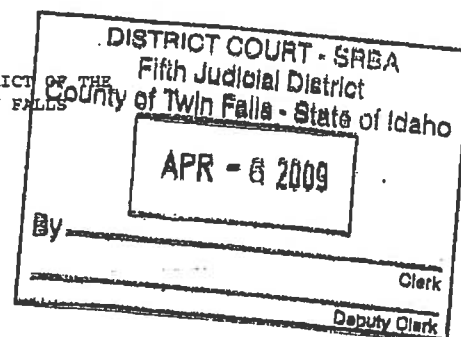


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS



In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-31935

NAME AND ADDRESS: DRAINAGE DISTRICT NUMBER FOUR
OF ADA COUNTY
C/O S BRYCE FARRIS
PO BOX 2773
BOISE, ID 83701

SOURCE: WASTE WATER TRIBUTARY: BOISE RIVER

QUANTITY: 20.00 CFS

PRIORITY DATE: 12/02/1940

POINT OF DIVERSION: T04N R01E S23 SWSE Within Ada County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	03-01 TO 11-15	20.00 CFS

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1141.6 ACRES WITHIN
THE BOUNDARY OF THE THURMAN MILL DITCH COMPANY.
THE PLACE OF USE OF THIS WATER RIGHT IS WITHIN THE DIGITAL
BOUNDARY OF THE THURMAN MILL DITCH COMPANY.

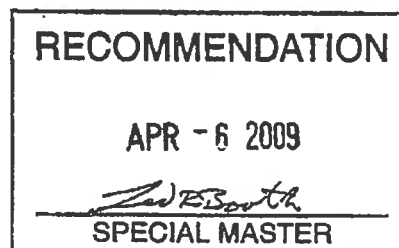
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL
SOURCE IS ALSO KNOWN AS THE JUNCTION DRAIN
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



04/07/2009

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

RIGHT NUMBER: 63-31935

NAME AND ADDRESS: DRAINAGE DISTRICT NUMBER FOUR OF ADA COUNTY
C/O S BRYCE FARRIS
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID 83701

SOURCE: WASTE WATER TRIBUTARY: BOISE RIVER

QUANTITY: 20.000 CFS

PRIORITY DATE: 12/02/1940

POINT OF
DIVERSION: T04N R01E S23 SWSE 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	20.000 CFS

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.

NOT
INCH.

The place of use of this water right is within the digital boundary of the Thurman Mill Ditch Company.

This right is limited to the irrigation of 1141.6 acres within the boundary of the Thurman Mill 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 - Beneficial Use

SOURCE IS ALSO KNOWN AS THE JUNCTION DRAIN

WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL

3-23-09

63-31935 & 63-31936

63-31935 – This right is a wastewater right from the Junction Drain. It is similar to the filings by Middleton Mill, etc., catching the wastewater/water from other companies that dump into their canal. In this case it is the Thurman Mill Canal and the wastewater is from the Junction Drain. The Thurman Mill Canal then uses the water for irrigation within their ditch company. Since the name on the water right is in the name of the Drainage District, no digital boundary was placed upon this right. Special Master Booth was preparing to issue partial decrees on this right and Right No. 63-31936 below when he noticed that there was digital boundary language along with a 1/41/4 description. His question was which one should it be. Looking back in Mel Schulte's notes (agent recommending this right), it appeared that these should be listed by 1/41/4 since they were in the name of a drainage district and drainage district's do not qualify for digital boundaries. The reason that the digital boundary language came out is because Mel had made a digital boundary just in case and had attached it to these rights which automatically made the language. However, we did change 63-31936 by adding a special remark that the place of use of this water right is within the digital boundaries of <<<<<canal companies. It has been decided to recommend this water right with similar language as follows:

The place of use of this water right is within the digital boundary of the Thurman Mill Ditch Company.

This right is limited to the irrigation of 1141.6 acres within the boundary of the Thurman Mill Ditch Company,.

The 1/4/14's will be removed from this right as it is linked to the Thurman Mill boundaries now.

63-31936 – see emails in this file.

05/12/2005

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

RIGHT NUMBER: 63-31935

NAME AND ADDRESS: DRAINAGE DISTRICT NUMBER FOUR OF ADA COUNTY
C/O S BRYCE FARRIS
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID 83701

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 20.000 CFS

PRIORITY DATE: 12/02/1940

POINT OF DIVERSION:

T04N R01E S23 SWSE 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	20.000 CFS

PLACE OF USE:

*THE PLACE OF USE OF THIS WATER RIGHT IS WITHIN
THE DIGITAL BOUNDARY OF THE THURMAN MILL DITCH COMPANY,
1141.6 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 1141.6 ACRES WITHIN THE BOUNDARY OF DRAINAGE DISTRICT NO. 4~~ *THE THURMAN MILL 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: Beneficial Use

SOURCE IS ALSO KNOWN AS THE JUNCTION DRAIN

WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL

3-23-09

63-31935 & 63-31936

63-31935 – This right is a wastewater right from the Junction Drain. It is similar to the filings by Middleton Mill, etc., catching the wastewater/water from other companies that dump into their canal. In this case it is the Thurman Mill Canal and the wastewater is from the Junction Drain. The Thurman Mill Canal then uses the water for irrigation within their ditch company. Since the name on the water right is in the name of the Drainage District, no digital boundary was placed upon this right. Special Master Booth was preparing to issue partial decrees on this right and Right No. 63-31936 below when he noticed that there was digital boundary language along with a 1/41/4 description. His question was which one should it be. Looking back in Mel Schulte's notes (agent recommending this right), it appeared that these should be listed by 1/41/4 since they were in the name of a drainage district and drainage district's do not qualify for digital boundaries. The reason that the digital boundary language came out is because Mel had made a digital boundary just in case and had attached it to these rights which automatically made the language. However, we did change 63-31936 by adding a special remark that the place of use of this water right is within the digital boundaries of <<<<<canal companies. It has been decided to recommend this water right with similar language as follows:

The place of use of this water right is within the digital boundary of the Thurman Mill Ditch Company.

This right is limited to the irrigation of 1141.6 acres within the boundary of the Thurman Mill Ditch Company,.

The 1/4/14's will be removed from this right as it is linked to the Thurman Miill boundaries now.

63-31936 – see emails in this file.

Hello,

Attached is another attempt at getting this situation resolved. The first amended recommendation I sent to Bryce changed the language to the remark, "The source of the right is wastewater...." by adding in the portion concerning the limit of 2,181.38 acres within the digital boundaries of the delivery organizations mentioned in the recommendation – Thurman Mill Canal, Ridenbaugh Canal (aka Nampa Meridian Irrig. Dist.) and the Warm Springs Canal. I also deleted the remark stating "The water delivered within the boundary of Drainage District No. 4 is limited to the irrigation of 2181.38 acres as it was now redundant due to the remark above.

The digital boundary language was deleted as Drainage District No. 4 itself does not have a digital boundary. In fact, the digital boundary for this right is a combination of the above delivery organization's digital boundaries which is the reason why the remark concerning the place of use as being within these boundaries was also added under the Place of Use element.

I sent Bryce a copy of this amended recommendation on 12/10/2007 and his one request is that I add a remark adding the water right numbers being diverted from the point of diversion for the Ridenbaugh Canal (Nampa Meridian ID) just as had been done for Thurman Mill and Warm Springs Canals. This remark has been added on the attached amended recommendation for 63-31936. I have left 63-31935 alone as it is the one for the Junction Drain and it has been my understanding that this one is fine as is.

Please let me know if these changes are accurate and cover all that we have discussed. Thank you for your patience with these changes.

Jan

*Copy of email to
Bryce Tavis & Ted Booth*

S. BRYCE FARRIS (ISB #5636)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

RECEIVED

NOV 19 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

Subcases 63-31935 and 63-31936

DRAINAGE DISTRICT NO. 4'S
COMMENTS/OBJECTIONS TO
COURT'S INTENT TO ISSUE
PARTIAL DECREES

COMES NOW Drainage District No. 4, by and through their counsel of record, Ringert Clark, Chartered, and pursuant to this Court's *Notice of Court's Intent to Issue Partial Decrees*, dated October 25, 2007, submits the following Comments/Objections to Court's Notice.

With respect to water right no. 63-31936, as stated in the remarks, the source of this water right is wastewater collected in Drainage District No. 4's drainage system and then returned to the Boise River. "The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at points of diversion by the delivery organizations listed above, in the amounts indicated, to be used on the place of use within the boundaries for each individual delivery organization's rights." Thus, the place of use is the boundaries for each of the delivery irrigation organizations which deliver the water via the Ridenbaugh Canal, Thurman Mill Canal and Warms Springs Canal. Rather than define the place of use as the boundaries of Drainage District

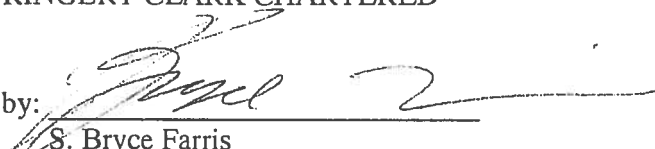
DRAINAGE DISTRICT NO. 4'S COMMENTS/OBJECTIONS TO COURT'S INTENT TO ISSUE
PARTIAL DECREE - Page 1

COPY

No. 4, it would be more appropriate to define the place of use as the digital boundaries for the irrigation organizations which deliver the water after the exchange. The place of use would be the digital boundaries of Thurman Mill Ditch Company (Thurman Mill Ditch), Warm Springs Ditch Company (Warm Springs Ditch) and the Nampa & Meridian Irrigation District (Ridenbaugh Canal).

DATED this 15th day of November, 2007.

