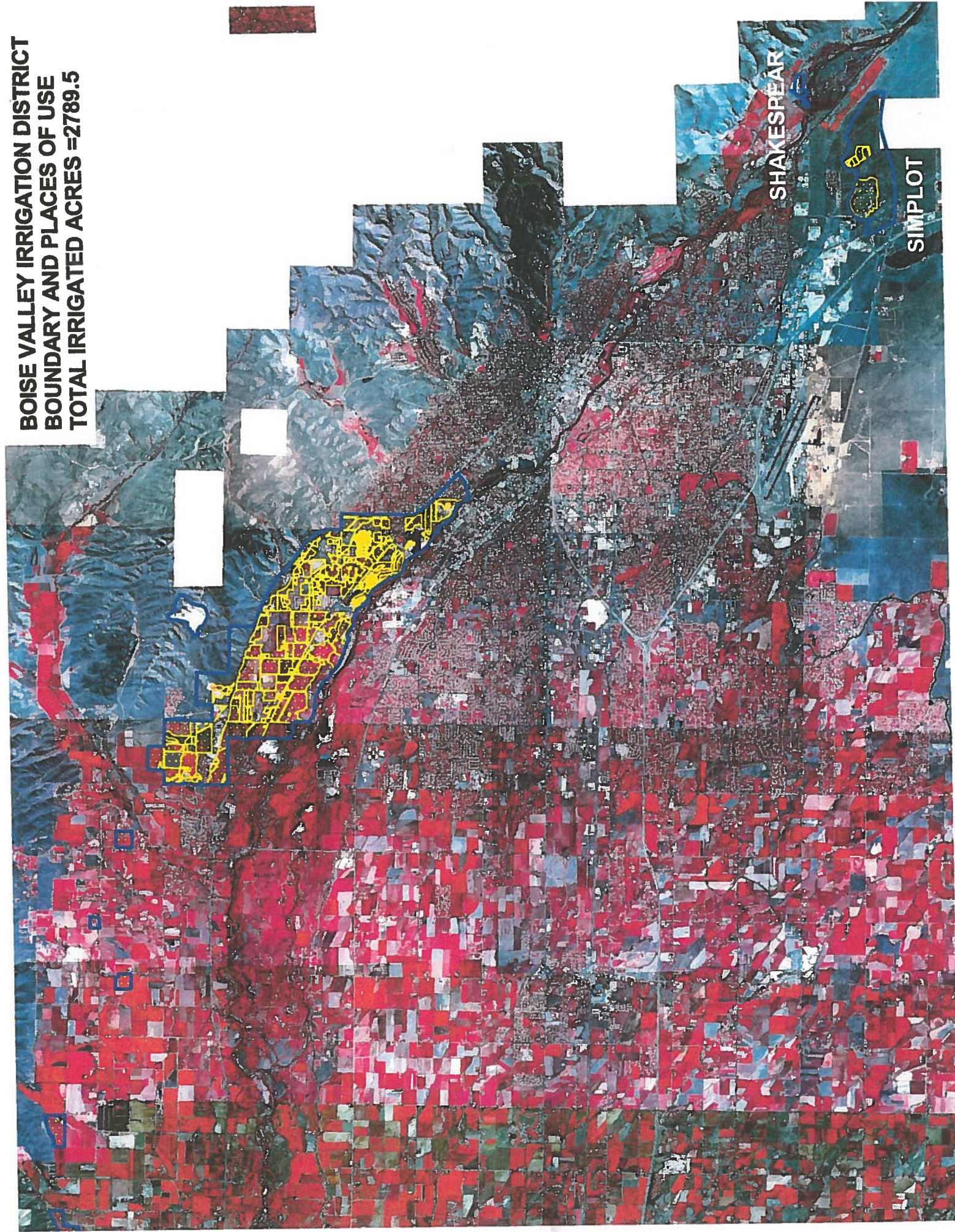
That the defendant the BOISE VALLEY IRRIGATION DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river at the head of the canal of defendant the Farmers' Union Ditch Company, and taken through said canal to the point of use, for use upon the lands lying under its canal system, in the following amount and from the following date;
2729 inches, from June 1, 1865; and hereby designated as Right No. 15. And be adjudged to pay \$191.03 costs, in addition to the costs incurred by it.

63 0147

JUN 21 1996

7 1982
1983

**BOISE VALLEY IRRIGATION DISTRICT
BOUNDARY AND PLACES OF USE
TOTAL IRRIGATED ACRES =2789.5**



63-147 reconciliation of splits

63-147 per T4381
54.58 cfs + 2542 ac.

-147A = 50.61 cfs + 2343.6 ac.

(A) -147B = 3.97 cfs + 198.4 ac.

T67019

C = 49.82 cfs

2301.4 ac

T67107

* $\rightarrow 31197 = 49.71 + 2295.9 ac$

$\rightarrow 31198 = .11 cfs + 5.5 ac.$

D = .79 cfs + 42.2 acres

Adjudication claims:

63-147B - 3.97 cfs

-147D = .79 cfs

-31197 = 49.71 "

31198 = .11

54.58 cfs

* AJ claim = 49.71 cfs + 2343.6 ac
and additional uses. (See
T66743)

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31197 V1

WATER RIGHT NUMBER: 63-31197 V1

Owner Type

Current Owner

Name and Address

BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE, ID 83703
(208)853-5288

Priority Date: 06/01/1865

Basis: Decreed

Status: Active

Source

BOISE RIVER

Tributary

SNAKE RIVER

*See T66743 for
conveyance loss and
added uses and
change in acres*

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

49.710 CFS

Annual Volume

10,331.60 AF

Total Diversion:

49.710 CFS

10,331.60 AF

Location of Point(s) of Diversion

BOISE RIVER

NE1/4SE1/4NE1/4

Sec. 5, Twp 03N, Rge 02E, B.M.

ADA County

Place of UseIRRIGATION Within ADA County

T04N R01E S03	SESW	29.0	T04N R01E S03	SWSE	10.0
T04N R01E S10	NENE	35.0 ✓	T04N R01E S10	NWNE	20.0 ✓
T04N R01E S10	SWNE	10.0 ✓	T04N R01E S10	SENE	30.0 ✓
T04N R01E S10	NESE	36.0 ✓	T04N R01E S10	NWSE	38.0 ✓
T04N R01E S10	SWSE	20.0 ✓	T04N R01E S10	SESE	10.0 ✓
T04N R01E S11	SWSW	25.0 ✓	T04N R01E S11	SESW	15.0 ✓
T04N R01E S11	NWSE	5.0 ✓	T04N R01E S11	SWSE	12.0 ✓
T04N R01E S13	SWNE	5.0 ✓	T04N R01E S13	SWNW	30.0 ✓
T04N R01E S13	SENE	20.0 ✓	T04N R01E S13	NESW	2.0 ✓
T04N R01E S13	NWSW	35.0 ✓	T04N R01E S13	SWSW	30.0 ✓
T04N R01E S13	SESW	23.0 ✓	T04N R01E S13	NESE	20.0 ✓
T04N R01E S13	NWSE	6.2 ✓	T04N R01E S13	SWSE	8.1 ✓
T04N R01E S13	SESE	25.0 ✓	T04N R01E S14	NENE	5.0 ✓
T04N R01E S14	NWNE	25.0 ✓	T04N R01E S14	SWNE	38.0 ✓
T04N R01E S14	SENE	38.0 ✓	T04N R01E S14	NENW	35.0 ✓
T04N R01E S14	NWNW	35.0 ✓	T04N R01E S14	SWNW	15.0 ✓
T04N R01E S14	SENE	18.3 ✓	T04N R01E S14	NESW	24.8 ✓
T04N R01E S14	NWSW	23.1 ✓	T04N R01E S14	SWSW	38.0 ✓
T04N R01E S14	SESW	32.0 ✓	T04N R01E S14	NESE	37.0 ✓
T04N R01E S14	NWSE	39.0 ✓	T04N R01E S14	SWSE	35.0 ✓
T04N R01E S14	SESE	38.0 ✓	T04N R01E S15	NENE	37.0 ✓
T04N R01E S15	SENE	38.0 ✓	T04N R01E S23	NENE	35.0 ✓
T04N R01E S23	NWNE	37.0 ✓	T04N R01E S23	SWNE	10.0 ✓
T04N R01E S23	SENE	31.0 ✓	T04N R01E S23	NESE	15.0 ✓
T04N R01E S24	NENE	7.0 ✓	T04N R01E S24	NWNE	38.0 ✓
T04N R01E S24	SWNE	35.0 ✓	T04N R01E S24	SENE	15.0 ✓
T04N R01E S24	NENW	35.0 ✓	T04N R01E S24	NWNW	32.5 ✓
T04N R01E S24	SWNW	29.5 ✓	T04N R01E S24	SENE	10.0 ✓
T04N R01E S24	NESW	25.0 ✓	T04N R01E S24	NWSW	39.0 ✓

T04N R01E S24	SWSW	10.0 ✓	T04N R01E S24	SESW	20.0 ✓
T04N R01E S24	NWSE	30.0 ✓	T04N R01E S24	SWSE	15.0 ✓

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31197 V1

T04N R01E S24	NWSE	30.0 ✓	T04N R01E S24	SWSE	15.0 ✓
T04N R01E S24	SESE	2.0 ✓	T04N R01E S25	NENE	20.0 ✓
T04N R02E S18	SWSW	20.0 ✓	T04N R02E S19	NENE	2.0 ✓
T04N R02E S19	NWNE	15.0 ✓	T04N R02E S19	SWNE	5.0 ✓
T04N R02E S19	SENE	5.0 ✓	T04N R02E S19	NENW	29.0 ✓
T04N R02E S19	NWNW	15.0 ✓	T04N R02E S19	SWNW	24.2 ✓
T04N R02E S19	SENE	28.0 ✓	T04N R02E S19	NESW	29.2 ✓
T04N R02E S19	NWSW	5.6 ✓	T04N R02E S19	SWSW	21.0 ✓
T04N R02E S19	SESW	35.0 ✓	T04N R02E S19	NESE	20.0 ✓
T04N R02E S19	NWSE	20.0 ✓	T04N R02E S19	SWSE	6.1 ✓
T04N R02E S19	SESE	35.0 ✓	T04N R02E S20	SWSW	35.0 ✓
T04N R02E S29	NWNW	15.0 ✓	T04N R02E S29	SWNW	20.0 ✓
T04N R02E S29	SWSW	25.0 ✓	T04N R02E S30	NENE	15.0 ✓
T04N R02E S30	NWNE	25.0 ✓	T04N R02E S30	SWNE	30.0 ✓
T04N R02E S30	SENE	20.4 ✓	T04N R02E S30	NENW	23.0 ✓
T04N R02E S30	NWNW	35.0 ✓	T04N R02E S30	SWNW	15.0 ✓
T04N R02E S30	SENE	17.0 ✓	T04N R02E S30	NESW	20.0 ✓
T04N R02E S30	NESE	2.4 ✓	T04N R02E S30	NWSE	25.0 ✓
T04N R02E S30	SESE	5.0 ✓	T04N R02E S31	NENE	3.0 ✓
T04N R02E S32	NENW	15.0 ✓	T04N R02E S32	NWNW	13.5 ✓
T04N R02E S32	SWNW	8.0 ✓	T04N R02E S32	SENE	31.0 ✓
T04N R02E S32	NESW	4.0 ✓	T04N R01W S01	NWNW	7.0
T04N R01W S01	SWNW	13.0 ✓	T05N R01W S33	SENE	15.0
T05N R01W S33	NESW	2.0			

Total Acres: 2295.9

Conditions of Approval:

1. X56 The portion of Right 63-31197 used for conveyance losses is 5.94 cfs.

Remarks:Comments:

1. TransferUser 4/10/2001 Approved Transfer
Comment: This right is a result of approved transfer.

2. DSHAFF 7/5/2001 Trans 67107

Comment: Although the description of this right from the Amended Transfer approval on 6-01-01 has the appearance of completed review, the subject of the amended approval was this part of the right was not a part of the transfer application and not subject to review for forfeiture by IDWR at the time of the transfer process. This right must be examined and evaluated as if the right had not been through a transfer process.

See T66743

Adjudication Claim Report 63-31197

AESTHETIC

AESTHETIC STORAGE

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31197

IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	14					X												

IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	3												29.0 L 0			10.0 L 0		39.0
04N	01E	10	35.0 L 0	20.0 L 0	10.0 L 0	30.0 L 0								36.0 L 0	38.0 L 0	20.0 L 0	10.0 L 0		199.0
04N	01E	11									25.0 L 0	15.0 L 0			5.0 L 0	12.0 L 0			57.0
04N	01E	13		5.0 L 0				30.0 L 0	20.0 L 0	2.0 L 0	35.0 L 0	30.0 L 0	23.0 L 0	20.0 L 0	6.2 L 0	8.1 L 0	25.0 L 0		204.3
04N	01E	14	5.0 L 0	25.0 L 0	38.0 L 0	38.0 L 0	35.0 L 0	35.0 L 0	15.0 L 0	18.3 L 0	24.8 L 0	23.7 L 0	38.0 L 0	32.0 L 0	37.0 L 0	39.0 L 0	35.0 L 0	38.0 L 0	476.8
04N	01E	15	37.0 L 0			38.0 L 0													75.0
04N	01E	23	35.0 L 0	37.0 L 0	10.0 L 0	35.0 L 0								15.0 L 0					132.0
04N	01E	24	7.0 L 0	38.0 L 0	35.0 L 0	15.0 L 0	35.0 L 0	32.5 L 0	35.0 L 0	10.0 L 0	25.0 L 0	39.0 L 0	10.0 L 0	20.0 L 0		30.0 L 0	15.0 L 0	15.0 L 0	361.5
04N	01E	25	20.0 L 0																20.0
04N	01W	1					7.0 L 0	13.0 L 0											20.0
04N	02E	18									20.0 L 0								20.0
04N	02E	19	2.0 L 0	15.0 L 0	5.0 L 0	5.0 L 0	29.0 L 0	15.0 L 0	30.0 L 0	28.0 L 0	30.0 L 0	8.6 L 0	21.0 L 0	35.0 L 0	20.0 L 0	20.0 L 0	6.1 L 0	35.0 L 0	304.7
04N	02E	20										35.0 L 0							35.0
04N	02E	29					15.0 L 0	20.0 L 0				25.0 L 0							60.0
04N	02E	30	15.0 L 0	25.0 L 0	30.0 L 0	20.4 L 0	30.0 L 0	35.0 L 0	15.0 L 0	25.0 L 0	20.0 L 0			2.4 L 0	25.0 L 0		5.0 L 0		247.8

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31197

04N 02E 31	3.0 L 0					3.0
04N 02E 32		15.0 13.5 8.0 31.0 4.0 L 0 L 0 L 0 L 0 L 0				71.5
05N 01W 33			15.0 2.0 L 0 L 0			17.0

Total Acres: 2343.6

DIVERSION TO STORAGE same as IRRIGATION FROM STORAGEConditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. R65 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.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:

1. Explanatory The portion of Right 63-31197 used for conveyance losses is 5.94 cfs.
2. General Approval of Transfer 66743 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
3. General Approval of Transfer 66743 is not a confirmation of the validity of this water right and does not preclude the opportunity for review in the ongoing Snake River Basin Adjudication.

Comments:

1. pskaggs 9/17/2001 1:54:24 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 66743

Dates and Other Information:

Claim Received Date: 7/10/2002
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-31197

RECEIVED

JUL 20 2001

WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

AS
7/25/01

West
Files

*63-147C**

*63-147D**

63-31197

*63-31198**

** Data Entry & Review*

IN THE MATTER OF TRANSFER)
NOS. 67019 AND 67107 IN THE)
NAME OF BOISE VALLEY)
IRRIGATION DITCH CO.)

PRELIMINARY ORDER WITHDRAWING
ORDERS APPROVING TRANSFERS AND
AMENDING TRANSFER APPROVALS

☐ Data Entry & Review
match "transf."
but further rev.
necessary

This matter having come before the Department of Water Resources (Department) as a result of the filing of a petition to correct certain transfer approvals, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On February 12, 2001, the Department issued an order approving Transfer No. ~~67019~~ in the name of Boise Valley Irrigation Ditch Co. The transfer changed the point of diversion and place of use for part of Water Right No. 63-147A, splitting the water right into nos. 63-147C and 63-147D. Prior to the transfer, Water Right No. 63-147A authorized 50.61 cfs and 10546.2 af for irrigation of 2343.6 acres. The transfer authorized a change in the point of diversion and place of use for 0.79 cfs and 190 af for irrigation of 42.2 acres under Water Right No. 63-147D. By subtraction, the irrigated acreage and corresponding diversion volume remaining for the un-transferred portion of Water Right No. 63-147A would be 2301.4 acres and 10356.3 af. The order approving the transfer provided for 49.82 cfs and 9872.1 af for irrigation of 2193.8 acres under Water Right No. 63-147C thereby reducing the irrigated acreage and diversion volume amounts by 107.6 acres and 484.2 af. The reduction was based on a forfeiture review by the Department for the place of use listed under Water Right No. 63-147A.
2. On April 10, 2001, the Department issued an order approving Transfer No. ~~67107~~ in the Name of Boise Valley Irrigation Ditch Co. The transfer changed the point of diversion and place of use for part of Water Right No. 63-147C, splitting the water right into nos. 63-31197 and 63-31198. The transfer authorized a change in the point of diversion and place of use for 0.11 cfs and 24.7 af for 5.5 acres within a 30.9 acre permissible place of use under Water Right No. 63-31198. The order approving the transfer provided for 49.71 cfs and 9847.4 af for irrigation of 2188.3 acres under Water Right No. 63-31197 for the un-transferred portion of Water Right No. 63-147C.
3. On April 26, 2001, the Department received a petition from Charles L. Honsinger, Attorney for Boise Valley Irrigation Ditch Co., asking the Department to reverse its decision to reduce

the acreage and volume elements of Water Right No. 63-147C and correct the approvals for Transfer Nos. 67019 and 67107 accordingly.

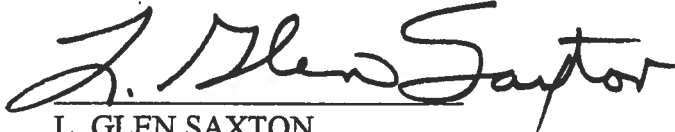
CONCLUSIONS OF LAW

1. The un-transferred portion of Water Right No. 63-147A should not have been subjected to a forfeiture reduction in the irrigated acreage and diversion volume amounts in the approval of Transfer No. 67019 because the un-transferred portion was not the subject of the transfer.
2. The Department should withdraw the order approving Transfer No. 67019 and issue an amended transfer approval to correct the irrigated acreage and diversion volume amounts to 2301.4 acres and 10356.3 af for Water Right No. 63-147C.
3. The Department should withdraw the order approving Transfer No. 67107 and issue an amended transfer approval to correct the irrigated acreage and diversion volume amounts to 2295.9 acres and 10331.6 af for Water Right No. 63-31197.

ORDER

IT IS HEREBY ORDERED that the order approving Transfer No. 67019 issued by the Department on February 12, 2001 and the order approving Transfer No. 67107 issued by the Department on April 10, 2001 are WITHDRAWN and AMENDED as set forth in the amended transfer approvals issued in conjunction with this order.

Dated this 1st day of June, 2001.



L. GLEN SAXTON
Chief, Water Allocation Bureau

Harris, Lori

From: Shurte, Jan
Sent: Wednesday, June 27, 2001 9:47 AM
To: Harris, Lori
Subject: FW: Order & Amended Transfer Approvals 67019 & 67107

Hi - I couldn't remember if I had forwarded this one or not. Jan

-----Original Message-----

From: Shaff, Don
Sent: Thursday, June 21, 2001 9:59 AM
To: Harris, Lori
Cc: Shurte, Jan
Subject: FW: Order & Amended Transfer Approvals 67019 & 67107

Here's one I had seen was ahead of you and did not forward until now.

Don

dshaff@idwr.state.id.us
208/327-7932

-----Original Message-----

From: Skaggs, Pam
Sent: Friday, June 01, 2001 2:31 PM
To: Shaff, Don
Subject: Order & Amended Transfer Approvals 67019 & 67107

Don,

An Order & Amended approvals were issued for Transfers 67019 & 67107. All the editing was done on the Word documents & updates will need to be made to the AJ records for 63-147C (T67019) &/or 63-31197 (a further split of 63-147C.) The Order & approvals changed the POU, acres & volume under this "unchanged" portions of the rights.

The approvals will be sent out & a copy sent to you.

Pam

RECEIVED

MAY 26 2005

WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson
Allyn L. Sweeney

William F. Ringert, of Counsel
Samuel Kaufman (1921-1986)

May 25, 2005

Mel Schulte
Idaho Department of Water Resources
Western Regional Offices
2735 Airport Way
Boise, ID 83705

Re: Notices of Error for Boise Valley Irrigation Ditch Company
Preliminary Recommendations

Dear Mel:

Enclosed please find Notices of Error for the preliminary recommendations of Boise Valley Irrigation Ditch Company's SRBA claims. I believe that the issues raised in the NOEs are easily resolvable. Please contact me upon your receipt of this correspondence so that we can discuss the same.

Sincerely,



Charles L. Honsinger

enclosures

cc: Boise Valley Irrigation Ditch Company

Called 5-31-05 and mailed a copy of the memo describing the 2808.43 acre POU.

↑

3-18700 - Capital V

T3N, R2E

Boise Valley from Headgate to BVIC ditch

Farmers Union Canal

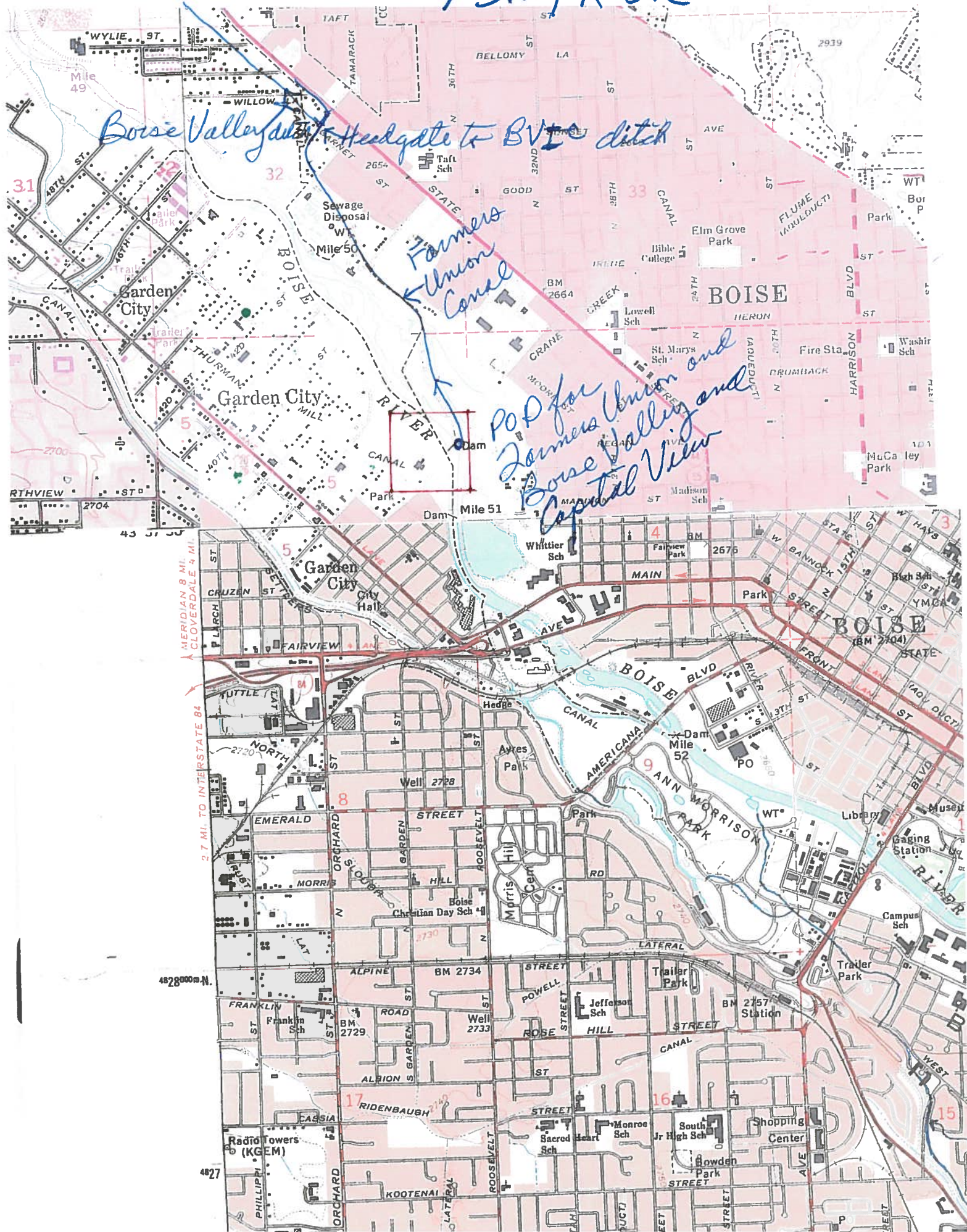
POD for Farmers Union and Boise Valley and Capital View