RINGERT CLARK CHARTERED

by: 

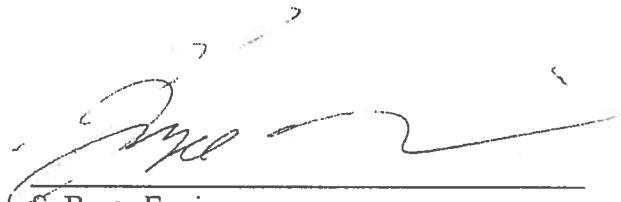
S. Bryce Farris

Attorneys for Drainage District No. 4

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing document was mailed on November 15th, 2007, with sufficient first class postage, to the following:

Director of IDWR
P.O. Box 83720
Boise, Idaho 83720-0098


S. Bryce Farris

Shurte, Jan

From: Shurte, Jan
Sent: Wednesday, October 17, 2007 1:21 PM
To: 'Ted Booth'
Subject: RE: 63-31935 and 63-31936

Ted – the remark concerning the water being delivered through the Thurman Mill Canal is in explanatory. Could we put that under a General remark because I would like to see it on the partial decree? It may explain the water rights better. The reason that 63-31935 indicates 1141.6 acres within the District is because it is based on a field exam for a previous license. This license had the priority advanced to 1969 due to proof of completion of works submitted and not proof of beneficial use. That happened a lot in the old days as right holders thought they had done all they should have. So, we recommended the original priority date of the license and the 1141.6 acres that the field exam found. There are other affidavits in the file to prove that date also. Then, 63-31936 is based on a court order dated 8/31/1925 and includes more acres (2181.38 acres) encompassing the Thurman Mill ditch, Ridenbaugh Canal and Warm Springs Ditch Co. credit for wastewater. It has the 2181.38 acre limitation under the place of use. So, the acres are correct on both. I will change the explanatory remark concerning the Thurman Mill Canal to a General remark on both. Thanks, Jan

From: Ted Booth [mailto:tbooth@srba.state.id.us]
Sent: Tuesday, October 16, 2007 9:55 AM
To: Shurte, Jan
Subject: RE: 63-31935 and 63-31936

Jan, Two quick questions: First, the remark that you reference that the water is delivered through the Thurman Mill Canal does not show up on the partial decrees – it must be under "explanatory material." Do you intend for the remark to be printed on the Partial Decrees? Second Question: 31935 has a limitation of 1141.6 acres w/in the boundaries of the district, but 31936 has no similar limit. Is this correct?
 Ted

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: Monday, October 15, 2007 11:06 AM
To: Ted Booth
Cc: Shurte, Jan
Subject: RE: 63-31935 and 63-31936

Ted,

I have those in front of me. I had to do quite a bit of file research on this one to determine what had happened. It appears that there was a decision to not make this a digital boundary description. It is from a wastewater court order where the Judge decided to credit the drainage water from the Thurman Mill Ditch back up to their original point of diversion.

Mel Schulte (made this recommendation), Dave Tuthill, Nick Spencer and myself had a meeting where it was decided that this right would not have a digital boundary. This right does cover the credited drainage for the Thurman Mill Ditch co. and in order to show their lands as the place of use this right was linked to their digital

10/17/2007

boundaries. Thurman Mill agreed to let the drainage district claim it as they put in the drain, however, since it is a drainage district it does not qualify for a digital boundary. The computer automatically puts on the digital boundary language when a water right is attached to a digital boundary.

So, my answer is that this should be a public land description by 1/4/14's and to please remove the paragraph under place of use concerning the digital boundary. All other remarks look good as Mel did put in a remark that the water is delivered through the Thurman Mill Canal. If you could remove that remark and leave the 1/41/4's that would fix it. If you look in the large places of use on the CD there is no large place of use for this right, only for Thurman Mill Ditch Co.

Thanks,
Jan

From: Ted Booth [mailto:tbooth@srba.state.id.us]

Sent: Monday, October 15, 2007 9:43 AM

To: Shurte, Jan

Subject: 63-31935 and 63-31936

Jan,

I agree – 63-31935 and 63-31936 are the last two remaining rights flagged in my review of the uncontested rights in Basin 63 part 2. The question on these is how to describe the POU – digital boundary or public land description?

Ted

Eliminate annoying spam!

My mailbox is protected by iHateSpam, the #1-rated spam buster.

<http://www.ihatespam.net>

10/17/2007

Ted Booth

From: Shurte, Jan [Jan.Shurte@idwr.idaho.gov]
Sent: Monday, January 14, 2008 1:04 PM
To: Bryce Farris; Ted Booth
Subject: Drainage District No. 4 - 63-31935 & 63-31936
Attachments: 63-31936.RTF

Hello,

Attached is another attempt at getting this situation resolved. The first amended recommendation I sent to Bryce changed the language on the remark, "The source of the right is wastewater...." by adding in the portion concerning the limit of 2,181.38 acres within the digital boundaries of the delivery organizations mentioned in the recommendation – Thurman Mill Canal, Ridenbaugh Canal (aka Nampa Meridian Irrig. Dist.) and the Warm Springs Canal. I also deleted the remark stating "The water delivered within the boundary of Drainage District No. 4 is limited to the irrigation of 2181.38 acres as it was now redundant due to the remark above.

The digital boundary language was deleted as Drainage District No. 4 itself does not have a digital boundary. In fact, the digital boundary for this right is a combination of the above delivery organization's digital boundaries which is the reason why the remark concerning the place of use as being within these boundaries was also added under the Place of Use element.

I sent Bryce a copy of this amended recommendation on 12/10/2007 and his one request is that I add a remark adding the water right numbers being diverted from the point of diversion for the Ridenbaugh Canal (Nampa Meridian ID) just as had been done for Thurman Mill and Warm Springs Canals. This remark has been added on the attached amended recommendation for 63-31936. I have left 63-31935 alone as it is the one for the Junction Drain and it has been my understanding that this one is fine as is.

Please let me know if these changes are accurate and cover all that we have discussed. Thank you for your patience with these changes.

Jan

1/15/2008

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31935 V1

WATER RIGHT NUMBER: 63-31935 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DRAINAGE DISTRICT NUMBER FOUR OF ADA COUNTY C/O S BRYCE FARRIS RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701 (208)342-4591

Priority Date: 12/02/1940
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	20.000 CFS	
	<u>Total Diversion:</u>	20.000 CFS	

Location of Point(s) of Diversion

WASTE WATER	SW1/4SE1/4	Sec. 23, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

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. 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:

1. Explanatory SOURCE IS ALSO KNOWN AS THE JUNCTION DRAIN
2. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
3. Explanatory WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31935 V1

4. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1141.6 ACRES WITHIN THE BOUNDARY
- Irrigation OF DRAINAGE DISTRICT NO 4

the Thurman Mill Ditch Co.

Comments:

Water Supply Bank:

**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) 63-31935Owner: Drainage District # 4 Phone No. 342-4591Current Address: see claim

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☒ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

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: 7-12-1924

(If priority date, based on your exam, seems questionable, explain below.)

* Several affidavits and resolutions by the board of DD # 4 indicate the Junction Drain was completed in 1940 and water first used 12-2-1940

Source: Waste water Tributary to Bonnie 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? _____

Limited to 1141.61 acres within the boundary of SS #4			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 Thurman Mill ditch and laterals

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
NA					

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

The source is known locally as the Junction Drain
 The acre limitation is based on the POU described in
 license 63-2555 for lands downstream from the POU
 The diversion rate of 20 cfs is supported by affidavits
 and resolutions stating that a maximum of 20 cfs
 of water is developed in the Junction Drain and
 distributed into the Thurman Mill Ditch Co. system.

C O P Y

State of Idaho
DEPARTMENT OF RECLAMATION
Water District 12-A
Wm. F. Welsh, Watermaster
Boise, Idaho

December 22, 1941

Mr. Charles P. Mace, Chairman
Board of Drainage Commissioners
Drainage District No. 4
Ada County, Idaho

Dear Mr. Mace:

With reference to the diversion and distribution of the drainage waters flowing in the drains recently constructed within the boundaries of your Drainage District No. 4 by and in cooperation with the Works Progress Administration, I wish to reemphasize the suggestions which I made to your Board at its meeting in Mr. Smith's office last Saturday morning. First, as I understand the situation, there are two drainage canals so constructed--one at the upper end of the District, the water from which can be diverted directly into the canal of the Thurman Mill Litch Company; the other at the lower or western end of the District below the Eagle highway which empties into the Boise River.

As you know there has been considerable litigation in the past concerning the question of Drainage Districts emptying water from their drainage canals into the river and then diverting an equal amount of water at the points of diversion of canals at the upper end of the District for use upon the lands within the District. For several years now the water users of the Valley have not attempted to contest in the Courts these diversions which have been made by Drainage Districts No. 2, 3 and 4 for some twelve or fifteen years. However, representatives of some of the larger Irrigation Districts in the Valley have repeatedly informed me that if any new attempts were made along this line the right to do so would be contested and such a Court action and the decisions resulting from such action would undoubtedly apply not only to new diversions attempted but also to those which have been in existence for the past twelve or fifteen years. This expense involved in such litigation would be tremendous and there would also be the danger of losing the right to the use of the drainage water which your District has been enjoying all these years.

For these reasons I wish to recommend, first, that you divert and attempt to make beneficial use of only the water which can be diverted directly from the drainage canals into the irrigation systems within the drainage district. In this instance I understand that the only irrigation system which can be so benefited is the Thurman Mill Litch Company.

In the second place with reference to the water which is emptied directly into the river I would like to recommend that you do not

63 2555

Page 2

Mr. Charles P. Mace

attempt to transfer it to the headgate or point of diversion of any of the canals in your District but rather that you forget about it entirely.

Third, I would like to recommend that a contract be entered into between Drainage District No. 4 and the Thurman Mill Ditch Company which would provide among other things that any water diverted from the drainage canal directly into the canal of the Thurman Mill Ditch Company now or at any time in the future should be distributed and prorated among all of the water users of the Thurman Mill Ditch Company in proportion to the assessments of benefit as provided for in the Drainage Law of the State of Idaho and the Thurman Mill Ditch Company should agree to so distribute said water. In order to make such distribution it would be necessary that a part of the natural flow or decreed water of the Thurman Mill Ditch Company be distributed in lieu of drainage water to the users on the upper end of the canal system and the drainage water be distributed in lieu of the natural flow or decreed water to the users on the lower end of the canal system.

If these recommendations are followed I believe the result will be a fair and equitable distribution of this drainage water to all of the users within the District and also that you will thereby avoid the expense of litigation.

Very truly yours,

/s/ WM. E. WELSH

Wm. E. Welsh, Watermaster
Water District 12-A

WEW:meg

63 2555

63-2555 → Amendment

Claims: ① 11-26-1940 vs. license of 9-2-1969
2 prior claim of 7-12-1924
② 20 cfs vs. license of 10 cfs
③ B4 vs. license

① proof that drain was finished in 1940

② Field report dated 10-20-1978 indicates
Junction Drain diverts 10 cfs and a total of 21.42
into the Thurman Mill system.

③ - will give claim a new B4 number.