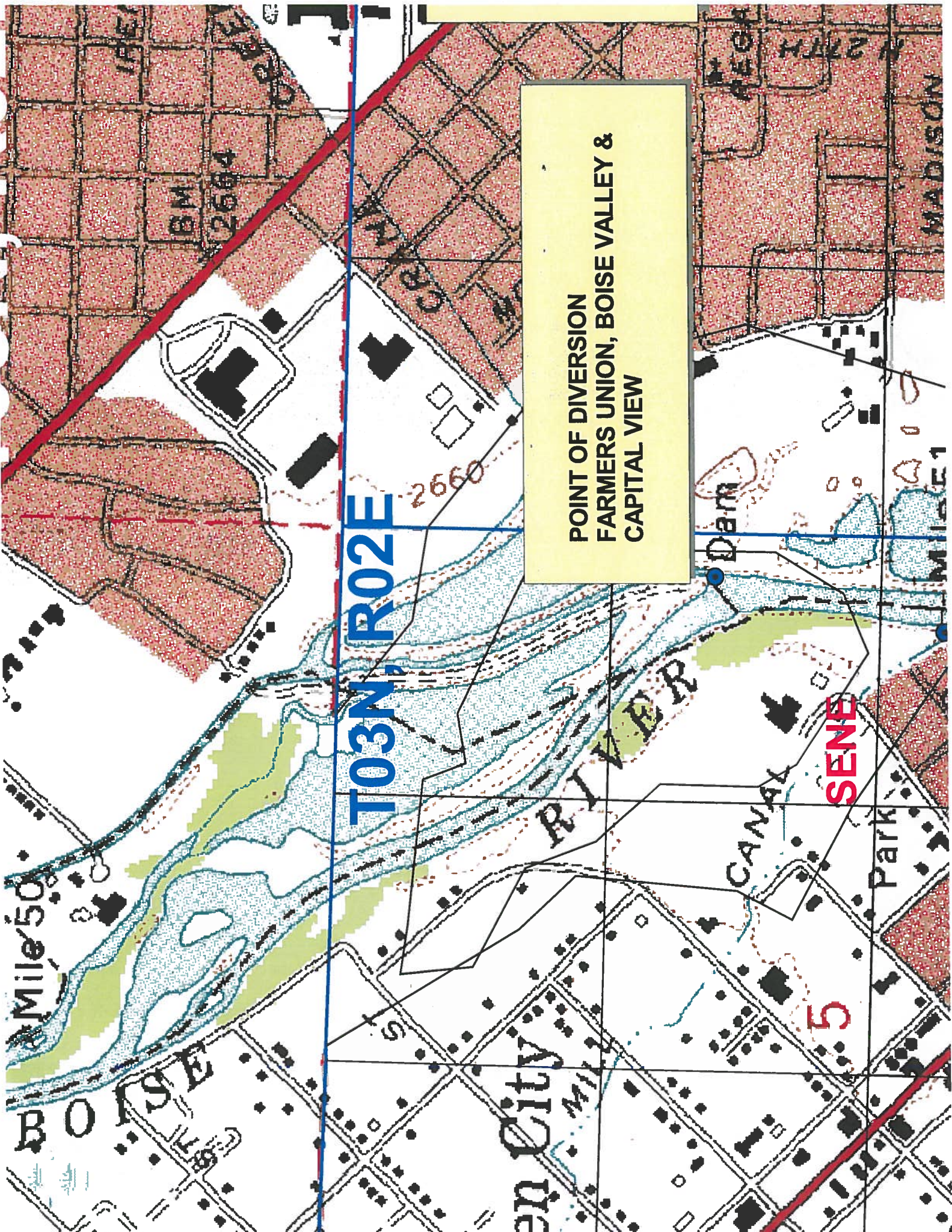
MERIDIAN 8 MI. CLOVERDALE 4 MI.

2.7 MI. TO INTERSTATE 84

4800825

4827





POINT OF DIVERSION
FARMERS UNION, BOISE VALLEY &
CAPITAL VIEW

T03N, R02E

SEN5

Mile 50

BOISE

en City

BOISE RIVER

CANAL

Park

MILE 1

MADISON

BM

2664

2660

DAM

BOISE VALLEY IRRIGATION DITCH CO

ADDITIONAL INFORMATION

DATE: MAY 31, 2005

BY: MEL SCHULTE

The primary contact is Stan Matlock, company president. (853-0992). The company secretary is Pauly Pierce (853-5288).

The company is represented by Ringert & Clark law office, Charley Honsinger.

The primary problem associated with Boise Valley Irrigation Ditch Co is their fragmented boundary and place of use. This problem was created by several approved transfers and the fact some of their water is delivered to several shareholders by Farmers Union ditch to an area far to the West of BVID main delivery area. See the attach memo that further explains this boundary and place of use issue.

The POD's for all of BVID's rights were established by GPS except two that were added by transfer 71032 at the Shakespeare Festival site.

MTS

BOISE VALLEY IRRIGATION DITCH CO.

ADDITIONAL INFORMATION ABOUT THE BOUNDARY AND PLACE OF USE.

The boundary and place of use for the Boise Valley Irrigation Ditch Co. is not a contiguous shape due the delivery systems and several transfers that moved water from their historical area of delivery to several locations. The largest place of use is approximately 2375 acres lying in the northwest Boise and east Eagle areas.

Boise Valley's water is diverted from the Boise River into the Farmers Union canal. About 1¼ miles downstream a head gate delivers water to the Boise Valley's own canal. The Farmer's Union canal continues to carry about 785 inches of Boise Valley water downstream from the head gate to Boise Valley shareholders. Some of the 785 shares are within the Boise Valley's historic boundary and some are further to the west within the Farmer' Union boundary. This split delivery system causes a fragmented boundary and place of use for Boise Valley that overlaps with the Farmer's Union Canal Co. boundary and place of use.

Several approved transfers have established points of diversion and places of use east of Boise that also contributed to the fragmentation of the company's boundary and place of use. Transfer 67107 moved 5.5 inches of water to irrigate 5.5 acres within a 30.9 acre parcel at the Shakespear Festival site. Approved transfer 71032 moved 10 inches of water to the Shakespear site to irrigate and additional 10 acres within the 30.9 acre parcel. Transfer 5119 was approved to move 3.97 cfs to irrigate 198.4 acres at the Simplot Sports Complex and common areas in Columbia Village. This water is diverted at a pumping station in the Boise River just upstream from the Hwy 21 bridge into a pipe line that serves the Micron plant, the Simplot Complex and United Water's proposed municipal station.

Below is a summary of the place of use acres for Boise Valley :

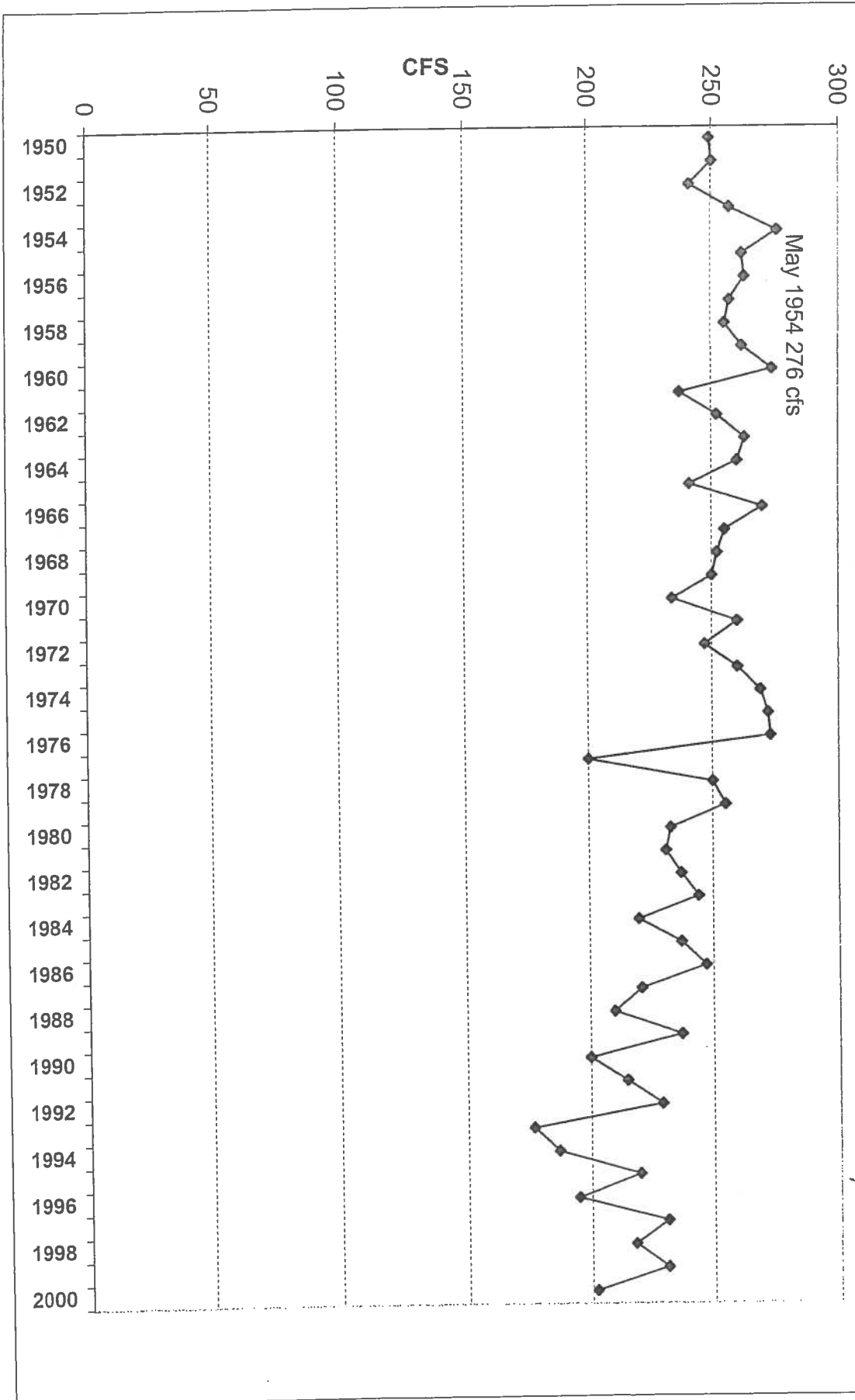
2375.1 acres	Within the main boundary
15.5 acres	Shakespear Festival site
198.4 acres	Simplot Complex
42.2 acres	Within the United Water service area
19.4 shares	Quong place of use
15.0 shares	Ada County landfill shares
16.0 shares	McCrae place of use
14.6 shares	Hanson place of use
12.97 shares	Moyle place of use
3.33 shares	Charlton place of use
1.0 shares	Canova place of use
43.33 shares	Buckhorn Estates place of use
14.6 shares	ACHD shares
37.0 shares	Veterans Cemetary irrigation

2808.43 acres	Total acres irrigated within the boundaries of Boise Valley Irrigation Co.
---------------	--

MAXIMUM MONTHLY DIVERSION 1950-2000

13205640 FARMERS UNION AND BOISE VALLEY CANALS

And Capital View



13205640 HISTORIC DIVERSION OF FARMERS UNION AND BOISE VALLEY CANALS (CFS)

W-YR	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ANN
1950	44	0	0	0	0	0	104	229	245	249	192	163	1227
1951	57	0	0	0	0	0	131	216	240	250	210	160	1265
1952	54	0	0	0	0	0	59	231	220	241	207	165	1176
1953	54	0	0	0	0	0	129	229	168	257	220	188	1245
1954	62	0	0	0	0	0	126	276	235	260	207	176	1343
1955	60	0	0	0	0	0	27	145	262	239	218	176	1127
1956	44	0	0	0	0	0	148	237	260	263	223	185	1361
1957	55	0	0	0	0	0	34	176	257	249	221	181	1173
1958	62	0	0	0	0	0	67	226	218	255	233	181	1243
1959	62	0	0	0	0	0	175	237	262	241	221	106	1304
1960	21	0	0	0	0	0	129	244	274	242	211	171	1294
1961	57	0	0	0	0	0	101	237	217	189	189	109	1099
1962	20	0	0	0	0	0	101	197	242	252	231	195	1237
1963	44	0	0	0	0	0	79	239	234	263	242	171	1273
1964	54	0	0	0	0	0	101	226	190	260	239	185	1255
1965	47	0	0	0	0	0	84	241	237	241	220	180	1249
1966	75	0	0	0	0	0	188	270	232	221	200	126	1312
1967	39	0	0	0	0	0	118	250	203	255	208	133	1207
1968	26	0	0	0	0	0	134	247	252	215	114	151	1140
1969	37	0	0	0	0	0	97	250	245	223	229	158	1241
1970	36	0	0	0	0	0	72	231	232	234	218	150	1173
1971	57	0	0	0	0	0	52	254	230	260	236	183	1272
1972	29	0	0	0	0	0	60	236	230	247	234	171	1209
1973	65	0	0	0	0	0	126	250	260	231	211	148	1292
1974	21	0	0	0	0	0	39	252	269	257	246	188	1272
1975	50	0	0	0	0	0	8	174	272	268	241	203	1217
1976	68	0	0	0	0	0	62	273	252	262	207	151	1275
1977	46	0	0	0	0	0	136	168	197	200	197	138	1080
1978	23	0	0	0	0	0	29	171	250	247	220	146	1085
1979	65	0	0	0	0	0	42	221	255	224	176	138	1122
1980	39	0	0	0	0	0	55	189	208	233	200	143	1067
1981	63	0	0	0	0	0	30	179	213	231	205	161	1083
1982	46	0	0	0	0	0	42	195	237	216	215	150	1100
1983	36	0	0	0	0	0	34	135	244	223	210	160	1040
1984	47	0	0	0	0	0	32	184	198	220	207	160	1047
1985	55	0	0	0	0	0	59	220	237	246	179	118	1077
1986	26	0	0	0	0	0	62	181	234	246	247	126	1121
1987	11	0	0	0	0	0	92	221	200	190	185	104	1005
1988	3	0	0	0	0	0	74	210	203	150	137	84	861
1989	13	0	0	0	0	0	24	216	237	213	185	134	1023
1990	46	0	0	0	0	0	84	184	173	200	151	108	945
1991	57	0	0	0	0	0	66	159	215	179	153	74	903
1992	33	0	0	0	0	0	77	229	155	109	102	97	803
1993	44	0	0	0	0	0	13	135	175	177	148	145	837
1994	50	0	0	0	0	0	133	187	187	172	171	143	1043
1995	62	0	0	0	0	0	50	163	220	215	182	161	1053
1996	59	0	0	0	0	0	39	145	195	189	172	151	949
1997	78	0	0	0	0	0	123	215	220	231	226	166	1259
1998	88	0	0	0	0	0	87	151	163	218	198	158	1064
1999	59	0	0	0	0	0	101	182	210	231	210	153	1145
2000	42	0	0	0	0	0	86	189	202	174	156	138	986
AVERAGE:													
1950-2000	47	0	0	0	0	0	81	210	225	226	201	151	1141

Idaho Dept. of Water Resources
Place of Use Comparison Report

Basin	Sequence	Suffix	Basin	Status	Priority Date	Rate(cfs)	Volume(ac)	Source	Water Use(s)	Owner(s)
63	16767		Beneficial Use	Active	9/10/1921	15.05		WASTE WATER	IRRIGATION	BOISE VALLEY IRRIGATION DITCH CO (Current)
63	1471B		Decreed	Active	1865-06-01	3.97	882.8	BOISE RIVER	IRRIGATION	BOISE VALLEY IRRIGATION DITCH CO (Current)
63	1471D		Decreed	Active	1865-06-01	0.79	190	BOISE RIVER	IRRIGATION	BOISE VALLEY IRRIGATION DITCH CO (Current)
63	31197		Decreed	Active	1865-06-01	49.71	10311	BOISE RIVER	AESTHETIC, AESTHETIC STORAGE, DIVERSION TO STORAGE	BOISE VALLEY IRRIGATION DITCH CO (Current)
63	31198		Decreed	Active	1865-06-01	0.11	24.7	BOISE RIVER	IRRIGATION	BOISE VALLEY IRRIGATION DITCH CO (Current)
63	2380		License	Active	7/19/1921	1.2		BOISE RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE	BOISE VALLEY IRRIGATION DITCH CO (Current)
63	3614E		License	Active	12/9/1940		961	BOISE RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE	BOISE VALLEY IRRIGATION DITCH CO (Current)
63	3618H		Permit	Active	1/1/1955		2500	BOISE RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE	BOISE VALLEY IRRIGATION DITCH CO (Current)

55.78 cfs without waste water

55.78 cfs = 2789 acres

2375.1 digested acres within main boundary - after transfers
2794 total acres (i.e. list of additional acres and shares
outside the main boundary)

Boise Valley POU areas

2395.1 = within main boundary

15.5ac = Lakespear Destrict (31198)

198.4ac = Airport Complex (147B)

42.2ac = United Water (147D)

19.4sh = Quona

15.0sh = Old City

16.0sh = McFae

14.6sh = Hanson

12.97sh = Moyle

3.33sh = Charlton

1.0sh = Canova

14.4sh = Buckhorn Estates

14.6sh = ACHD

37.0sh = Veterans Cemetery

2779.5

10:07 PM

11/24/03

Boise Valley Irrigation Ditch Co. Customer Contact List November 24, 2003

Customer	Phone	Bill to	Shares	Lateral
ARNOLD, LANCE & SHARON	939-2922	ARNOLD, LANCE & SHARON 8730 HORSESHOE B...	.62	36
BALDWIN, MARLIN & DARLE...	939-0797	BALDWIN, MARLIN & DARLEEN 9801 ARNOLD RD...	.93	36
BALDWIN, VELMA		BALDWIN, VELMA 9999 ARNOLD RD BOISE ID 83...	1.24	36
BARGMANN, SUSAN	939-4671	BARGMANN, SUSAN 9820 SHIELDS AVE BOISE I...	.61	36
BEELER, WM R	853-5109	BEELER, WM R 7302 GARDNER BOISE ID 83714	1/3	36
BLACK, TINA	384-0553	BLACK, TINA 1000 S CURTIS BOISE ID 83705	0.62	36
BLANC, ROBERT K	939-1826	ROBERT BLANC 10233 W ARNOLD RD BOISE ID ...	1	36
BLANTON, RODNEY & MOLLY	384-0345	BLANTON, RODNEY & MOLLY 1700 N. 20th BOISE ...	0.60	36
BLESSINGER, MYRLE & OLGA		BLESSILNGER, MYRLE & OLGA 10158 UTAHNA R...	0.93	36
BROWN, LARRY	853-0739	BROWN, LARRY 10242 UTAHNA RD BOISE ID 837...	0.31	36
CAMBELL, TREY	939-0728	CAMBELL, TREY 10095 ARNOLD RD BOISE ID 83...	0.62	36
CARMAN, CLAYTON & BARB...	939-2475	CLAYTON & BARBARA CARMAN 9755 SHIELDS A...	0.50	36
CHRISTENSEN, JACK	853-2256	CHRISTENSEN, JACK 9724 UTAHNA RD BOISE I...	0.30	36
COLE, MATT & CHETTIE	853-1583	COLE, MATT & CHETTIE 9751 UTAHNA RD BOISE...	1.94	36
CUNNINGHAM, FERN	853-3158	CUNNINGHAM, FERN 9815 UTAHNA RD BOISE ID...	1.24	36
CUNNINGHAM, K A		CUNNINGHALM, K A 9798 ARNOLD RD BOISE ID ...	1.86	36
DABELL, KATHERINE	343-6857	KATHERINE DABELL 3705 FORSYTHIA BOISE ID...	0.62	36
DAVISON, GERALD & ANN	376-2844	DAVISON, GERALD & ANN P O BOX 140791 BOIS...	2.17	36
DIETRICH, MATT OR FAITH	938-3741	MATT DIETRICH 9740 SHIELDS AVE BOISE ID 83...	.61	36
DRESIE, MICHAEL	939-6977	DRESIE, MICHAEL 10400 ARNOLD RD BOISE ID 8...	0.62	36
DUNBAR, MAXINE	853-1240	DUNBAR, MAXINE 10008 MAYMIE RD BOISE ID 83...	1.86	36
ECHAVARRIA, FLOREN	939-6964	ECHAVARRIA, FLOREN 9876 ARNOLD RD BOISE I...	0.62	36
FRIEND, CLAY & NANCY	939-6443	CLAY & NANCY FRIEND 10030 ARNOLD RD BOISE...	.62	36
FRIEND, LARRY	939-6960	LARRY FRIEND 10155 ARNOLD RD BOISE, ID 83714	.75	36
GASKELL, ROBERT W	853-1443	GASKELL, ROBERT W 7672 GARDENER LN BOIS...	1.24	36
GIVENS, JACK H	939-1208	GIVENS, JACK H 10274 W. SHIELDS AVE BOISE I...	5	36
HOLDEN, MARGO	853-7640	HOLDEN, MARGO 7468 GARDEN ST BOISE ID 83...	0.93	36
HOLMES, DORIS	939-7170	HOLMES, DORIS 23414 FREEZEOUT RD CALDWE...	1.24	36
HUFF, CYNDA	939-0820	Cynda Huff 9797 SHIELDS AVE BOISE ID 83714	0.50	36
HUMPHREYS, HELEN	853-9143	HUMPHREYS, HELEN L 9954 UTAHNA BOISE ID 8...	0.95	36
JENSEN, ALONZO JAY & MARY	939-0050	JENSEN, ALONZO JAY & MARY 10050 SHIELDS A...	0.62	36
JONES, BART & CHERYL	939-5241	Bart & Cheryl Jones 10031 ARNOLD RD BOISE ID ...	0.62	36
JONES, PAULINE	939-8022	JONES, PAULINE 9665 ARNOLD RD BOISE ID 83714	1.24	36
LARSON, LOUIE S	938-4527	LOUIE S LARSON 10234 W ARNOLD RD BOISE I...	.62	36
LEIDING, JERRY		LEIDING, JERRY 9924 UTAHNA BOISE ID 83714	0.93	36
LOWRY, LANA & LYNN JONES	939-8032	LOWRY, LANA OR JONES, LYNN % DOUG EISEN...	0.61	36
MAESTAS, DOUGLAS & SHE...	939-1654	MAESTAS, DOUGLAS & SHERRY 10301 ARNOLD ...	0.62	36
MILLER, TERRY & JENNIFER	853-2893	MILLER, TERRY & JENNIFER 10195 MAYMIE RD B...	1.24	36
MOENCH, EVERETT & VICKIE	939-4865	MOENCH, EVERETT & VICKIE 10000 SHIELDS AV...	0.62	36
MYERS, LEON	939-6727	MYERS, LEON 9833 ARNOLD RD BOISE, ID 83714	1.24	36
NEY, ROBERT & LISA		NEY, ROBERT & LISA % STEVEN OR MARY FRIE...	0.62	36
RADFORD, VEE & EVA	939-6386	RADFORD, VEE & EVA 10300 ARNOLD RD BOISE ...	0.62	36
RAMSEY, FRANK	789-7274	RAMSEY, FRANK 2114 RADCLIFF RD JUNEAU AK...	0.31	36
RITCHIE, BRUCE & SHIRLEY		Bruce & Shirley Ritchie 9958 SHIELDS AVE BOISE ...	1.24	36
RYAN, MICHAEL, JUDITH, MA...	939-1360	RYAN, MICHAEL, JUDITH MARK OR LURA 9731 SH...	0.62	36
RYBKA, BERNICE	939-6398	Bernice Rybka 9903 SHIELDS BOISE ID 83714	1.24	36
SALUTREGUI, RICARDO	939-0089	SALUTREGUI, RICARDO 9966 ARNOLD RD BOISE...	1 1/2	36
SCOTT, WALTER & PEGGY		SCOTT, WALTER & PEGGY 9689 SHIELDS AVE B...	0.62	36
SHERER, DOROTHY	344-2655	SHERER, DOROTHY 2625 REGAN BOISE ID 83702	0.31	36
SKOGERSON, LORI	327-0498	SKOGERSON, LORI 7609 CAMBRIDGE BOISE ID 8...	0.46	36
SMITH, JESSIE JR	853-0391	SMITH, JESSIE JR 10168 MAYMIE RD BOISE ID 83...	0.31	36
STRATE, LISA		STRATE, LISA 9680 UTAHNA BOISE ID 83714	0.31	36
THORNOCK, WM & PHYLIS	853-2335	THORNOCK, WM & PHYLIS 7500 GARDNER LN B...	.62	36
TITUS, CHARLES	939-6986	Charles Titus 10257 Shield Ave BOISE ID 83714	1.24	36
WHEELER, ALTA	939-6661	Alta Wheeler 10252 ARNOLD RD BOISE ID 83714	0.62	36
WILSON, ANNIE		Annie Wilson 10190 SHIELDS AVE BOISE ID 83714	1	36
WORKMAN, ROBERT, & Lyla	939-8474	WORKMAN, ROBERT, & Lyla 10154 ARNOLD RD...	1.24	36

RECEIVED

DEC 01 2003

WATER RESOURCES
WESTERN REGION

52.62

Part of 2010 plan

Basin Number	Sequence Num	Spillsuffix	Original Name	Agency
63	✓ 147D		BOISE VALLEY IRRIGATION DITCH C	Mel
63	✓ 147B		BOISE VALLEY IRRIGATION DITCH C	Mel
63	✓ 2360		BOISE VALLEY IRRIGATION DITCH C	Mel
63	✓ 16767		BOISE VALLEY IRRIGATION DITCH C	Mel
63	✓ 31197		BOISE VALLEY IRRIGATION DITCH C	Mel
63	✓ 31198		BOISE VALLEY IRRIGATION DITCH C	Mel
	~~3614C~~	?		
	~~3618H~~	?		

W.D. Competing claims to Anderson storage right

BVID Co.

8-19-02

Stan Matlock, Pres.

8633 Bogart Lane

83703

853-0992.

Simple soccer fields
and the Shakespear theatre
should be included in the
boundary map for BVIC

Page 1

Copies of decrees
+ reconcile
splits & transfers



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

JUNE 6, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BOISE VALLEY IRRIGATION DISTRICT CO
8633 BOGART LANE
BOISE, ID 83703

Re: Snake River Basin Adjudication (SRBA) claims review

We are currently reviewing the water right claims filed in the SRBA by all ditch companies and irrigation districts in Ada County prior to preparing our recommendations to the SRBA court. Your claims are part of this review process.

One of the end products resulting from the review process mentioned above will be a map for your organization that will include the land irrigated by your water rights and the outer perimeter boundary of the places of use. You may have already reviewed the boundary and place of use for your water rights with an employee of the department. However, if you have not recently reviewed and returned a map to us please call me at the number below as soon as possible. Establishing the most accurate boundary and place of use for your water rights is a very important initial step in our review process.

The total amount of water we will recommend for your water rights will be based on the standard of one inch (0.02 cubic foot per second) per acre for the actual acres irrigated with your water rights as described in your boundary map. However, it is possible to have additional water for delivery loss within your ditch system and additional water for lands that require more water due to the nature of the soils. We might need additional information from you to quantify the amount of water needed for delivery loss within your canal and ditch system. We might also need from you additional data to support and quantify any excess water in addition to one inch per acre for irrigation that might be necessary.