→ Bryce will try to find more info to justify
additional 10 cfs

63-31935

WATER RIGHT LICENSE

License of Water Right No. 19078/63-2555 (late proof) Priority September 2, 1969 Amount 10.00 cfs

THIS IS TO CERTIFY, that DRAINAGE DISTRICT NUMBER 4
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 19078/63-2555 Issued pursuant to Application for Permit dated November 26, 1940,
and has submitted proof to the Department of Water Resources on September 8, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 10.00 cfs of water from Junction Drain,
tributary to Boise River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use _____ Period of Use _____ Rate of Diversion _____ Annual Volume _____

Irrigation from March 25 to November 15 at 18.00 cfs and 4,851 acre feet

_____ from _____ to _____ at _____ cfs and _____

_____ from _____ to _____ at _____ cfs and _____

(both dates inclusive)

Subject, however, to the condition that no more than 10.00 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 4851 acre feet per year, said waters to be diverted within the S.W. 1/4, Sec. 23, Twp. 4N,
Rge. 1E, B. M. in the County of Ada

[illegible]

Total number of acres irrigated 1141.61

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of December, 19 78.

Deputy ~~Director~~

LAND LIST (TAKEN FROM DECREE)

LEGAL DESCRIPTION	ACRES
<u>T. 4 N., R 1 E., B. M.</u>	
<u>Section 19</u>	
Part of Lot 1	14.28
Lot 2	25.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	17.26
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Except tract described in Book of Deeds 137, p. 289, Ada County	3.76
Part of Lot 1	17.00
Part of SE $\frac{1}{4}$ NE $\frac{1}{4}$ Described in Book of Deeds 137, p. 289, Ada County	24.28
<u>Section 20</u>	
Lot 7	34.45
Lot 8	30.98
NE $\frac{1}{4}$ SE $\frac{1}{4}$	36.20
Lot 5	16.40
Lot 6	38.34
SW $\frac{1}{4}$ NW $\frac{1}{4}$ except tract described in Book of Deeds 38, p. 229, Ada County	10.00
W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	15.72
S $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	9.76
Tract in NW $\frac{1}{4}$ SE $\frac{1}{4}$ as described in Book of Deeds 105, p. 313, Ada County	21.20
Tract in NE $\frac{1}{4}$ SW $\frac{1}{4}$ as described in Book of Deeds 160, p. 292, Ada County	14.08
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.04
<u>Section 21</u>	
Lot 7	20.16
Lot 8	21.28
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$ except as described in Book of Deeds 124, p. 370, Ada County	4.42
Lot 5	24.42
Lot 6	18.08
NW $\frac{1}{4}$ SW $\frac{1}{4}$	38.94
SW $\frac{1}{4}$ SW $\frac{1}{4}$	9.52
SE $\frac{1}{4}$ SW $\frac{1}{4}$	13.72

RECEIVED

<u>LEGAL DESCRIPTION</u>	<u>ACRES</u>
Part of SW $\frac{1}{4}$ SE $\frac{1}{4}$ as described in Book of Deeds 124, p. 370, Ada County	24.52
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$ As described in Book of Deeds 122, p. 249, Ada County	28.64
<u>Section 22</u>	
Tract as described in Book of Deeds 123, p. 90, Ada County	35.00
Tract as described in Book of Deeds, 144, p. 2, Ada County	35.00
Tract as described in Book of Deeds, 128 p. 173, Ada County	72.72
SE $\frac{1}{4}$ SW $\frac{1}{4}$ as described in Book of Deeds 53, p. 521, Ada County	37.74
Lot 10	17.92
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
Tract as described in Book of Deeds 115, p. 189, Ada County	6.68
N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.00
Tract as described in Book of Deeds 125, p. 12, Ada County	3.33
Tract as described in Book of Deeds 125, p. 67, Ada County	3.41
Tract as described in Book of Deeds 125, p. 209, Ada County	3.41
<u>Section 23</u>	
Lot 9	60.00
Lot 10	54.25
<u>Section 26</u>	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.32
Tract described in Book of Deeds 111, p. 155, Ada County	16.70
<u>Section 27</u>	
W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$	.60
Part of E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.36
Part of NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.80
Part of NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>22.92</u>
TOTAL ACRES	1141.61

APPLICATION FOR PERMIT

63-2555

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Assigned to: Drainage District # 4
12/5/74 Box 519
Boise, ID

Application No. 26518
Permit No. 19078
District No.

Gordon C. Smith
323 Idaho Bldg., Boise, Idaho

1. Name of Applicant: E. B. SMITH, Trustee

Postoffice address: Boise

County: Ada

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(c) Bonds to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: Five (5) for Diversion No. 2
Twenty (20) for Diversion No. 1 cubic feet per second.

3. Source of water supply: Northwest Drain for Diversion No. 2
Junction Drain for " No. 1 which is a tributary of Boise River

4. Location of point of diversion: See Notes 1 and 2 feet distant from the
corner of Section , T. , R. , B. M., and is the
of Section , T. , R. , B. M., County of Ada

5. Water is to be used for: Irrigation and domestic purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 18,000

8. Kind of works: Drain ditches and irrigation ditch already constructed (See Note 3)

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water
feet; dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is One year.

13. The time required for the complete application of the water to the proposed use is One additional year.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? No If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

E. B. SMITH, TRUSTEE

Applicant.

By Gordon C. Smith

Agent.

Date of first receipt at Department of Reclamation: 11:00 A.M. November 26, 1940

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19078
Recorded in Book 69 Page 19078 Approved December 2, 1940
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before February 1, 1941 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before June 2, 1941
The whole of said work to be completed on or before December 2, 1941
Beneficial use of water appropriated in accordance herewith, to be made on or before December 2, 1942

Witness my hand this 2nd day of December, 1940

JAMES SPOFFORD

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We C. A. BOTTOLFSSEN Governor of the State of Idaho, and GEO. H. CURTIS Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have caused the Great Seal of the State of Idaho to be hereunto affixed, this 2nd day of December, 1940

Countersigned:

STATE OF IDAHO

(SEAL

By GEO. H. CURTIS

Secretary of State.

By C. A. BOTTOLFSSEN

Governor.

Remarks: Note No. 2- The point of diversion for the Northwest Drain is situated in Lot 2, Section 19, T. 4 N., R. 1 E., and is the point at which the drain discharged into the Boise River. The headgate of the Thurman Mill Ditch is located in Lot 11, Sec. 5, T. 3 N., R. 1 E. This ditch will be used for distributing the water to the lands benefitted.

14. (Continued below)

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4 N.	1 E.	19	31.28	25.00	17.26	28.04													101.58
		20			34.45	31.75	21.00	16.46	35.48	38.34	14.08	1.04			36.20	21.20			250.00
		21			20.16	21.28			24.42	18.08	40.	38.94	2.00	13.72	40.	40.	24.52	28.64	311.76
		23									54.25	60.				9.00	40.00	25.45	188.70
		24											310						3.10
		25		28.	40.	34.54	34.	40.	40.	40.	38.	27.		8.00	39.	40.	38.	40.	486.54
		26	40.	40.	37.50	40.	40.	36.	2.00	20.					13.	2.70			271.20
		27	22.92	11.80			3.36												38.08
		36	31.	2.50		4.00													37.50
4 N.	2 E.	30									22.25	37.50	12.00						71.75
		31		19.	35.		40.	46.	19.	35.	12.				34.	11.			251.00
4 N.	1 E.	22			8.50				20.	21.30	40.	40.	35.	37.74	24.20	39.20	40.	40.	345.94
Total Number of acres to be irrigated - - -																			2357.15

REMARKS (Continued) Note No. 1 - The diversion from Junction Drain is situated in SW1/4 of SE1/4 of Sec. 23, T. 4 N., R. 1 E. The water is diverted from the drain into the Thurman Mill Ditch by means of a 24 inch pipe about 50 feet long, using a small earth dam as occasion may require. The water is distributed from the Thurman.

Note No. 3 - The Thurman Mill Ditch is one of the oldest ditches in the Boise Valley and was originally in great part a natural slough. Its grade and section shows great variation. The drain ditches are part of the drainage system of Drainage District No. 4 of Ada County.

✓ ¹¹North
10:00
9/11/78

3. Water will be ~~used~~ for the following purposes:

Period of Use: from 4-1 to 10-15
(mo.-day) inclusive (mo.-day)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Permit No. 63-2555 (1978)
Examination for blu

- Max Rate of Diversion 25 cubic feet per second and annual volume _____ AF/Annum.

- (1) Township 4N N/S, Range 1E E/W, B.M., Section 23, Subdivision SE $\frac{1}{4}$ SE $\frac{1}{4}$, Ada County
- (2) Township 4N N/S, Range 1E E/W, B.M., Section 19, Subdivision Lot 2 $\frac{1}{4}$ $\frac{1}{4}$, Ada County
- Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: _____

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use. *See attachments*

[illegible]

TOTAL ACREAGE 1277.62

DATE OF EXAM 9/19/78

ACREAGE

Found

Recommended

Irrigation Requirement 4.5 Ac Ft/Ac

USE

Irrigation Q = 10.0 c.f.s.

V = 3603.6

AF/Ann. from

4/15

to

10/15

Domestic Q = _____ c.f.s.

V = _____

AF/Ann. from

to

Livestock Q = _____ c.f.s.

V = _____

AF/Ann. from

to

Is water co-mingled? yes X no _____

Name source: Junction Drain into Thurmon-Mill ditch

twp. 1N N/S, Rge 1E E/W, B.M., Sec. 23, Sub. SE $\frac{1}{4}$ SE $\frac{1}{4}$ 4da

County

Exchange? yes X no _____

Name source exchanged with: Boise River water

twp. 3N N/S, Rge 2E E/W, B.M., Sec. 5, Sub. SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4da

County

Point of injection:

twp. 1N N/S, Rge 1E E/W, B.M., Sec. 23, Sub. SE $\frac{1}{4}$ SE $\frac{1}{4}$

County

Point of exchange:

twp. 3N N/S, Rge 2E E/W, B.M., Sec. 5, Sub. SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4da

County

Total Q measured 10.00 Method of measurement Records of Boise River
Water Master 63

Total Q recommended 10.00 Meter No. _____ Type _____ Condition _____

Total V recommended 3603.6 4,851 ac ft

Recommended Amendments:

P.D. _____

Place of Use _____

Other _____

None None

MEASUREMENT CALCULATION:

Thurmon drain produces as much as 27 cfs which is measured by the 63 water master who in turn gives 571 inches of water credit from the Boise River to the Thurmon mill ditch also the Thurmon Mill diverts water from the Junction drain which amounts to 10 cfs for a total credit and diversion of 21.12 cfs being placed into the Thurmon ditch system.