It is our plan to prepare recommendations for your SRBA claims during the summer of 2003. In order to prepare the most accurate recommendations it's imperative that the boundary and place of use map for your organization be completed before we proceed.

If you need additional information or want to discuss these matters in more detail please call me at the number below.

Cordially,

Mel Schulte
Sr. Water Right Agent
208-334-2190

RECEIVED

APR 28 2003

Department of Water Resources

BOISE VALLEY IRRIGATION DISTRICT, IDAHO

3750 N. BOGART LANE

BOISE, ID 83704

April 22, 2003

RECEIVED

JUL 20 2004

WATER RESOURCES
WESTERN REGION

The Date ^{DW} ~~for~~
Dept. of Water Resources
3301 N. Cleveland
Boise, ID 83704

Re: Boise Valley

Boise Valley Irrigation District has a problem with developers purchasing land on laterals and not using the irrigation water.

After purchasing the property they sell the water shares so they do not have to use it on the development. This can cause the water users on the lateral to be short on water and could in some cases cause an irrigation water to operate the lateral.

Boise Valley would like to require the developers to use the irrigation water on the subdivision. The objection to this is they do not have continual use. All users operate on a rotation schedule.

Boise Valley would like to adopt a system similar to the Gary Lane Meadows Homeowner open park area, which we worked with Idaho Water Resources in obtaining water shares and assigning the share to the nearest lateral for recharge so they could pump from a shallow well or sump.

Boise Valley District would like to be able to require developers to keep the irrigation water in the lateral for ground water recharge and in turn be able to pump from a shallow well or sump at 10'-12'.

The majority of Boise Valley area has a high water table.

We would like for the developers to be able to install pumps in a well consisting of concrete pipe stacked on top to each other in a place deeper than 12'. This can be excavated with a backhoe and back filled with sand.

Although different in design this would be no different than Gary Lane Meadows or the Opuntia source field, who pump from a pond 12' to 15' deep.

GPS readings

#809 Boise City Canal
above golf course = 321124
276610

#810 Downstream ranney
325637
278495

811 324449 = Upstream ranney
279812

#812 Boise Valley

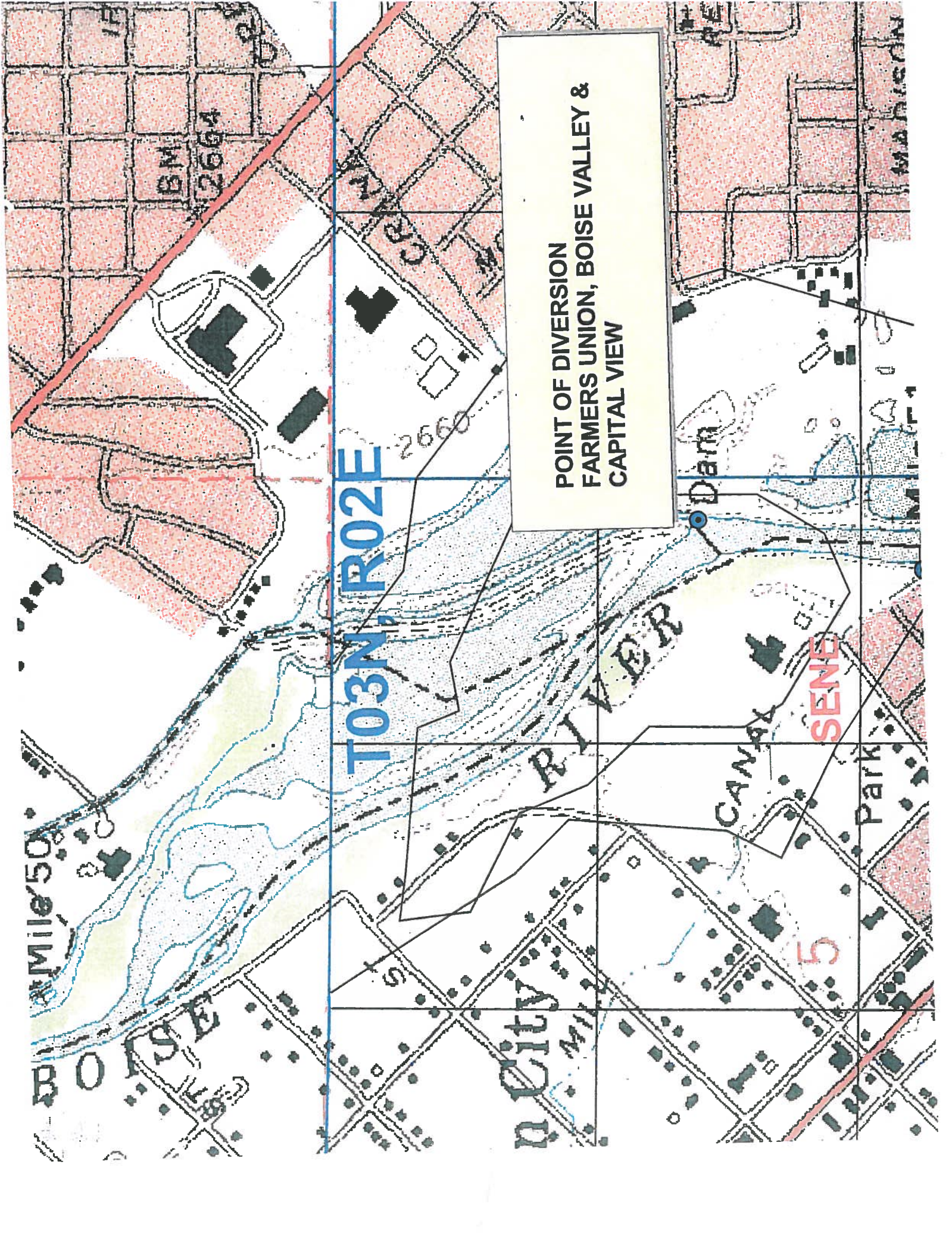
Ar. Kasper = 324512
279728

813 Simplot 329160
275631

POD search 3N, 2E, S6, SENE

853-0990

Source No.	Source Name	Source Type	Source ID	Source Date	Source Loc	Water Use Loc	Source Loc	Source Date	Source Loc	Source Type	Source ID
63	120G	Decreed	Active	303511	1884-06-01	1.8 BOISE RIVER	IRRIGATION	FARMERS UNION DITCH CO LTD (Current)	wrAdjudicationClaim		
63	123C	Decreed	Active	303512	1884-06-01	2.0 BOISE RIVER	IRRIGATION	FARMERS UNION DITCH CO LTD (Current)	wrAdjudicationClaim		
63	123D	Decreed	Active	549018	1884-06-01	0.52 BOISE RIVER	IRRIGATION	EAST HILLS DEVELOPMENT LLC (Current)	wrAdjudicationClaim		
63	124Q	Decreed	Active	303513	1871-06-01	0.1 BOISE RIVER	IRRIGATION	FARMERS UNION DITCH CO LTD (Current)	wrAdjudicationClaim		
63	125J	Decreed	Active	303514	1871-06-01	0.28 BOISE RIVER	IRRIGATION	FARMERS UNION DITCH CO LTD (Current)	wrAdjudicationClaim		
63	126F	Decreed	Active	303515	1891-06-01	0.08 BOISE RIVER	IRRIGATION	FARMERS UNION DITCH CO LTD (Current)	wrAdjudicationClaim		
63	164E	Decreed	Active	303516	1866-06-01	1.8 BOISE RIVER	IRRIGATION	FARMERS UNION DITCH CO LTD (Current)	wrAdjudicationClaim		
63	165M	Decreed	Active	303517	1866-06-01	1.69 BOISE RIVER	IRRIGATION	FARMERS UNION DITCH CO LTD (Current)	wrAdjudicationClaim		
63	192	Decreed	Active	281415	1876-06-01	2.3 BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH CO LTD (Current)	wrAdjudicationClaim		
63	198AG	Decreed	Active	303518	1877-06-01	3.12 BOISE RIVER	IRRIGATION	FARMERS UNION DITCH CO LTD (Current)	wrAdjudicationClaim		
63	216C	Decreed	Active	345922	1889-06-01	1.2 BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH CO LTD (Current)	wrAdjudicationClaim		
63	248	Decreed	Active	303521	1894-07-01	110 BOISE RIVER	IRRIGATION	FARMERS UNION DITCH CO LTD (Current)	wrAdjudicationClaim		
63	297	Decreed	Active	303523	1894-07-01	54.46 BOISE RIVER	IRRIGATION	FARMERS UNION DITCH CO LTD (Current)	wrAdjudicationClaim		
63	2860	License	Active	277959	1884-06-01	1.2 BOISE RIVER	IRRIGATION	BOISE VALLEY IRRIGATION DITCH CO (Current)	wrAdjudicationClaim		
63	2837A	License	Active	344742	1884-06-01	2.23 DRAIN	IRRIGATION	WARM SPRINGS DITCH CO LTD (Current)	wrAdjudicationClaim		
63	2832	License	Active	288901	27/11/1952	15 GROUND WATER	MUNICIPAL	UNITED WATER IDAHO INC (Current)	wrAdjudicationClaim		
63	2895	License	Active	309108	1884-06-01	1.5 GROUND WATER	MUNICIPAL	CITY OF GARDEN CITY (Current)	wrAdjudicationClaim		
63	3613A	License	Active	560597	1884-06-01	BOISE RIVER	IRRIGATION FROM STORAGE	FARMERS UNION DITCH CO LTD (Current)	wrAdjudicationClaim		
63	3614C	License	Active	560598	1884-06-01	BOISE RIVER	IRRIGATION FROM STORAGE	FARMERS UNION DITCH CO LTD (Current)	wrAdjudicationClaim		
63	3618D	Permit	Active	560600	1/1/1955	BOISE RIVER	IRRIGATION FROM STORAGE	FARMERS UNION DITCH CO LTD (Current)	wrAdjudicationClaim		
63	7805	License	Active	309110	6/1/1973	1.1 GROUND WATER	MUNICIPAL	CITY OF GARDEN CITY (Current)	wrAdjudicationClaim		
63	8186	License	Active	318380	8/7/1975	0.94 GROUND WATER	IRRIGATION	BILBAO DAM (Current)	wrAdjudicationClaim		
63	16767	Beneficial Use	Active	277971	1884-06-01	15.05 WASTE WATER	IRRIGATION	BOISE VALLEY IRRIGATION DITCH CO (Current)	wrAdjudicationClaim		
63	19425	Decreed	Active	281420	1882-06-01	4.2 BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH CO LTD (Current)	wrAdjudicationClaim		
63	20040	Decreed	Active	294993	9/1/1921	3.01 BOISE RIVER	IRRIGATION	BOISE CITY CANAL CO LTD (Current)	wrAdjudicationClaim		
63	20041	Decreed	Active	285289	1866-06-01	36.37 BOISE RIVER	IRRIGATION FROM STORAGE	BOISE CITY CANAL CO LTD (Current)	wrAdjudicationClaim		
63	21729	Beneficial Use	Active	303578	1884-06-01	1.8 DRAIN	IRRIGATION	FARMERS UNION DITCH CO LTD (Current)	wrAdjudicationClaim		
63	21730	Beneficial Use	Active	303579	1884-06-01	38.5 DRAIN	IRRIGATION	FARMERS UNION DITCH CO LTD (Current)	wrAdjudicationClaim		
63	31197	Decreed	Active	554307	1865-06-01	48.71 BOISE RIVER	IRRIGATION FROM STORAGE	BOISE VALLEY IRRIGATION DITCH CO (Current)	wrAdjudicationClaim		