SYSTEM DESCRIPTION:

Thurmon Mill diverts from Boise River in lot 11 Sec 5 T3N15E the Junction drain dumps in water at the SW base of Sec 23 T4N15E. The Thurmon Drain or what is called the Northwest drain is measured by the watermaster before it goes back into the Boise River. The WM then credits the Thurmon mill for the water it contributes to the river back up at the handgate

REMARKS:

in Sec 5 T3N15E. The acreage was taken from original court case see the attachment for acreages. The Northwest drain or Thurmon-Mill Drain has all ready been credited back by Permit # 63-2387. Only the Junction Drain is to be credited on this Permit.

Examiner's Signature [Signature] Date 10/20/78

Checked by _____ Date _____

Approved by _____ Date _____

April 4, 1944

To E B Smith Attorney for Drainage Dist 4
& to its commissioners

Dear Mr Smith

At a meeting called for the purpose
of considering matters pertaining to the distribution of
certain waters that has been developed in the past, also
to study recommendations set forth by Mr W E Welsh.

After due consideration the following resolution was in line
with your suggestions unanimously passed.

Be it resolved that the Thurman Mill Ditch Co hereby
ratifies, approves and confirms the report of Wm E Welsh
Watermaster, Water District 12-ABoise, River, Boise, Idaho,
As set forth in his letter dated Dec 22, 1941 addressed to
Mr Chas P, Mace, Chairman, Board of Commissioners Drainage
District No. 4, Ada Co Idaho, and the action of the Board of
Commissioners of said drainage District No 4, taken thereon at
its meeting of Dec 12, 1942, as set forth in its minutes of
that date, and that the Thurman Mill Ditch Company agrees to
distribute whatever drainage waters as are emptied into its
system by the Drainage District, for the use and benefit of the
Drainage District landowners affected by the construction within
the boundaries of the said Drainage District, in cooperation
with the Works Progress Administration during the years of 1939
& 1940 of certain drains, with resultant flow of certain
waters which have accumulated in such drains, upon which the
Drainage District has heretofore filed through the Department
of Reclamation of Idaho, in trust for the use and benefit of
of the landowners affected within the boundaries of such
Drainage District.

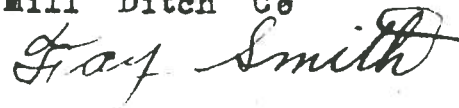
That a copy of the letter of Wm E Welsh, Watermaster, and a
certified copy of the minutes of meeting of the Board of
Commissioners of said Drainage District No 4 hereinbefore
referred to are attached hereto and made a part of this
resolution-resolution.,


John Kent Chairman

J C Bell Treas,

Thurman

Fay Smith Secretary
Mill Ditch Co



Boise, Idaho, December 12, 1942

The Board of Commissioners of Drainage District No. 4 of the County of Ada, in the State of Idaho, consisting of Charles Mace, Chairman, John Kent, Secretary, and James Keener, and the majority of the Board of Directors of Thurmin Mill Ditch Company of Ada County, Idaho, consisting of James Keener, President of the Board, Faye Smith, Secretary, and John Kent and J. C. Bell, met at the office of E. B. Smith 211 Idaho Building, Boise, Idaho. John DeChambeau, a member of the Board of Thurmin Mill Ditch Company, was absent.

Wm. E. Welsh, Watermaster of Water District No. 12-A, Boise River, met with the Board and the following proceedings were had:

A full discussion was had with reference to the diversion and distribution of drainage waters flowing into the drains of the Drainage District, constructed within the boundaries of the District by and in cooperation with the Works Progress Administration during the years 1939-1940, the various problems presented being set forth in a letter dated December 22, 1941, by Wm. E. Welsh, Watermaster, addressed to the Board of Commissioners of the Drainage District, original of which is appended in the Drainage District Minute Book, and a copy of which has been furnished the Board of Directors of Thurmin Mill Ditch Company.

After full discussion, it was the consensus of opinion that The Board of Commissioners of the Drainage District, and the Board of Directors of Thurmin Mill Ditch Company, that a resolution be adopted by each of the Boards for the protection of future rights of land owners within the boundaries of the drainage district, the resolution to be adopted by Drainage District No. 4 to be in effect;

That whatever waters the drainage district has developed in its new System of canals as aforesaid and which it empties into the Thurmin Mill Ditch system for the use and benefit of the owners of the land within the drainage district, be distributed through the Thurmin Mill Ditch system and prorated among all of the water users

of Thurmin Mill Ditch Company within the confines of the Drainage District in accordance with the drainage law of the State of Idaho, in proportion to the assessment of benefits that each tract, piece or parcel of land within the drainage district bears to the total amount of the cost of construction of the drains, and that the ditch company agree to so distribute the water; that in order to make such distribution, a part of the natural flow of decreed waters of Thurmin Mill Ditch Company be distributed in lieu of drainage waters to the users on the upper end of the drainage canal system, and drainage waters be distributed in lieu of the ditch company's natural flow of decreed waters to the water users on the lower end of the drainage canal system.

That the resolution to be adopted by Thurmin Mill Ditch Company Board of Directors be to the effect that it ratify and approve such resolution of the Drainage District and agree to so distribute whatever drainage waters as are emptied into its system by the drainage district for the use and benefit of the drainage district land owners.

That a certified copy of the resolution passed by the Board of Commissioners of Drainage District No. 4 be furnished the Board of Directors of Thurmin Mill Ditch Company; also that a certified copy of the resolution adopted by the Thurmin Mill Ditch Company Board of Directors be furnished the Board of Commissioners of the Drainage District.

It was the further consensus of the Boards in combined meeting that the resolutions herein referred to, and the form thereof, be approved by Wm. E. Welsh, Watermaster of Waters District No. 12-A, Boise River, prior to the adoption thereof by the respective Boards. * * *

Approved March 27, 1943

/s/ JOHN KENT

Secretary

/s/ CHAS. MACE

Chairman

63 2555

AFFIDAVIT--Re Permit No. 19078 (new No. 63-2555) Application of
Water to Beneficial Use

HOWARD D. AUSTIN
5381 Coffey Street
Boise, Idaho 83702

RECEIVED

1971

HOWARD D. AUSTIN, being first duly sworn, deposes and says: *Water Administration*

I have lived and farmed within the boundaries of Drainage District No. 4, Ada County, Idaho, continuously to the present time, ever since and for some time before the Drainage District was organized and its drains constructed during the years 1923 and 1924.

I am well and personally acquainted with the irrigation and distribution system of Thurman Mill Ditch Company, Ltd.

All of the land served by Thurman Mill Ditch Co., Ltd. (comprising some 2350 acres) is within the confines of Drainage District No. 4.

I am well and personally acquainted with the lands irrigated by the Warm Springs Slough (comprising some 1,000 acres) situated in the westerly portion of Drainage District No. 4.

Decreed water as well as water developed by the system of drains of Drainage District No. 4 is distributed to lands within Thurman Mill Ditch Co., Ltd. and Warm Springs Slough system.

During the years 1939 and 1940 two drains were constructed within the boundaries of Drainage District No. 4 by Works Progress Administration under the sponsorship of the Drainage District.

One drain became known as the Northwest Drain; the water developed by that drain, exceeding 5 c.f.s. water as a maximum, was and is delivered and distributed through the irrigation system of Warm Springs Slough upon lands within the boundaries of the Drainage District.

The other drain became known as the Junction Drain. The water developed by that drain exceeding 20 c.f.s. of water as a maximum, was and is delivered and distributed through the irrigation system of Thurman Mill Ditch Company, Ltd., upon lands within the boundaries of the Drainage District.

The lands served by the irrigation system of Thurman Mill Ditch Co., Ltd., the description of which is set out in Permit No. 19078 (new No. 63-2555) in the name of E. B. Smith, Trustee. Said lands are situated in the easterly portion of the boundaries of the Drainage District.

The lands served by the irrigation system of Warm Springs Slough are within the boundaries of the Drainage District, situated west of the North-South Eagle Road, south of the south channel of Boise River, south of Eagle Island extending to the bluff, and to the west boundary line of Drainage District No. 4.

E. B. Smith, trustee, acting on behalf of Drainage District No. 4, Ada County, and on behalf of the land owners who receive waters developed by the Drainage District, through the irrigation system of Thurman Mill Ditch Co., Ltd., and Warm Springs Slough, made application for a permit to appropriate the following amounts of the District's developed water from the following sources for

irrigation and domestic purposes, to-wit:

5 c.f.s. of water developed by the Northwest Drain

20 c.f.s. of water developed by the Junction Drain

and Water Permit No. 19078 (new No. 63-2555) was issued evidencing the same.

In the instrument of Application for Permit to Appropriate the Public Waters of the state of Idaho which became Permit No. 19078 (new number 63-2555), in the middle of the second page under the heading APPROVAL OF COMMISSIONER OF RECLAMATION, the "remarks" appearing thereat, indicate that Thurman Mill Ditch "will be used for distributing the water to the lands benefited" by the Northwest Drain. The fact is that the waters from the Northwest Drain are distributed through Warm Springs Slough for the benefit of the lands situated in the westerly area of Drainage District No. 4, herein referred to. This perhaps should be considered as a redirection of said water.

I personally know that at all times since about December 2, 1940 the waters developed by Drainage District No. 4 by and through the Northwest Drain and Junction Drain, have been continuously and now are being applied to beneficial use in and upon the lands situated within the boundaries of the Drainage District, through the irrigation systems of Thurman Mill Ditch Co., Ltd. (20 c.f.s.) and Warm Springs Slough (5 c.f.s.).

Howard D. Austin
Affiant

Subscribed and sworn to before me this 1st day of September, 1971.

E. B. Smith
Notary Public for Idaho
Residence, Boise, Idaho

AFFIDAVIT--Re Permit No. 19078 (New No. 63-2555) Application of
Water to Beneficial Use

HENRY DALRYMPLE
Joplin Road
Boise, Idaho 83702

RECEIVED

SEP 8 1971

HENRY DALRYMPLE, being first duly sworn, deposes and says:

Department of Water Administration

For the past 15 years I have been and presently am a member of the Board of Directors of Thurman Mill Ditch Company, Ltd., and am well and personally acquainted with the waters developed by Drainage District No. 4 of Ada County, Idaho, distributed through the irrigation systems of Thurman Mill Ditch Company, Ltd. and Warm Springs Slough.