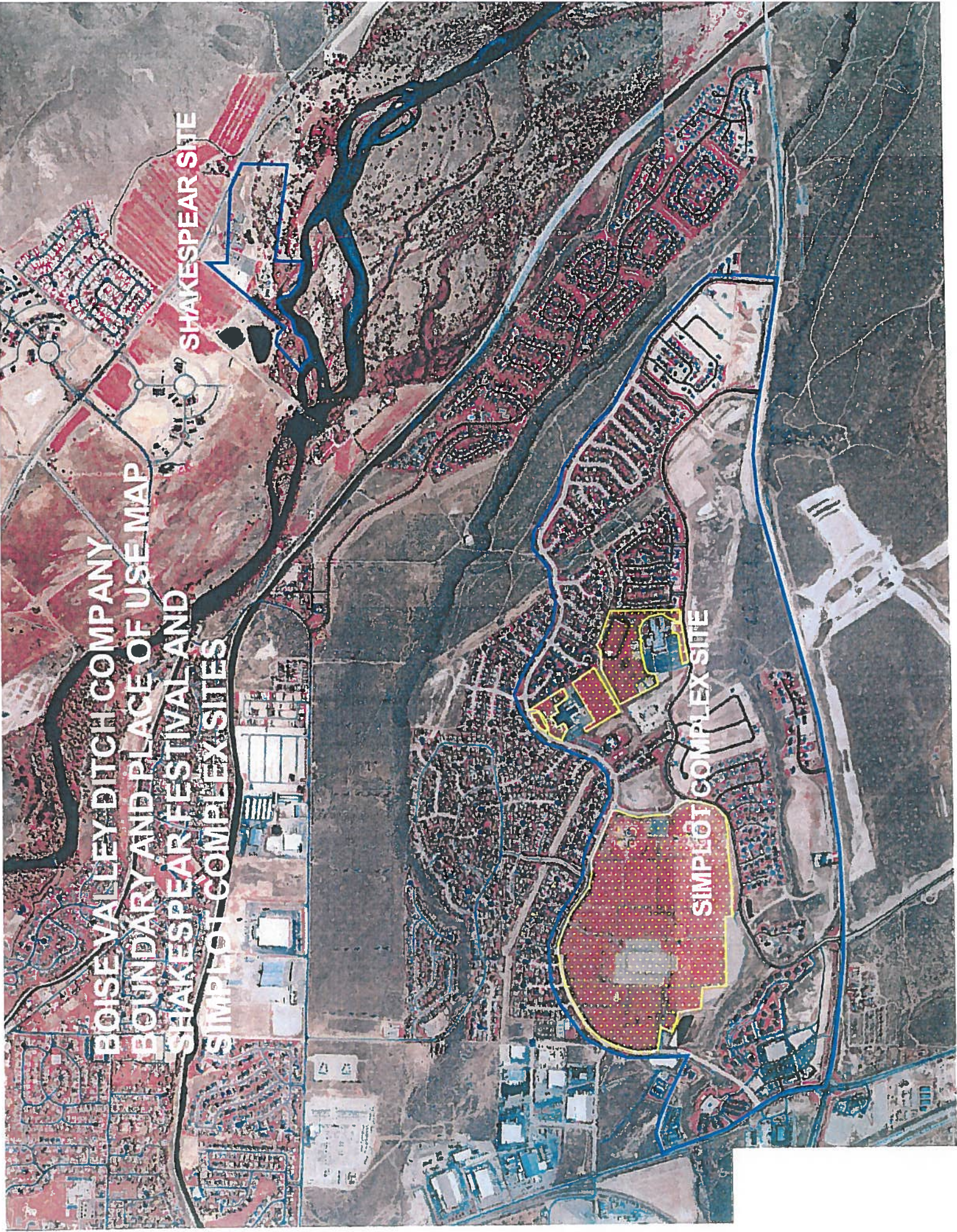


POINT OF DIVERSION
FARMERS UNION, BOISE VALLEY &
CAPITAL VIEW

**BOISE VALLEY DITCH COMPANY
BOUNDARY AND PLACE OF USE MAP
SHAKESPEAR FESTIVAL AND
SIMPLÔT COMPLEX SITES**

SHAKESPEAR SITE

SIMPLÔT COMPLEX SITE



Boise Valley Irrigation Ditch Co. Customer Contact List November 3, 2003

Customer	Phone	Bill to	Shares	Lateral
ACHD	387-6275	ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...	14.5	FU, 01
ACHD:4811 Alamosa Ln (1/2 sh)	387-6275	ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...	14.5	FU, 01
ACHD:4820 Willow Ln (1 sh)	387-6275	ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...	14.5	FU, 01
ACHD:7433 Hill Rd (2 sh)	387-6275	ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...	14.5	FU, 01
ACHD:7613 Hill Rd (4 sh)	387-6275	ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...	14.5	FU, 01
ACHD:7820 Gary Ln (1 sh)	387-6275	ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...	14.5	FU, 01
ACHD:8103 Hill Rd (1 sh)	387-6275	ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...	14.5	FU, 01
ACHD:8955 Duncan Ln (5 sh)	387-6275	ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...	15	FU
ADA COUNTY SOLID WASTE...	853-1297	ADA COUNTY S.W.M. SOLID WASTE MANAGEMENT...	6.5	FU
ADAMS, THOMAS & MARIE	342-7855	ADAMS, THOMAS & MARIE P O BOX 9753 BOISE ...	4	FU
ANDERSON, CLARK & VEDA	853-0123	Clark & Veda Anderson 8298 CASA REAL BOISE ID ...	1	FU P4
ANDERTON, LILA	853-1059	ANDERTON, LILA 847 E. INCA ST. MESA, AZ 85203	1 1/2	FU
AYLING, SCOTT	344-8111	AYLING, SCOTT P O BOX 2845 RONKONKOMA N...	17.75	FU
BALKINS, JAMES & JUDITH	343-9790	BALKINS, JAMES & JUDITH 1608 RIDGECLIFF LN ...	1	FU
BALL, RAYMOND D	342-6043	BALL, RAYMOND D 891 LANDER ST BOISE ID 83714	27.29	FU
BARNES, BOB & EVON	853-1199	Bob & Evon Barnes 5887 LAMPLIGHTER BOISE ID...	6	FU
BARNES, KEN R	343-7088	BARNES, KEN R 4820 WYLLIE LN BOISE ID 83703	1	FU
BENNETT, TAMARA	343-5072	BENNETT, TAMARA 4860 ALAMOSA LN BOISE ID...	14	FU
BETSCHER, MAUREEN OR A...	385-0305	BETSCHER, MAUREEN OR ALLAN 5568 W. LUCKY...	5	FUD HDGT5
BOISE BIBLE HALL PROPER...	384-4240	BOISE BIBLE HALL PROPERTIES, INC DBA COLLI...	105.75	FU
BOISE PARKS & RECREATIO...	343-0464	Boise Parks & Recreation Dept 1104 ROYAL BLVD B...	4	FU, 23, 15, 34
BORGESON, DON	343-1855	DON BORGESON 5525 HILL RD BOISE ID 83714	10	FU
BRAY, CHRISTOPHER & GAIL	342-1973	Christopher and Gail Bray 6201 PIERCE PARK BOIS...	2	FU
BRIGGS, MARGARET	338-4195	BRIGGS, MARGARET 5701 HILL RD BOISE ID 83...	1	FU
BROOKHART, ALBERT & FE...	939-1788	ALBERT & FEROL BROOKHART 5207 STINGER D...	1	FUD
BROWNFIELD, ROBT. & SHA...	853-2133	ROBERT E. BROWNFIELD 5713 HILL RD BOISE I...	14.40	FU
BUCKHORN ESTATES HOME...	286-9705	Buckhorn Estates Homeowners Association Inc. c/o B...	3.25	FU
BUICH, DAVID OR KAREN	853-0323	DAVID BUICH 3497 HOLL DR EAGLE ID 83616	19.78	FU
BYRNE, THOMAS P	884-0403	BYRNE, THOMAS P 6211 HILL RD BOISE ID 83714	1	FU
CANOVA, SUZANNE	286-7335	CANOVA, SUZANNE 4393 N. POLLARD STAR ID 83...	3	FU
CARLSON, RONALD & RUTH	488-9200	CARLSON, RONALD & RUTH 8035 HILL RD BOISE...	1 1/2	FU
CASITAS NORTE H.O. ASSOC	853-3144...	CASITAS NORTE H.O. ASSOC. % TOM MOHR P.O...	3.33	FU
CHARLTON, DAVID & KATHL...	853-8043	DAVID & KATHLEEN CHARLTON 4095 POLLARD L...	.70	FUD
CHERRY LANE CONSTRUCT...	344-0184	CHERRY LANE CONSTRUCTION % BRIAN FALCK...	11	FU
CLAARIDON HILLS HOMEWO...	383-9399	CLAARIDON HILLS HOMEOWNERS ASSO c/o MAH...	2	FU
CLEMMENS, WALT OR CAROL	363-0686	CLEMMENS, WALT OR CAROL 8205 HILL RD BOI...	2	FU
CLOPTON, DAVID	853-1500	DAVID CLOPTON 5205 HILL RD BOISE ID 83714	2	FU
COBB, LAWRENCE OR BARB...	867-1397...	COBB, LAWRENCE OR BARBARA 7055 HILL RD B...	1	FU
COGSWELL, J H & KIETH MC...	424-0117	COGSWELL, J H & KIETH MCNALLY 4690 ALAMO...	2	FU let 02
COLEMAN, SHAWN OR SHEL...	939-6660	COLEMAN, SHAWN OR SHELLEY 4707 ALAMOSA ...	5	FU
CROWMELL, BROCK J	853-2122	Brook J. Crowmell 8844 DUNCAN LN BOISE ID 837...	17.375	FU
CULVER, WALTER & ALICE A...	424-1854	CULVER, WALTER & ALICE ANN 6100 PIERCE PA...	3	FU
DANIEL PLACE H O ASSOCIA...		DANIEL PLACE H O ASSOC. STEVE HANSON 610...	5	FUD
DAVIS, J BRENT		J BRENT DAVIS 2546 W TIMBER DR EAGLE IDA ...	5	FUD 14
DAVIS, M E		DAVIS, M E 7107 HILL RD BOISE ID 83714	1 3/4	FU
DAVISON, BESSIE		DAVISON, BESSIE 6216 PIERCE PARK LN BOISE ...	12	FU
DAWSON, JEAN		DAWSON, JEAN 4808 WYLLIE LN BOISE ID 83703		

11/10

4716 W State
3517 N AVE
HILL RD

3610 N AVE (LANA HALE prop)

WYLLIE LN (MINEO Prop.)

Boise Valley Irrigation Ditch Co. Customer Contact List November 3, 2003

2:29 PM
11/03/03

Customer	Phone	Bill to	Shares	Lateral
DODD, THAD & JULIE	(816) 628...	DODD, THAD & JULIE 17201 NE 128th KEARNEY, ...	2 1/2	FU DUANE LN
DOWDING & STAHL		DOWDING & STAHL % SHANE STAHL 102 COUR...	39 11/...	FU
DRY CREEK CEMETERY	853-1940	Dry Creek Cemetery 9800 HILL RD BOISE ID 83714	48	FU
EVANS, HARLAN OR ANITA	831-8725	EVANS, HARLAN OR ANITA 5810 HILL RD BOISE I...	1	FU
FLANAGAN, PATRICIA TRUS...	831-823...	FLANAGAN, PATRICIA TRUST JEAN F. ZLOTKIN, ...	11	FUD
FOLTMAN, BRADLEY & RUTH	342-1879	Bradley & Ruth T Folman 5811 HILL RD BOISE ID 8...	1	FU
FOWLER, WM R	853-5333	FOWLER, WM R P O BOX 1129 IDA CITY ID 83631	1	FU
FREELAND, DOROTHY M	853-2563	FREELAND, DOROTHY M 6913 HILL RD BOISE ID...	8 1/3	FU
FREEMAN, BUTCH	939-5783	LLOYD (BUTCH) FREEMAN 1665 W WOODSGULC...	25	FU
FUGATE, DARREL		DARREL FUGATE 1571 N BALLANTYNE LN EAGL...	.50	FU
GENTHER, ED & BETTY	344-2776	GENTHER, ED & BETTY 5712 HILL RD BOISE ID 8...	2	FU
GILLIS, DON & MARY	853-2308	DON & MARY GILLIS 7749 N. CREWE PL BOISE I...	2	FU
GILLIS, JOE & SUE	853-1323	GILLIS, JOE & SUE 7822 N. CREWE PL BOISE ID 8...	2	FU
GILLIS, STEVE W	853-1271	GILLIS, STEVE W 7351 HILL RD BOISE ID 83714	2	FU
GREEN, WILLIS E.	888-0388	WILLIS E GREEN 1647 S. GOLDSMITH AVE MERI...	1	FU
HANSON, ROBERT J. & ELSIE	286-7596	ROBERT J HANSON 4151 HARTLEY RD EAGLE I...	14.6	FUD
HAUSTVEIT, RICHARD & CH...	344-4880	HAUSTVEIT, RICHARD & CHRISTINE 4709 ALAMO...	1	FU
HENRY'S N 40, LLC	338-9031	HENRY'S N 40, LLC H. CRAIG VAN ENGLIN 6126 ...	19.41	FU
HODGES, CYNTHIA & WM SI...	429-1900...	Cynthia Hodges & Wm Sifford 4510 WILLOW LN BOI...	1 1/8	FU
HOMAN, MIKE		MIKE HOMAN 2229 W STATE ST BOISE, IDA 83702	9.26	FU
JAMES, TODD OR CARRIE J...	345-4035	TODD JAMES 5472 N RIFFLE BOISE ID 83713	1	FU
JONES, GORDON	345-4199	JONES, GORDON P.O. BOX 8492 BOISE ID 83707	14.65	FU
JONES, LEON		JONES, LEON ATT: MIKE & DIANE JONES 5211 N ...	5	FU
KING, DANIEL	853-0500	Daniel King 5115 STINGER BOISE ID 83703	2	FU
KING, J R & JEANNE	338-7187	KING, J R & JEANNE 6880 HILL RD BOISE ID 8371...	14	FU
KLOTZ, JOHN	939-6000	KLOTZ, JOHN 851 E. HIGHLAND VIEW BOISE ID ...	1	FU
LEXINGTON HEIGHTS, LLC	345-2450	LEXINGTON HEIGHTS, LLC 9601 W STATE ST S...	30	FU
LINK, CHARLES & FRANCIE	853-1448	Charles & Francie Link 5920 HILL RD BOISE ID 83714	147.57	FU
LLEWELLYN, DAVID & GAI	853-1064	DAVID & GAI LLEWELLYN 9170 HILL RD BOISE ID...	14	FU
LOWDER, O'DELL & DONNA	939-7727	LOWDER, O'DELL & DONNA 3703 KOOTENAI ST ...	1	FU
MASON, KEVIN & DENICE	853-0982	MASON, KEVIN & DENICE 8602 ULMER LN BOISE ...	2 1/2	FU
MATLOCK, STANLEY & DONNA	343-0840	MATLOCK, STANLEY & DONNA 8633 N BOGART L...	106.95	FU & LAT 33.34, 37.38
MC BAINE, RON & LORI	337-2123	MC BAINE, RON & LOR 4818 WILLOW LN BOISE I...	1	FU
MC KAY, DOROTHY	853-7773	MC KAY, DOROTHY 1784 So. Whisper Cove Ave BO...	8.29	FU
McMAINS, CHARLES & HELEN	853-3721	Charles & Helen McMains 3523 NORTH ST BOISE I...	1	FU
McPHERSON, DANIEL & ROB...	938-9815	Daniel & Roberta McPherson 3528 NORTH ST BOIS...	1 1/2	FU
MCRAE, DENNEY		DENNEY McRAE 1700 W WOODS GULCH BOISE I...	16	FU
MCREYNOLDS, KENNETH	853-2721	MCREYNOLDS, KENNETH 9050 DUNCAN LN BOIS...	6	FU
MOORE, CHARLES	338-4056	CHARLES MOORE 3510 NORTH ST BOISE ID 83...	1	FU
MOORE, DONALD	288-7413	DONALD MOORE 3510 NORTH ST BOISE ID 83703	2	FU
MORRIS, MARK OR SANDRA	853-3679	MARK MORRIS 5415 HILL RD BOISE ID 83714	12.97	FU
MOYLE, MARJORIE	345-0188	MOYLE, MARJORIE 9694 BEACON LIGHT STAR I...	3.25	FU
O'LOUGHLIN, STEVEN & LES...	853-3029	O'LOUGHLIN, STEVEN & LESLIE 8398 HILL RD BOI...	1	FU
PACHECO, RYAN & TAUNA	863-1645	PACHECO, RYAN & TAUNA %MATTHEW HIGGIN...	2	FU
PARKER, NEIL & TERESA	343-9963	PARKER, NEIL & TERESA 8895 HILL RD BOISE ID...	3/4	FU
PENDLETON, JAMES		PENDLETON, JAMES 7010 HILL RD BOISE ID 83714	1	FU
PERRY, NICKY	336-8453	PERRY, NICKY 5321 BLOOM ST BOISE ID 83703	2	FU
PFEIFER, MARK & TERESA		PFEIFER, MARK & TERESA 5363 HILL RD BOISE I...		