I have been ever since March 30, 1957 and now am a commissioner of Drainage District No. 4. I have been for the past seven years and now am a member of the executive committee of Boise River Board.

During the year 1951 I became and have been continuously and now am a resident and farmer within the boundaries of Drainage District No. 4 of Ada County, Idaho.

I have read the Affidavit of Howard D. Austin relative to the water developed by the Northwest Drain and the Junction Drain within the boundaries of the Drainage District, and the application of such water to beneficial use by distribution of such water through the irrigation systems of Thurman Mill Ditch Company, Ltd. and Warm Springs Slough. I agree in all respects with the facts relating thereto set forth in the Affidavit of Howard D. Austin.

Additionally, I personally know that at all times since I became a resident and farmer within the boundaries of Drainage District No. 4, that such developed water, to the amount of 25 c.f.s. covered by Permit No. 19078 (new No. 63-2555), filed upon by E. B. Smith, trustee, for Drainage District No. 4 has, within the limits of the availability of such water during dry years, been applied continuously to beneficial use for irrigation and domestic uses in and upon the lands within the boundaries of the Drainage District, by distribution through the irrigation systems of Thurman Mill Ditch Company, Ltd. and Warm Springs Slough.

Henry Dalrymple
Affiant

Subscribed and sworn to before me this 1st day of September 1971.

E. B. Smith
Notary Public for Idaho
Residence Boise, Idaho

63 2555

104N, R01E

DRAINAGE DISTRICT NO 4
POD FOR 63-31935

POD SWSE

Siphon

BOGAF

26033

LANE

2608

GERRY

2610

BOISE

24

VALLEY

Pierce Pa
School

Blind

Lake

Plantatio
Golf 1

Strawberry Glen
Bridge

Trailer
Park

2613

THURMAN

Flume

2605

2601

HELM LATERAL

2652

Valley View
Soc (44444)

Gravel Bl

MILL

Trailer
Park

2609

25

26

2600

2652

2652

2652

2652

2652

2652

**DRAINAGE DISTRICT NO 4
IRRIGATION RIGHTS 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31935
Date Received: 11/2/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DRAINAGE DISTRICT NUMBER FOUR OF ADA COUNTY Phone: (208)342-4591
C/O S BRYCE FARRIS
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID USA 83701

2. Date of Priority: 07/12/1924

3. Source: JUNCTION DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01E	19	2	ADA	
04N	01E	23	SW SE	ADA	

5. Description of diverting works:

Junction Drain waters developed and collected in drainage system, diverted from the drain into the Thurman Mill Ditch Companys ditch via a 24 inch pipe and headgate and then the water is used for irrigation purposes by Thurman Mill Ditch Company.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	20	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks:

This water right was licensed as water right no. 63-2555 for 10 cfs. The priority date for the license was advanced by 9/2/1969 because of late proof of beneficial use. However, claimant is claiming a priority date of 1940 based upon beneficial use.

15. Basis of Claim: Beneficial Use

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 63-2555
Date Received: 11/2/1989
Receipt No: W006609
Received By:

AMENDED

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

1. Name of Claimant(s)

DRAINAGE DISTRICT NUMBER FOUR OF ADA COUNTY
C/O S BRYCE FARRIS
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID USA 83701

Phone: (208)342-4591

2. Date of Priority: 11/26/1940

3. Source: JUNCTION DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01E	23	SW SE	ADA	
04N	01E	19	2	ADA	

5. Description of diverting works:

Claimants drainage system, ditches, head gates.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	20	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	19			IRRIGATION	
04N	01E	20			IRRIGATION	
04N	01E	21			IRRIGATION	
04N	01E	22			IRRIGATION	
04N	01E	23			IRRIGATION	
04N	01E	26			IRRIGATION	
04N	01E	27			IRRIGATION	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? ~~Yes~~ NO

13. Other Water Rights Used:

14. Remarks:

Amended claim received 5/11/2004. See exhibit A attached. DB

EXHIBIT "A" IS THE LEGAL DESCRIPTION OF ACRES SUPPORTING LICENSE #19078/63-2555.

EXHIBIT "B" IS THE MAP OF DRAINAGE DISTRICT NO. 4 POINTS OF DIVERSION, PLACE OF USE, SECTION NUMBERS, ETC.

DESCRIPTION OF DIVERTING WORKS: (A) JUNCTION DRAIN: WATERS DEVELOPED AND COLLECTED BY CLAIMANTS DRAINAGE SYSTEM IS DIVERTED FROM DRAIN INTO THURMAN MILL DITCH BY MEANS OF A 24" PIPE ABOUT 50ft LONG AND HEADGATE. (B) NORTHWEST DRAIN: WATERS DEVELOPED AND COLLECTED BY CLAIMANTS DRAINAGE SYSTEM IS DIVERTED IN PART TO THE WARM SPRINGS DITCH COMPANY.

NOTE: THE ACRES LISTED ON THE ORIGINAL LICENSE ARE LISTED IN A MANNER THAT CANNOT BE DATA ENTERED BY 1/41/4 WITH THE TOTAL ACREAGE LICENSED BEING 1141.61 ACRES - WHICH IS ALSO WHAT THIS CLAIM HAS BEEN FILED FOR.

ALSO, THE PRIORITY DATE CLAIMED IS EARLIER THAN THE PRIORITY DATE LICENSED FOR THIS RIGHT(1969). THE PRIORITY DATE CLAIMED ON THIS CLAIM IS BASED ON DECREE #63-A-5 WHICH HAS A MEMO IN THE DECREE FILE STATING THAT THE DECREE IS CONSIDERED INVALID BY IDWR ATTORNEY AND LICENSE #63-02387 COVERS THE SAME RIGHTS. THIS RIGHT WAS LICENSED AT THE SAME TIME AS 63-02387.

15. Basis of Claim: Beneficial Use

#12- database says "No", but claim prints out "yes".

SCANNED

MAY 13 2004

RECEIVED

MAY 11 2004

WATER RESOURCES
WESTERN REGION

Form No. 42-1409 (2) a 9/88 (Internet)

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

Indent. Number 63-2555

Date Received 5-11-04

Receipt Number 63-2555

AMENDED

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

Please type or print clearly

1. Name of Claimant(s) Drainage District No. 4 of Ada County Phone (208) 342-4591

Mailing Address c/o Bryce Farris, Ringert Clark Chartered, P.O. Box 2773, Boise, Idaho Zip 83701

2. Date of Priority only (1) per claim) November 26, 1940

3. Source of water supply (a) Surface and subsurface seepage and percolating waters developed by
Claimant's drainage system.

which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: See Exhibit A

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County _____

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

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Ect).
Including the dates of any changes or enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. see Exhibit A.

Last Name _____ Drainage District No. 4 Ident. Number 63-2555

SCANNED
MAY 13 2004

Form No. 42-1409 (2) a 9/88 (Internet)

6. Water is claimed for the following purposes:

For irrigation purposes from 3/15 to 11/15 amount 20 cfs or _____
(both dates are inclusive) (cfs) (acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 20 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre fee per annum.

9. Non-Irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater Type and number of livestock Ect.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			LANDS WITHIN THE BOUNDARIES OF DRAINAGE DISTRICT NO. 4																

Total number of acres irrigated 2,658.22

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

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

13. Describe any other water rights used a the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

See Exhibit A

Last Name Drainage District No. 4 Ident. Number 63-2555

SCANNED

MAY 13 2004

SCALE: 2 inches equal 1 mile. Draw plan in ink. See Exhibit A

[illegible]

15. Basis or Claim (check one) Beneficial Use X Posted Notice License Permit
Decree

If applicable provide IDWR Water Right Number See Exhibit A
Court Case Number Decree Date
Plaintiff vs Defendant

16. Signature (s)
(a) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing documents are true and correct.

Signature or Claimant (s) Date
 Date

For Organizations: I do solemnly swear or affirm that I am Title

of Drainage District No. 4 , that I have signed the foregoing
Organization
document in the space below as Chairman of Drainage District No. 4
Title Organization

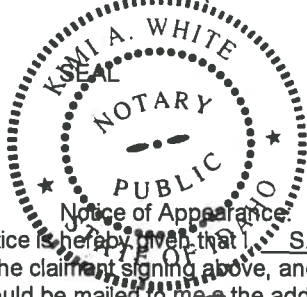
and that the statements contained in the foregoing document are true and correct.

Signed of Authorized Agent *Robert C. Carrion*

Title and Organization Chairman, DD#4 Date 5/6/04

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 6th day of May 2004



Notary Public *K. M. A. White*

Residing at Boise, Idaho

My Commission Expires 04/01/10

16. Notice of Appearance.
Notice is hereby given that S. Bryce Farris will be acting as attorney at law on behalf of the claimant signing above, and all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature *S. Bryce Farris*

Address 455 S. Third Street, P.O. Box 2773, Boise, Idaho 83701

Date 5/11/04

EXHIBIT A

Claimant is a drainage district organized and existing by virtue of the laws of the State of Idaho, Title 42, Chapter 29, since 1924 and consisting of more than 2,600 acres in Ada County. Claimant's drainage system, ditches, check gates and headgates have drained, developed and collected surface and subsurface water within the statutory boundaries of Claimant since 1924.

Claimant has the statutory authority to file upon and appropriate, "waters created or made available for irrigation purposes, by the construction of drainage works within" its boundaries pursuant to I.C. § 42-2902. Said water is then equitably and ratably distributed to the lands within the Claimant's boundaries by the delivery organizations/canal companies within the boundaries of the Claimant.

The water for this water right is developed in the Junction Drain which was constructed in 1940. For the Junction Drain waters developed and collected in Claimants' drainage system is diverted from the drain into the Thurman Mill Ditch Company's ditch via a 24" pipe and headgate and then the water is used for irrigation purposes by Thurman Mill Ditch Company and its landowners. The amount of water developed and collected in the Junction Drain for which the Claimant is claiming is 20 cfs.

This water right was licensed as water right no. 63-2555 for 10 cfs. The priority date for the license was advanced to September 2, 1969 because of late proof of beneficial use. However, Claimant is claiming a priority date of 1940 based upon beneficial use.