426.665

Boise Valley Irrigation Ditch Co. Customer Contact List November 3, 2003

2:25 PM
11/03/03

Customer	Phone	Bill to	Shares	Lateral
PIERCE PARK GREENS	853-3302	PIERCE PARK GREENS 5812 PIERCE PARK LN B...	15.015	FU
PIERCE, FRANKIE & RITA	344-9987	PIERCE, FRANKIE & RITA 5832 HILL RD BOISE ID...	1 9/14, 64	FU
PIERCE, WILLIS & PAULINE	853-1360	PIERCE, WILLIS & PAULINE 8750 N BOGART LN B...	9.67	FU
PULLMAN, EUGENE & PHYLLIS	853-2556	PULLMAN, EUGENE & PHYLLIS 7897 HILL RD BOI...	8	FU
RIEBE, JAMES	344-6488	RIEBE, JAMES BOX 140214 BOISE ID 83714-0214	4 1/2	FU
ROLES, WALKER	853-2737	ROLES, WALKER 7810 GARY LN BOISE ID 83714	2 1/4	FU
ROUNDTREE, JAMES & BEV...	385-9268	ROUNDTREE, JAMES & BEVERLY 4598 ALAMOSA...	1 1/2	FU
RUCKDASHEL, GLENN & BR...	331-0433	RUCKDASHEL, GLENN & BRENDA 5353 HILL RD ...	1	FU
SANCHEZ, JUAN & MARIA		SANCHEZ, JUAN & MARIA 4507 ALAMOSA LN BOI...	2	FU
SELLERS, WM. & MAUREEN	853-8785	SELLERS, WM & MAUREEN 8053 HILL RD BOISE I...	2	FU
STATE OF ID.DIV. OF VETER...		STATE OF ID.DIV. OF VET CEMETERY % JOE BL...	37	FU
STEPHENSON, SAM	853-3605	STEPHENSON, SAM 9051 DUNCAN LN BOISE ID ...	7	FU
STOPPENHAGEN,RANDALL ...	853-8345	STOPPENHAGEN,RANDALL & MAARCIA 8441 HIL...	3.79	FU
STOY, MARGIE		STOY, MARGIE 5433 HILL RD BOISE ID 83714	1	FU
SYMMONDS, JEFFERY & AN...	853-2123	SYMMONDS, JEFFERY & ANDREA 6513 HILL RD ...	21 2/3	FU
THOMAS, RICK & VAL	338-1315	THOMAS, RICK & VAL 5727 HILL RD BOISE ID 837...	11	FU
THOMPSON, WARREN & EDI...	853-3238	THOMPSON, WARREN & EDITH 8900 DUNCAN L...	6	FU
THOMSEN, RONALD	939-6577	THOMSEN, RONALD & BETH 9806 Hwy 55 BOIE I...	20 11/...	FU
TMC, INC		TMC INC 2313 OVERLAND RD BOISE ID 83705	1	FU
WAGAR, DARCI		DARCI WAGAR 4614 ALAMOSA BOISE ID 83714	.50	FU
WARE, PETER JR. OR LISA	319-0096	PETER OR LISA WARE, JR 5423 HILL RD BOISE, I...	.50	FU
WEAVER, ELIZABETH	344-5378	WEAVER, ELIZABETH 4800 WYLLIE LN BOISE ID 8...	1/2	FU
WILSON, F J & SARAH	853-5288	WILSON, F J & SARAH 23221 BLESSENGER LN S...	1/2	FU
ZEH, BARBARA	342-6681	Barbara Zeh 4804 ALAMOSA LN BOISE ID 83703	1	FU
ZIMMER, TERESA	389-9864	ZIMMER, TERESA 4850 WILLOW LN BOISE ID 83...	1/8	FU

HILL Rd

4902 W. State

160,115

2:34 PM

11/03/03

Boise Valley Irrigation Ditch Co.
Customer Contact List
November 3, 2003

Barbara

Customer	Phone	Bill to	Shares	Lateral
IDAHO SHAKESPEARE FEST...	429-9908	IDAHO SHAKESPEARE FESTIVAL c/o MARK HOFFMAN P...	10.50	PO Box 9365, Boise 83
J R SIMPLOT CO	362-7345	J R SIMPLOT CO P.O. BOX 27 BOISE ID 83707	255.485	BR
UNITED WATER		UNITED WATER % SCOTT RHEAD 8248 W VICTORY BOIS...	42.22	BR
			308.205	BR

3010.04
- 308.205
2701.835

3010.04 shares - 11/03/03
785.4 within Jarvis Bond
Ada City has 15" for the Jarvis

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-147

WATER RIGHT NUMBER: 63-147

Owner Type Name and Address

Priority Date:

Basis:

Status: See Remarks

Source Tributary

Beneficial Use From To Diversion Rate Annual Volume

Total Diversion:

Location of Point(s) of Diversion

Place of Use

Conditions of Approval:

Remarks:

1. General RIGHT SPLIT INTO PARTS A & B THRU APPROVED TRANSFER 5119.

Comments:

Dates and Other Information:

07/22/2002

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-147

Dates and Other Information:

Licensed Date:
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-147

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-147

WATER RIGHT NUMBER: 63-147

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BOISE VALLEY IRRIGATION DITCH CO 8750 N BOGART LN BOISE, ID 83703 (208)853-5288

Priority Date: 06/01/1865

Basis:

Status: Parent

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

54.580 CFS

Annual VolumeTotal Diversion: 54.580 CFSLocation of Point(s) of Diversion

BOISE RIVER

NE1/4SE1/4NE1/4

Sec. 5, Twp 03N, Rge 02E, B.M.

ADA County

Place of UseIRRIGATION Within ADA County

T04N R01E S03	SESW	29.0	T04N R01E S03	SWSE	10.0
T04N R01E S10	NENE	35.0	T04N R01E S10	NWNE	20.0
T04N R01E S10	SWNE	10.0	T04N R01E S10	SENE	30.0
T04N R01E S10	NESE	36.0	T04N R01E S10	NWSE	38.0
T04N R01E S10	SWSE	20.0	T04N R01E S10	SESE	10.0
T04N R01E S11	SWSW	25.0	T04N R01E S11	SESW	15.0
T04N R01E S11	NWSE	5.0	T04N R01E S11	SWSE	12.0
T04N R01E S13	SWNE	5.0	T04N R01E S13	SWNW	30.0
T04N R01E S13	SENE	20.0	T04N R01E S13	NESW	2.0
T04N R01E S13	NWSW	35.0	T04N R01E S13	SWSW	30.0
T04N R01E S13	SESW	23.0	T04N R01E S13	NESE	20.0
T04N R01E S13	NWSE	6.2	T04N R01E S13	SWSE	8.1
T04N R01E S13	SESE	25.0	T04N R01E S14	NENE	5.0
T04N R01E S14	NWNE	25.0	T04N R01E S14	SWNE	38.0
T04N R01E S14	SENE	38.0	T04N R01E S14	NENW	35.0
T04N R01E S14	NWNW	35.0	T04N R01E S14	SWNW	15.0
T04N R01E S14	SENE	18.3	T04N R01E S14	NESW	24.8
T04N R01E S14	NWSW	23.7	T04N R01E S14	SWSW	38.0
T04N R01E S14	SESW	32.0	T04N R01E S14	NESE	37.0
T04N R01E S14	NWSE	39.0	T04N R01E S14	SWSE	35.0
T04N R01E S14	SESE	38.0	T04N R01E S15	NENE	37.0
T04N R01E S15	SENE	38.0	T04N R01E S23	NENE	35.0
T04N R01E S23	NWNE	37.0	T04N R01E S23	SWNE	10.0
T04N R01E S23	SENE	35.0	T04N R01E S23	NESE	15.0
T04N R01E S24	NENE	7.0	T04N R01E S24	NWNE	38.0
T04N R01E S24	SWNE	35.0	T04N R01E S24	SENE	15.0
T04N R01E S24	NENW	35.0	T04N R01E S24	NWNW	32.5
T04N R01E S24	SWNW	35.0	T04N R01E S24	SENE	10.0
T04N R01E S24	NESW	25.0	T04N R01E S24	NWSW	39.0

T04N R01E S24	SWSW	10.0	T04N R01E S24	SESW	20.0
T04N R01E S24	NWSE	30.0	T04N R01E S24	SWSE	15.0

IDAHO DEPARTMENT OF WATER RESOURCES

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T04N R01E S24	NWSE	30.0	T04N R01E S24	SWSE	15.0
T04N R01E S24	SESE	15.0	T04N R01E S25	NENE	20.0
T04N R02E S18	SWSW	20.0	T04N R02E S19	NENE	2.0
T04N R02E S19	NWNE	15.0	T04N R02E S19	SWNE	5.0
T04N R02E S19	SENE	5.0	T04N R02E S19	NENW	29.0
T04N R02E S19	NWNW	15.0	T04N R02E S19	SWNW	30.0
T04N R02E S19	SENE	28.0	T04N R02E S19	NESW	30.0
T04N R02E S19	NWSW	8.6	T04N R02E S19	SWSW	21.0
T04N R02E S19	SESW	35.0	T04N R02E S19	NESE	20.0
T04N R02E S19	NWSE	20.0	T04N R02E S19	SWSE	6.1
T04N R02E S19	SESE	35.0	T04N R02E S20	SWSW	35.0
T04N R02E S29	NWNW	15.0	T04N R02E S29	SWNW	20.0
T04N R02E S29	SWSW	25.0	T04N R02E S30	NENE	15.0
T04N R02E S30	NWNE	25.0	T04N R02E S30	SWNE	30.0
T04N R02E S30	SENE	20.4	T04N R02E S30	NENW	30.0
T04N R02E S30	NWNW	35.0	T04N R02E S30	SWNW	15.0
T04N R02E S30	SENE	25.0	T04N R02E S30	NESW	20.0
T04N R02E S30	NESE	2.4	T04N R02E S30	NWSE	25.0
T04N R02E S30	SESE	5.0	T04N R02E S31	NENE	3.0
T04N R02E S32	NENW	15.0	T04N R02E S32	NWNW	13.5
T04N R02E S32	SWNW	8.0	T04N R02E S32	SENE	31.0
T04N R02E S32	NESW	4.0	T04N R01W S01	NWNW	7.0
T04N R01W S01	SWNW	13.0	T05N R01W S33	SENE	15.0
T05N R01W S33	NESW	2.0			

Total Acres: 2542

Conditions of Approval:

1. 01D A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
3. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

1. General THIS CLAIM HAS BEEN SPLIT INTO 63-00147A AND 63-00147B BY APPROVED TRANSFER NO. 5119

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-147

Dates and Other Information:

Claim Received Date: 7/28/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

(10)
(10)

XII.