SCANNED
MAY 13 2004

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 63-2555
Date Received: 11/2/1989
Receipt No: W006609
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DRAINAGE DISTRICT NUMBER FOUR Phone: (208)342-4591

C/O S. BRYCE FARRIS
RINGERT CLARK CHARTERED
455 S. THIRD ST
BOISE ID USA 83701

2. Date of Priority: 07/12/1924

*License = 7-2-1968
stop proof file*

3. Source: JUNCTION DRAIN , JUNCTION DRAIN Trib. to: BOISE RIVER , BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01E	23	SW SE	ADA	
04N	01E	19	2	ADA	

5. Description of diverting works:

SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	10	4851

7. Total Quantity Appropriated is:
10 C.F.S. and/or 4851 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	19	IRRIGATION
04N	01E	20	IRRIGATION
04N	01E	21	IRRIGATION
04N	01E	22	IRRIGATION
04N	01E	23	IRRIGATION
04N	01E	26	IRRIGATION
04N	01E	27	IRRIGATION

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

EXHIBIT "A" IS THE LEGAL DESCRIPTION OF ACRES SUPPORTING LICENSE #19078/63-2555.

EXHIBIT "B" IS THE MAP OF DRAINAGE DISTRICT NO. 4 POINTS OF DIVERSION, PLACE OF USE, SECTION NUMBERS, ETC.

DESCRIPTION OF DIVERTING WORKS: (A) JUNCTION DRAIN: WATERS DEVELOPED AND COLLECTED BY CLAIMANTS DRAINAGE SYSTEM IS DIVERTED FROM DRAIN INTO THURMAN MILL DITCH BY MEANS OF A 24" PIPE ABOUT 50' LONG AND HEADGATE. (B) NORTHWEST DRAIN: WATERS DEVELOPED AND COLLECTED BY CLAIMANT'S DRAINAGE SYSTEM IS DIVERTED IN PART TO THE WARM SPRINGS DITCH COMPANY.

NOTE: THE ACRES LISTED ON THE ORIGINAL LICENSE ARE LISTED IN A MANNER THAT CANNOT BE DATA ENTERED BY 1/41/4 WITH THE TOTAL ACREAGE LICENSED BEING 1141.61 ACRES - WHICH IS ALSO WHAT THIS CLAIM HAS BEEN FILED FOR.

ALSO, THE PRIORITY DATE CLAIMED IS EARLIER THAN THE PRIORITY DATE LICENSED FOR THIS RIGHT(1969). THE PRIORITY DATE CLAIMED ON THIS CLAIM IS BASED ON DECREE #63-A-5 WHICH HAS A MEMO IN THE DECREE FILE STATING THAT THE DECREE IS CONSIDERED INVALID BY IDWR'S ATTORNEY AND LICENSE #63-02387 COVERS THE SAME RIGHTS. THIS RIGHT WAS LICENSED AT THE SAME TIME AS 63-02387.

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title

_____, and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): A63-2387B
A63-2555

[] Old Mailing Address: C/O Elbert E Gass
1655 Fairview Ave, Suite 204
Boise, ID 83702

[] New Mailing Address: 40 S. Bryce Farris
Ringier Clark Chartered
455 S. Third St., P.O. Box 2773
Boise ID 83701

New Telephone Number: (208) 342-4591

[] Signature of Claimant: [Signature]
Date: 12/10/02

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

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

IN RE THE GENERAL DICATION
OF RIGHTS TO THE WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-02555
Date Received: 11/ 2/1989
Receipt No: W006609
Received By: _____

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

1. Name: DRAINAGE DISTRICT NUMBER FOUR 208-345-3817
Address: C/O ELBERT E GASS
1655 FAIRVIEW AVE
SUITE 204
BOISE ID 83702

2. Date of Priority: JUL 12, 1924

3. Source: JUNCTION DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01E	19				2	ADA
		23	SW	SE			ADA

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	10.000		4851.00

7. Total Quantity Appropriated is:
10.000 C.F.S. (and/or) 4851.00 A.F.A.

8. Total consumptive use is 3995.6 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	19				IRR	
		20				IRR	

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	21			IRR	
		22			IRR	
		23			IRR	
		26			IRR	
		27			IRR	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
A63-02387B.

14. Remarks:

EXHIBIT "A" IS THE LEGAL DESCRIPTION OF ACRES SUPPORTING LICENSE #19078/63-2555.

EXHIBIT "B" IS THE MAP OF DRAINAGE DISTRICT NO. 4 POINTS OF DIVERSION, PLACE OF USE, SECTION NUMBERS, ETC.

DESCRIPTION OF DIVERTING WORKS: (A) JUNCTION DRAIN: WATERS DEVELOPED AND COLLECTED BY CLAIMANTS DRAINAGE SYSTEM IS DIVERTED FROM DRAIN INTO THURMAN MILL DITCH BY MEANS OF A 24" PIPE ABOUT 50' LONG AND HEADGATE. (B) NORTHWEST DRAIN: WATERS DEVELOPED AND COLLECTED BY CLAIMANT'S DRAINAGE SYSTEM IS DIVERTED IN PART TO THE WARM SPRINGS DITCH COMPANY.

NOTE: THE ACRES LISTED ON THE ORIGINAL LICENSE ARE LISTED IN A MANNER THAT CANNOT BE DATA ENTERED BY 1/41/4 WITH THE TOTAL ACREAGE LICENSED BEING 1141.61 ACRES - WHICH IS ALSO WHAT THIS CLAIM HAS BEEN FILED FOR.

ALSO, THE PRIORITY DATE CLAIMED IS EARLIER THAN THE PRIORITY DATE LICENSED FOR THIS RIGHT(1969). THE PRIORITY DATE CLAIMED ON THIS CLAIM IS BASED ON DECREE #63-A-5 WHICH HAS A MEMO IN THE DECREE FILE STATING THAT THE DECREE IS CONSIDERED INVALID BY IDWR'S ATTORNEY AND LICENSE #63-02387 COVERS THE SAME RIGHTS. THIS RIGHT WAS LICENSED AT THE SAME TIME AS 63-02387.

15. Basis of Claim: LICENSE

Water Right Number: 19078

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 A63-02555
Date Received 11-2-89
Receipt Number W006609

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
NOV 02 1989
Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) DRAINAGE DISTRICT NO. 4 OF THE COUNTY
OF ADA OF THE STATE OF IDAHO Phone (208) 345-3817
Mailing Address c/o Elbert E. Gass, 1655 Fairview Ave.,
Suite 204, Boise, Idaho Zip 83702

2. Date of Priority (Only one (1) per claim) July 12, 1924

3. Source of water supply (a) Surface, subsurface, seepage & percolating waters developed
which is tributary to (b) by Claimant's drainage system

4. a. Location of existing point of diversion is: Township 4N Range 1E Section 23,
(Junction Drain
SW 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of Ada (Thurman Mill
(Northwest Drain
Additional points of diversion if any: Tp. 4N, Rg. 1E, Section 19, Lot 2 (Warm Springs Slough

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. (a) Junction Drain: Waters developed and
collected by Claimants drainage system is diverted from drain into Thurman Mill ditch by
means of a 24 inch pipe about 50 feet long and headgate. (b) Northwest Drain: Waters
developed and collected by Claimant's drainage system is diverted in part to the Warm
Springs Ditch Company

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OCT 02 1998

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 10.00 or 4,851

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 10.00 (cfs) and/or (b) 4,851 (acre feet)

8. Total consumptive use claimed is 3,995.64 acre feet per annum.

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

10. Description of place of use: See Exhibits A & B

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated 1141.61

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

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks: Exhibit "A" is the legal description of acres supporting
license #19078/63-2555

Exhibit "B" is the map of Drainage District No. 4 points
of diversion, place of use, section numbers, etc.

MICROFILMED

OCT 02 1996

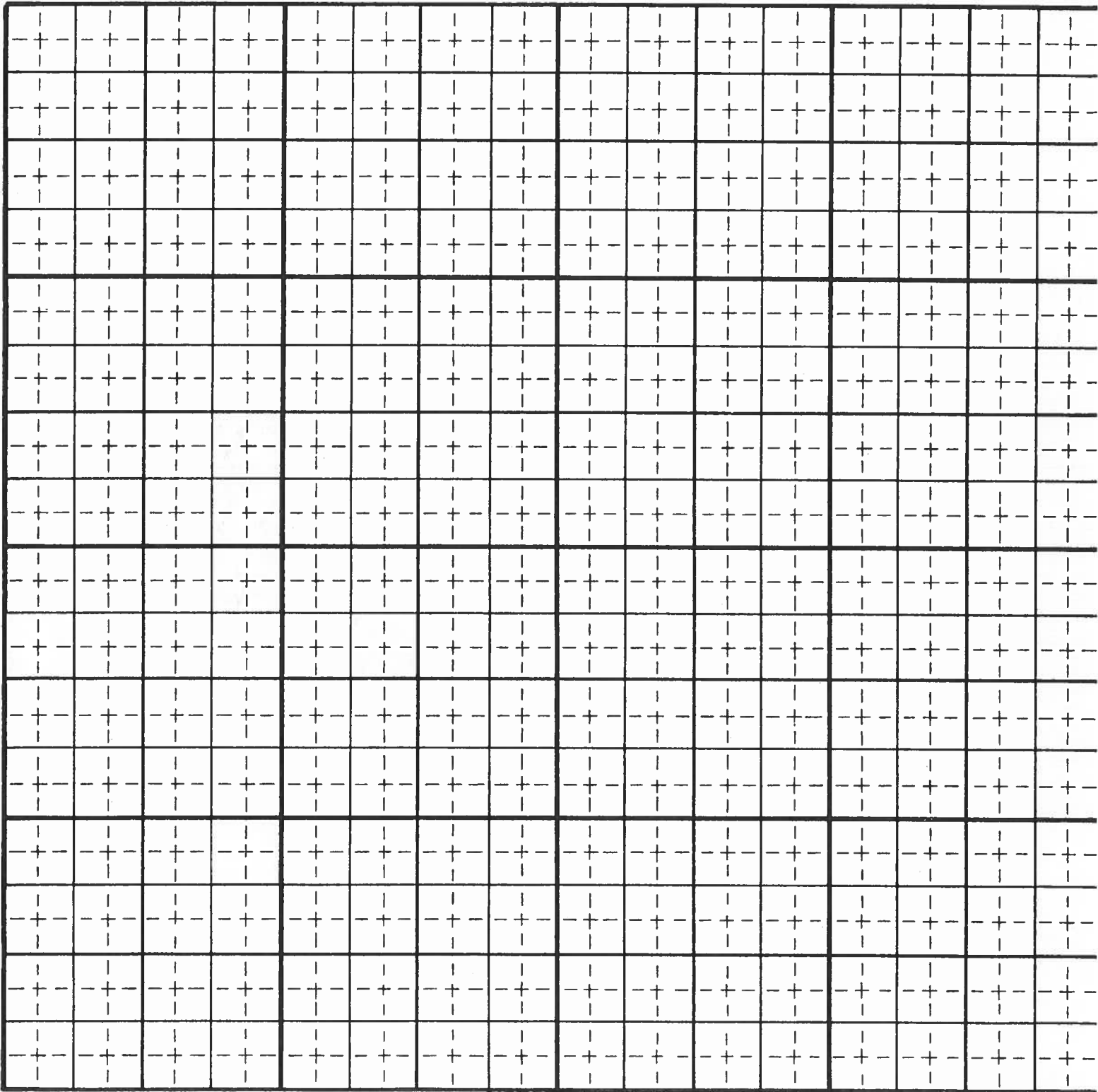
Last Name Drainage District No. 4 Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

SEE EXHIBIT "B" ATTACHED



MICROFILMED
OCT 02 1998

Last Name Drainage District No. 4 Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 19078/63-2525
Court District (3rd) Case Number _____ Decree Date 8/13/25
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ the Attorney
Title
of Drainage District No. 4 of Ada County, Idaho , that I have signed the foregoing
Organization
document in the space below as _____ the Attorney _____ of Drainage District No. 4
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Elbert E. Gass

Title and Organization ATTORNEY FOR Date 11/1/89
Drainage District No. 4

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 1st day of November 19 89

SEAL

Notary Public I hereby J. Gass

Residing at Boise, Idaho

My Commission Expires 9/6/93

Please Print Name

17. Notice of Appearance:

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

Signature Elbert E. Gass

Address 1655 fairview Ave. #204, Boise, Idaho 83702

Date November 1, 1989

MICROFILMED
OCT 02 1996

Last Name Drainage District No. 4 Ident. Number _____

Copies White-State, Yellow-Claimant

LEGAL DESCRIPTION	ACRES
<u>T. 4 N., R 1 E., B. N.</u>	
<u>Section 19</u>	
Part of Lot 1	14.28
Lot 2	25.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	17.26
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Except tract described in Book of Deeds 137, p. 289, Ada County	3.76
Part of Lot 1	17.00
Part of SE $\frac{1}{4}$ NE $\frac{1}{4}$ Described in Book of Deeds 137, p. 289, Ada County	24.28
<u>Section 20</u>	
Lot 7	34.45
Lot 8	30.98
NE $\frac{1}{4}$ SE $\frac{1}{4}$	36.20
Lot 5	16.40
Lot 6	38.34
SW $\frac{1}{4}$ NW $\frac{1}{4}$ except tract described in Book of Deeds 38, p. 229, Ada County	10.00
W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	15.72
S $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	9.76
Tract in NW $\frac{1}{4}$ SE $\frac{1}{4}$ as described in Book of Deeds 105, p. 313, Ada County	21.20
Tract in NE $\frac{1}{4}$ SW $\frac{1}{4}$ as described in Book of Deeds 160, p. 292, Ada County	14.08
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.04
<u>Section 21</u>	
Lot 7	20.16
Lot 8	21.28
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$ except as described in Book of Deeds 124, p. 370, Ada County	4.42
Lot 5	24.42
Lot 6	18.08
NW $\frac{1}{4}$ SW $\frac{1}{4}$	38.94
SW $\frac{1}{4}$ SW $\frac{1}{4}$	9.52
SE $\frac{1}{4}$ SW $\frac{1}{4}$	13.72

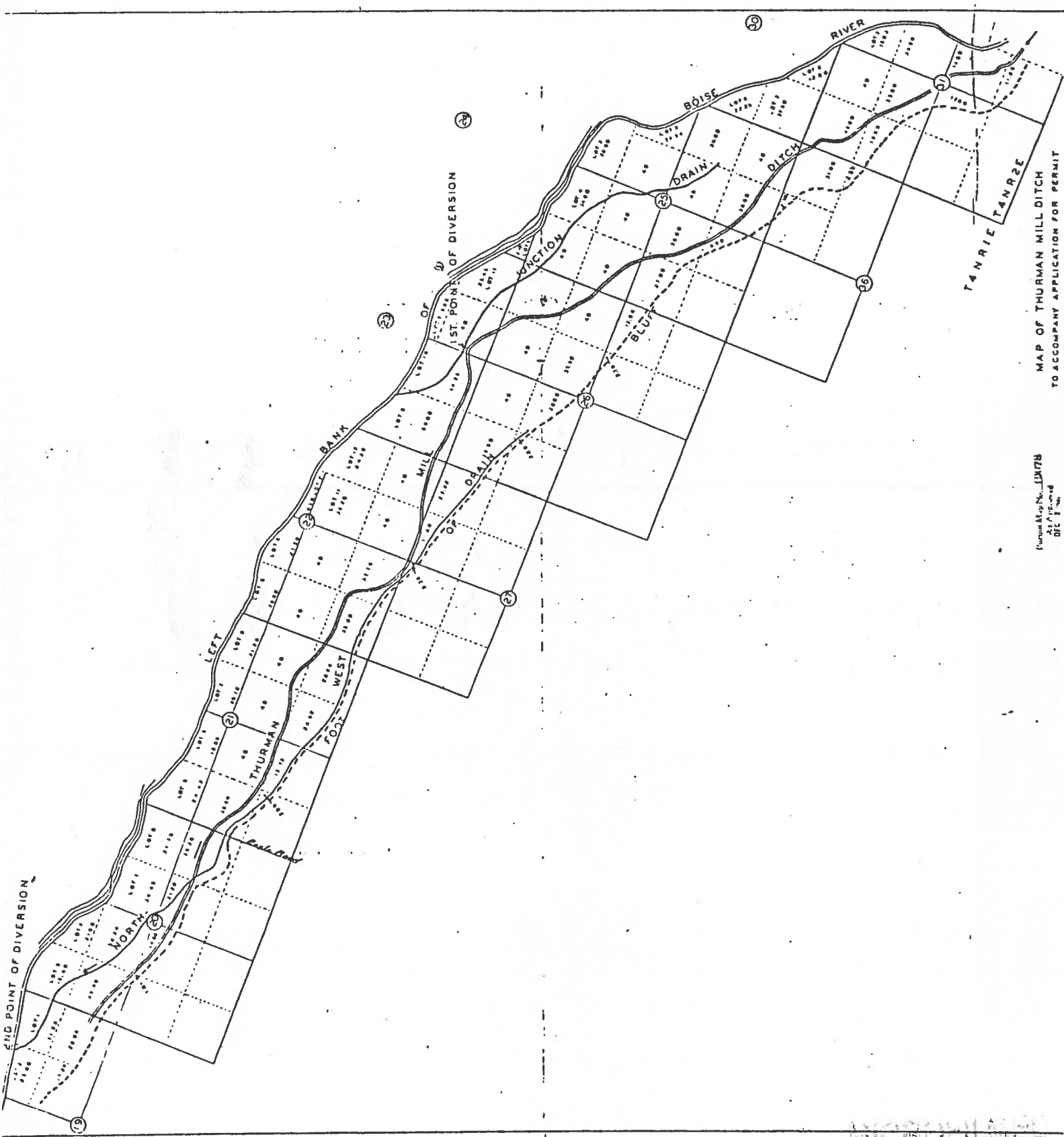
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OCT 02 1996

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Part of SW $\frac{1}{4}$ SE $\frac{1}{4}$ as described in Book of Deeds 124, p. 370, Ada County	24.52
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SE $\frac{1}{4}$ SE $\frac{1}{4}$ As described in Book of Deeds 122, p. 249, Ada County	28.64
<u>Section 22</u>	
Tract as described in Book of Deeds 123, p. 90, Ada County	35.00
Tract as described in Book of Deeds, 144, p. 2, Ada County	35.00
Tract as described in Book of Deeds, 128 p. 173, Ada County	72.72
SE $\frac{1}{4}$ SW $\frac{1}{4}$ as described in Book of Deeds 53, p. 521, Ada County	37.74
Lot 10	17.92
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
Tract as described in Book of Deeds 115, p. 189, Ada County	6.68
N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.00
Tract as described in Book of Deeds 125, p. 12, Ada County	3.33
Tract as described in Book of Deeds 125, p. 67, Ada County	3.41
Tract as described in Book of Deeds 125, p. 209, Ada County	3.41
<u>Section 23</u>	
Lot 9	60.00
Lot 10	54.25
<u>Section 26</u>	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.32
Tract described in Book of Deeds 111, p. 155, Ada County	16.70
<u>Section 27</u>	
W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$	.60
Part of E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.36
Part of NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.80
Part of NE $\frac{1}{4}$ NE $\frac{1}{4}$	22.92
TOTAL ACRES	1141.61

MICROFILMED

OCT 02 1998



MAP OF THURMAN MILL DITCH
TO ACCOMPANY APPLICATION FOR PERMIT

Purpose Map No. 141118
As Prepared
DEC 8 1996

END POINT OF DIVERSION

THURMAN

LEFT

WEST

BANK

MILL

1ST. POINT OF DIVERSION

BLUFF

DRAIN

DITCH

BOISE

RIVER

TANRIE

EXHIBIT

OCT 02 1996

Water Right Number - 63-02555 Prefix Translation: WATER RIGHT Old (0) Number - 19078
+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
DRAINAGE DISTRICT NO. 4

1 -
2 -
3 -
City- BOISE State- ID Zip-
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
SMITH

1 -
2 -
3 -
City- Phone - 208-000-0000 State- ID Zip-
City- Phone - 208-000-0000

+ - - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
09/02/1969 14 WESTERN L - LICENSE

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
JUNCTION DRAIN BOISE RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot Rflg County Diversion Name Diversion Rate Diversion No.