That the defendants ~~FRANK D. GRAHAM~~, FRANK D. GRAHAM and WILLIAM ~~GRAHAM~~, be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on said river near the SE corner of NW 1/4 of NE 1/4, Sec. 21, T. 4 N. R. 1 E. B.M., for use upon Lots 2 and 3 in NW 1/4 NE 1/4 and NE 1/4 NW 1/4, and lot 1 in NE 1/4 of NE 1/4, Sec. 20, and lots 3 and 4 in N. 1/2 NW 1/4, Sec. 21, all in T. 4 N. R. 1 E. B.M., in the following amount and from the following date;
63 0144
220 inches, from ~~June 1, 1866~~, and hereby designated as Right No. 12. And be adjudged to pay \$15.40 costs, in addition to the costs incurred by them.

XIII.

That the defendant the ~~WILLIAM SIMPSON~~, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river easterly of what is now the farm of William Simpson in Sec. 23, T. 4 N. R. 1 W. B.M., for use upon the lands lying under its canal system, in the following amount and from the following date;
63 0145
1666 inches, from ~~June 1, 1866~~, and hereby designated as Right No. 13. And be adjudged to pay \$116.62 costs, in addition to the costs incurred by it.

XIV.

That the defendant the ~~WILLIAM SIMPSON~~, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river on Lot 2, Sec. 23, T. 4 N. R. 1 E. B. M., for use upon the lands lying under its canal system, in the following amount and from the following date;
63 0146
688 inches, from ~~June 1, 1866~~, and hereby designated as Right No. 14. And be adjudged to pay \$48.16 costs, in addition to the costs incurred by it.

XV.

That the defendant the ~~BOISE RIVER~~, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river at the head of the canal of defendant the Farmers' Union Ditch Company, and taken through said canal to the point of use, for use upon the lands lying under its canal system, in the following amount and from the following date;
2729 inches, from ~~June 1, 1866~~, and hereby designated as Right No. 15. And be adjudged to pay \$191.03 costs, in addition to the costs incurred by it.

54.58

Shurte, Jan

From: Spencer, Nick
Sent: Friday, August 12, 2005 4:19 PM
To: Shurte, Jan
Subject: FW: B63 Prelim I&O DR: Boise Valley Irrigation Ditch Co.: 63-00147B, 02360, 31198, 31832



63-00147B Boise
Valley Irrigat...

Jan, can you send this on to whomever needs to look at it? Thanks. NBS

-----Original Message-----

From: Fred_Price@blm.gov [mailto:Fred_Price@blm.gov]
Sent: Friday, August 12, 2005 3:55 PM
To: nick.spencer@idwr.idaho.gov; susan.hamlin-nygard@idwr.idaho.gov
Cc: becky.harvey@idwr.idaho.gov; larry.brown@usdoj.gov
Subject: B63 Prelim I&O DR: Boise Valley Irrigation Ditch Co.:
63-00147B, 02360, 31198, 31832

Nick, Susan,

RE: POU on BLM outside digital boundary
T04N, R01E, S11, SWNE (=Lot 1)
63-00147B, 63-02360, 63-31198, and 63-31832

There is a POU on BLM in your data that is outside the digital boundary for Boise Valley Irrigation Ditch Co. It appears that this could

be removed from the data as unintentional. It would save me an objection

if it could be removed. The shapefile (digital boundary) is fine.

Does it seem odd to you that the digital boundary slices through the

middle of a subdivision, and excludes part of it (see attached PowerPoint

presentation)? If there are tweaks to the digital boundary between now and

the final recommendation, please be careful to not accidentally include BLM

(snapping issue).

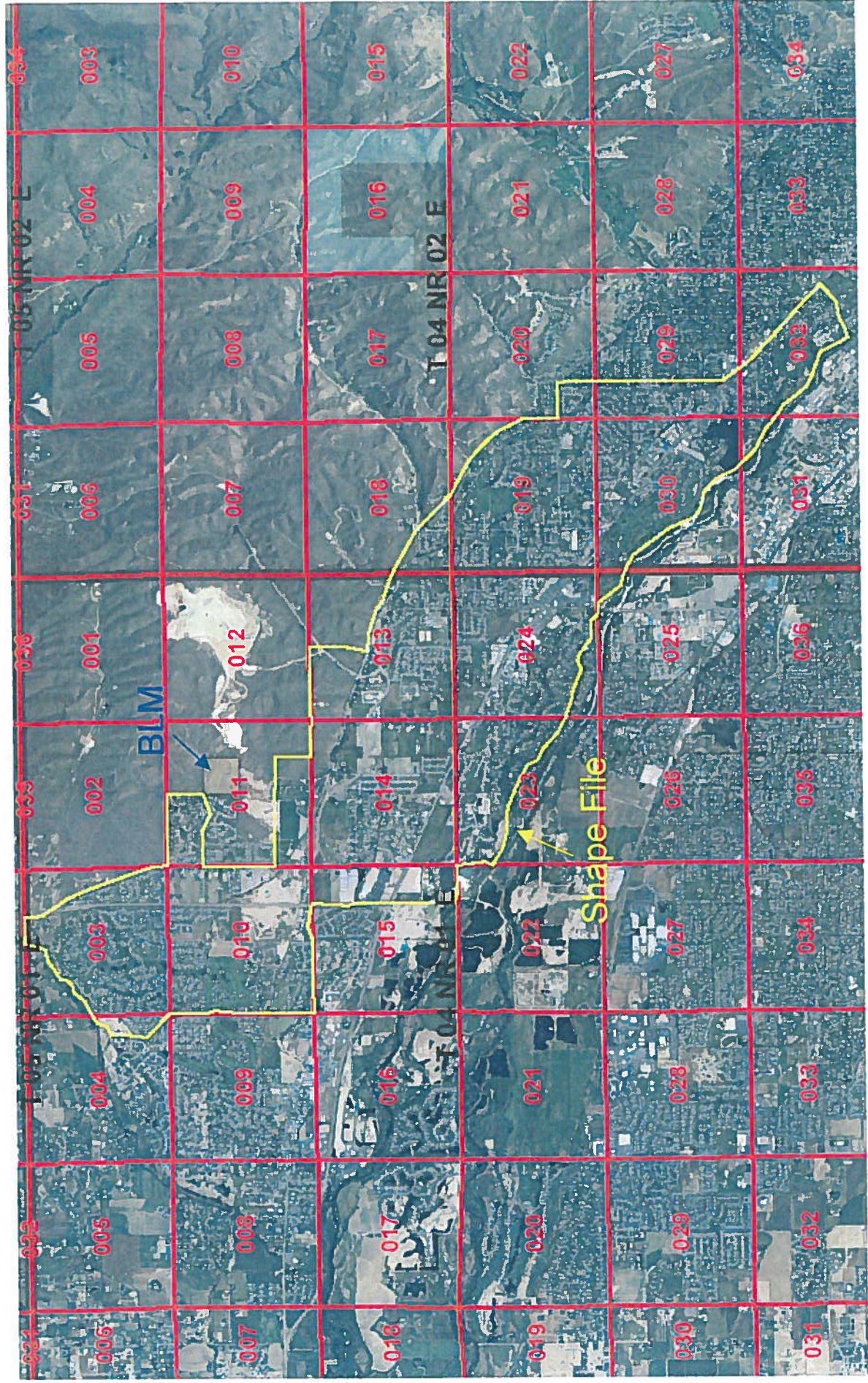
Fred

(See attached file: 63-00147B Boise Valley Irrigation.ppt)

PS: did I construct Susan's email address correctly?

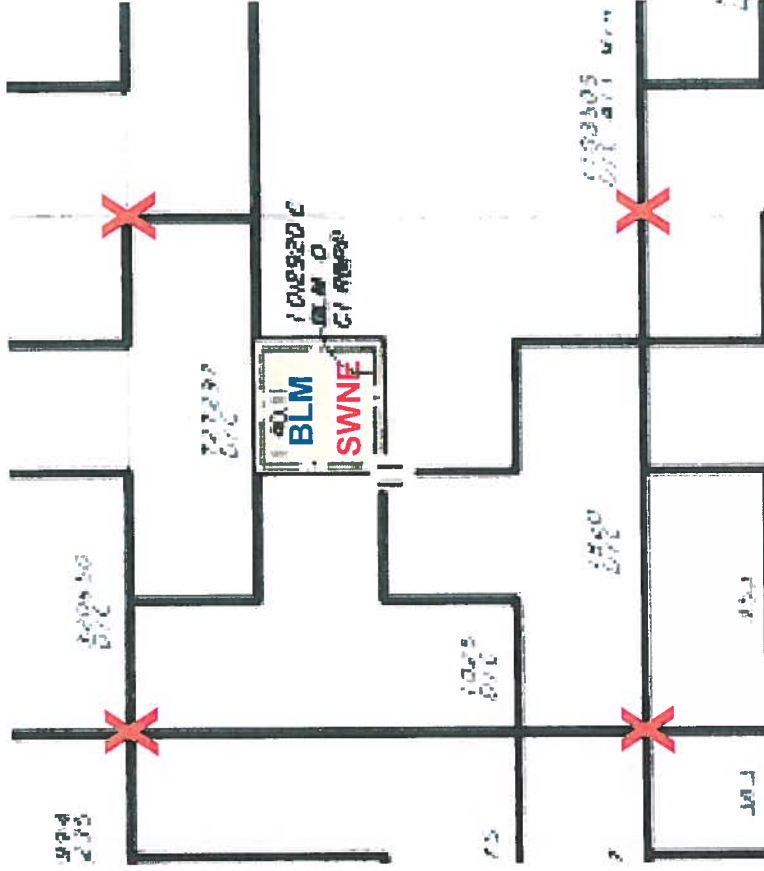
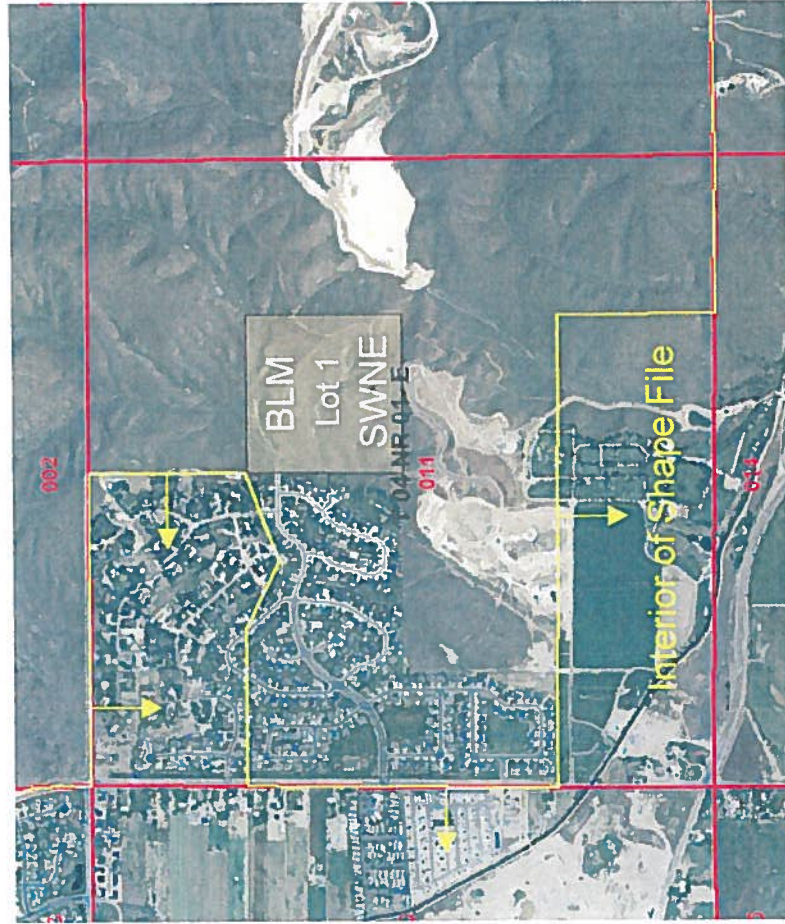
POUID - 696120
489887

Boise Valley Irrigation Ditch Company – POU Overview



Boise Valley Irrigation Ditch Company – T04N R01E S11

Town	Range	Section	QQ	Quart	Gov	Subcase	Mix	PVT	BLM	FS	BOR	OtherFed	OrganizationName	Own Comment
04N	01E	11	SW	NE		63-00147B	☐	☐	☒	☐	☐	☐	BOISE VALLEY IRRIGATION DITCH CO	Extra Data?
04N	01E	11	SW	NE		63-02360	☐	☐	☒	☐	☐	☐	BOISE VALLEY IRRIGATION DITCH CO	Extra Data?
04N	01E	11	SW	NE		63-31198	☐	☐	☒	☐	☐	☐	BOISE VALLEY IRRIGATION DITCH CO	Extra Data?
04N	01E	11	SW	NE		63-31832	☐	☐	☒	☐	☐	☐	BOISE VALLEY IRRIGATION DITCH CO	Extra Data?



Rather than a snapping issue, this appears to be an issue of unintended, extra data existing outside of the shape file. If this extra data containing the SWNE POU was removed, BLM's issue would be resolved.