04N 01E 23 SW SE (1) ADA

+ - - - - Description - - - - - Water Use - - - - - +
Code Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 10.000 4851.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
10.000 4851.00

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

04N	01E	19	01	IRRIGATION	(1)	ADA
04N	01E	20	01	IRRIGATION	(1)	ADA
04N	01E	21	01	IRRIGATION	(1)	ADA
04N	01E	22	01	IRRIGATION	(1)	ADA
04N	01E	23	01	IRRIGATION	(1)	ADA
04N	01E	26	01	IRRIGATION	(1)	ADA
04N	01E	27	01	IRRIGATION	(1)	ADA

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

MICROFILMED
OCT 02 1996

WATER RIGHT

[illegible]

	+-----+-----+-----+-----+-----+-----+-----+-----+	
	- - - - -	- Old Water Right Numbers
	- - - - -	No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff	- - +	+ - - - Decree Defendant	- - +	+ - Decree Date
				00/00/0000

-----+
- Comments-
No Comments Found

+ - - Audit Fields - 06/03/85 05/01/88 CONVERT 07/11/89 CURTIS 09/22/90 RGNBR 05/29/91 BILBAO

	Water Rights Dates and Flags Area	
--	-----------------------------------	--

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	-
Exam to S.O. Date	- 00/00/0000	Verified Date	- 06/03/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 08/28/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Name Connector	-	POU Ownership Flag	-
Presumption Flag	-				

MICROFILMED
OCT 02 1996

January 29, 1930

MEMORANDUM

TO: Decree File 63-A-5

THROUGH: Bob Hamilton

FROM: Roberta Garrett

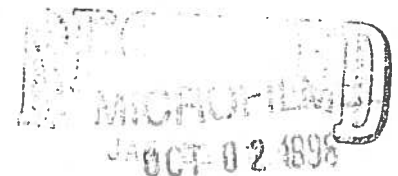
SUBJECT: Review of File 63-A-5

It has been determined by our attorney, Mike Hyer, that decree 63-A-5 did not decree water to the lands as identified in the "Matter of Drainage District No. 4 of the County of Ada in the State of Idaho" and "The Order Temporarily Apportioning Developed Waters." Therefore, right numbers 63-0028 through 63-0094 previously assigned to this order as located in our "Copies of Decree" file are invalid.

For data entry, the remarks should read "Decreed rt. invalid. See lic. 63-2387."

For lic. 63-2387, the place of use will be the same lands as described in the order.

RG/LH



WATER RIGHT LICENSE

THIS IS TO CERTIFY that DRAINAGE DISTRICT NUMBER 4

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to November 15	at 10.00 cfs and	4,851 acre feet
	from _____ to _____	_____ cfs and	_____
	from _____ to _____	_____ cfs and	_____

(both dates inclusive)

Description and location of place of use: SEE ATTACHED LAND DESCRIPTION

[illegible]

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of December, 19 78.

Deputy Director

LICENSE NO. 63-2555 - DRAINAGE DISTRICT #4

LAND LIST (TAKEN FROM DECREE)

LEGAL DESCRIPTION	ACRES
<u>T. 4 N., R 1 E., B. M.</u>	
<u>Section 19</u>	
Part of Lot 1	14.28
Lot 2	25.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	17.25
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Lot 8	30.98
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Tract in NE $\frac{1}{4}$ SW $\frac{1}{4}$ as described in Book of Deeds 160, p. 292, Ada County	14.08
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NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$ except as described in Book of Deeds 124, p. 370, Ada County	4.42
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SW $\frac{1}{4}$ SW $\frac{1}{4}$	9.52
SE $\frac{1}{4}$ SW $\frac{1}{4}$	13.72

MICROFILMED
OCT 02 1996

License No. 63-2555
Land List
Page 2

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Part of NE $\frac{1}{4}$ NE $\frac{1}{4}$	22.92
TOTAL ACRES	1141.61

MICROFILMED

OCT 02 1996

Summary of Expenses

63-2387 - Churman Mill Drain
W.M. records show delivery of 11.42 cfs
for yrs. which is the decreed amnt.
(see decree) All acreage given as stated
in decree

63-2555 - W.M. records show delivery
of 10.0 cfs, however, the Junction
drain dumps into the Churman
Mill Drain in the SW SE Sec. 23
therefore, only will credit the acreage
listed in the decree ~~below~~ ^{upstream} from
that pt. in sec. 23 as that is the water used
from the Junction drain. The
other acreage is covered by 63-2387.

DATE OF EXAM 9/10/78

ACREAGE

Found 1275.00 1141.61Recommended 1275.00 1141.61Irrigation Requirement 4.5

Ac Ft/Ac

USE

Irrigation Q = 10.0 c.f.s.V = 3603.6AF/Ann. from 4/15 to 10/15Domestic Q = c.f.s.V = AF/Ann. from to Livestock Q = c.f.s.V = AF/Ann. from to Is water co-mingled? yes X no Name source: Junction Drain into Thurman Mill ditchTwp. 4N N/S, Rge 1E E/W, B.M., Sec. 23, Sub. SE 1/4 SE 1/4 4da

County

Exchange? yes X no Name source exchanged with: Boise River waterTwp. 3N N/S, Rge 2E E/W, B.M., Sec. 5, Sub. SE 1/4 NE 1/4 4da

County

Point of injection:

Twp. 4N N/S, Rge 1E E/W, B.M., Sec. 23, Sub. SE 1/4 SE 1/4

County

Point of exchange:

Twp. 3N N/S, Rge 2E E/W, B.M., Sec. 5, Sub. SE 1/4 NE 1/4 4da

County

Total Q measured 10.00Method of measurement Records of Boise Riverwater master 63Total Q recommended 10.00Meter No. Type Condition Total V recommended 3603.64,851 ac ft

Recommended Amendments:

P.D. Place of Use Other None None

MEASUREMENT CALCULATION:

Thurman drain produces as much as 22 cfs which is measured by the 63 water master who in turn gives 571 inches of water credit from the Boise River to the Thurman Mill ditch and the Thurman Mill diverts water from the Junction drain which amounts to 10 cfs for a total credit and diversion of 21.92 cfs being placed into the Thurman ditch system.

SYSTEM DESCRIPTION:

Thurman Mill drain is from Boise River at 11 Sec 5 T34N2E the Junction drain dumps in water at the Subsec 23 T4N R1E. The Thurman Drain or tributary is called the Northwest drain is measured by the watermaster before it goes back into the Boise River. The WM then credits the Thurman Mill for the water it contributes to the river back up at the headgate.

REMARKS:

In Sec 5 T34N2E, The acreage was taken from original court case see the attachment for acreage. The Northwest drain or Thurman-Mill Drain has all ready been credited back by Permit # 63-2382. Only the Junction Drain is to be credited on this Permit.

Examiner's Signature Date 10/10/78Checked by Date Approved by Date

POOR ORIGINAL

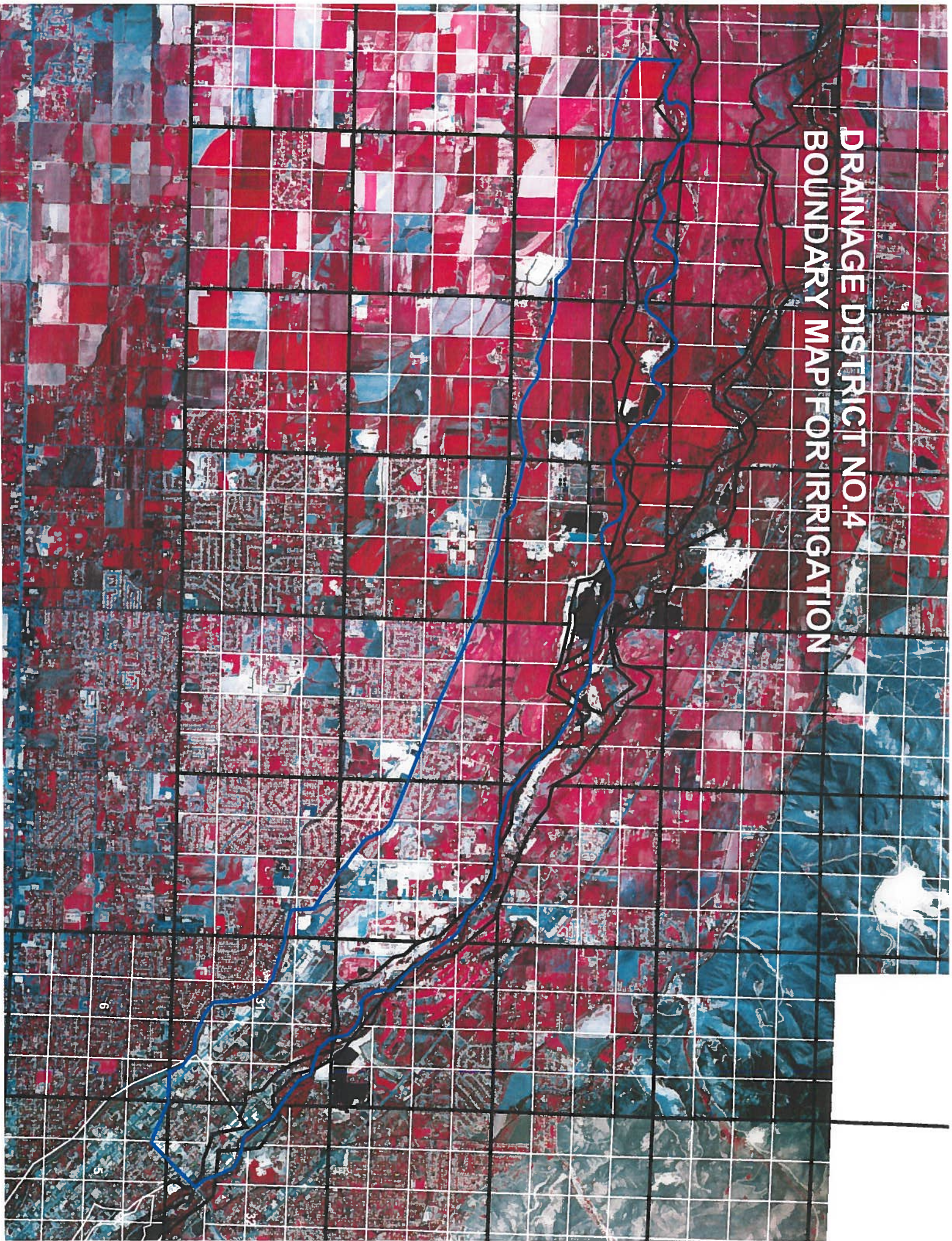
**DRAINAGE DISTRICT NO 4
IRRIGATION RIGHTS BOUNDARY**



DRAINAGE DISTRICT NO. 4 BOUNDARY MAP FOR IRRIGATION



DRAINAGE DISTRICT NO. 4 BOUNDARY MAP FOR IRRIGATION



T03N, R02E SEC 5

NESE
LTM

POINT OF DIVERSION
THURMAN MILL DITCH CO,
WARM SPRINGS DITCH CO &
DRAINAGE DISTRICT #4

T04N R01E

T04N, R02E

19

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