

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 63-31936
Date Received: 10/30/1989
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: 07/02/1924

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

4. Point of Diversion:

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

5. Description of diverting works:

Water delivered through Thurman Mill Ditch Company, Warm Springs Ditch Company
and Nampa & Meridian Irrigation District.

6. Water is used for the following purposes:

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

7. Total Quantity Appropriated is:
15 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 confirmed by Court Order dated August 13, 1925 and later licensed as water right 63-2387. The priority date for the license was advanced to 11/11/1964 because of late proof of beneficial use. However, claimant is claiming a priority date of 1924 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

AMENDED

Ident. Number 63-2387
Date Received: 10/30/1989
Receipt No: X999999
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
C/O S BRYCE FARRIS
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID USA 83701

Phone: (208)342-4591

2. Date of Priority: 07/02/1924

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
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	04/15	10/15	15	

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

8. Total consumptive use:

9. Non-irrigation uses:

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MAY 13 2004

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04N	01E	19	NE	NE	1	IRRIGATION	31
			NW	NE	2	IRRIGATION	25
			SW	NE		IRRIGATION	17
			SE	NE		IRRIGATION	28
						Section Acres	101
04N	01E	20	SE	NW	6	IRRIGATION	38
			NE	SW		IRRIGATION	14
			NW	SW		IRRIGATION	1
			NW	SE		IRRIGATION	21
			SW	NE	7	IRRIGATION	34
			SE	NE	8	IRRIGATION	31
			NW	NW	5	IRRIGATION	16
			SW	NW		IRRIGATION	35
						Section Acres	190
04N	01E	21	SW	SW		IRRIGATION	10
			SE	SW		IRRIGATION	14
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	29
			SE	SE		IRRIGATION	29
			NW	SW		IRRIGATION	39
			SW	NE	7	IRRIGATION	20
			SE	NE	8	IRRIGATION	21
			SW	NW	5	IRRIGATION	24
			SE	NW	6	IRRIGATION	18
			NE	SW		IRRIGATION	40
						Section Acres	324
04N	01E	22	SE	SW		IRRIGATION	38
			NE	SE	10	IRRIGATION	18
			SW	SE		IRRIGATION	30
			SE	SE		IRRIGATION	40
						Section Acres	126
04N	01E	23	SW	SW	9	IRRIGATION	60
						Section Acres	60
04N	01E	25	NW	SE		IRRIGATION	1
			NE	SE		IRRIGATION	5
			SW	SE		IRRIGATION	5
			SE	SE		IRRIGATION	40
						Section Acres	51
04N	01E	26	NW	NW		IRRIGATION	36
			NE	SE		IRRIGATION	10
						Section Acres	46
04N	01E	27	NE	NE		IRRIGATION	23
			NW	NE		IRRIGATION	12
			NE	NW		IRRIGATION	4

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MAY 13 2004

						Section Acres	39
04N	01E	36	NE	NE		IRRIGATION	30
			NW	NE		IRRIGATION	2
			SE	NE		IRRIGATION	3
						Section Acres	35
04N	02E	30	SW	SW	7	IRRIGATION	10
						Section Acres	10
04N	02E	31	NW	NE	2	IRRIGATION	20
			SW	NE		IRRIGATION	39
			NE	NW		IRRIGATION	40
			NW	NW	3	IRRIGATION	46
			SW	NW	4	IRRIGATION	12
			SE	NW		IRRIGATION	31
			NE	SW		IRRIGATION	10
			NW	SE		IRRIGATION	38
			SW	SE		IRRIGATION	11
						Section Acres	247
						Total Acres	1229

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

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

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 63-2387

Date Received 5-11-04

Receipt Number 63-2387

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) July 2, 1924

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 63-2387

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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 15 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) 15 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 63-2387

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MAY 13 2004

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MAY 13 2004

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.

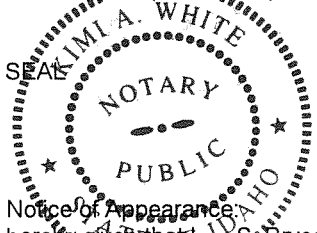
Signature or Claimant (s) _____ Date _____
_____ Date _____

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

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

Subscribed and sworn to (or affirmed) before me this 10th day of May 20 04



Notary Public Kim A. White

Residing at Boise, Idaho

My Commission Expires 04/01/08

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 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 Boise River Watermaster has distributed the water to the following delivery organizations/canal companies for delivery and beneficial use by the landowners and/or shareholders: Thurman Mill Ditch Company, Warm Springs Ditch Company and Nampa & Meridian Irrigation District since 1925. The water is then credited and delivered to the above delivery organizations/canal companies at their Boise River points of diversion. Thus, the points of diversion for this water right are the points of diversion for the above-referenced delivery organizations/canal companies.

This water right was confirmed by Court Order dated August 13, 1925 in The Matter of Drainage District No. 4 of the County of Ada in the State of Idaho, and later licensed as water right no. 63-2387. The priority date for the license was advanced to November 11, 1964 because of late proof of beneficial use. However, Claimant is claiming a priority date of 1924 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 63-2387
Date Received: 10/30/1989
Receipt No: X999999
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

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

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	11.42	5540

7. Total Quantity Appropriated is:
11.42 C.F.S. and/or 5540 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	NE	NE	1	IRRIGATION	31
			NW	NE	2	IRRIGATION	25
			SW	NE		IRRIGATION	17
			SE	NE		IRRIGATION	28
Section Acres							101
04N	01E	20	SE	NW	6	IRRIGATION	38
			NE	SW		IRRIGATION	14
			NW	SW		IRRIGATION	1
			NW	SE		IRRIGATION	21
			SW	NE	7	IRRIGATION	34
			SE	NE	8	IRRIGATION	31
			NW	NW	5	IRRIGATION	16
			SW	NW		IRRIGATION	35
Section Acres							190
04N	01E	21	SW	SW		IRRIGATION	10
			SE	SW		IRRIGATION	14
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	29
			SE	SE		IRRIGATION	29
			NW	SW		IRRIGATION	39
			SW	NE	7	IRRIGATION	20
			SE	NE	8	IRRIGATION	21
			SW	NW	5	IRRIGATION	24
			SE	NW	6	IRRIGATION	18
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Section Acres							324
04N	01E	22	SE	SW		IRRIGATION	38
			NE	SE	10	IRRIGATION	18
			SW	SE		IRRIGATION	30
			SE	SE		IRRIGATION	40
Section Acres							126
04N	01E	23	SW	SW	9	IRRIGATION	60
Section Acres							60
04N	01E	25	NW	SE		IRRIGATION	1
			NE	SE		IRRIGATION	5
			SW	SE		IRRIGATION	5
			SE	SE		IRRIGATION	40
Section Acres							51
04N	01E	26	NW	NW		IRRIGATION	36

			NE	SE		IRRIGATION	10
						Section Acres	46
04N	01E	27	NE	NE		IRRIGATION	23
			NW	NE		IRRIGATION	12
			NE	NW		IRRIGATION	4
						Section Acres	39
04N	01E	36	NE	NE		IRRIGATION	30
			NW	NE		IRRIGATION	2
			SE	NE		IRRIGATION	3
						Section Acres	35
04N	02E	30	SW	SW	7	IRRIGATION	10
						Section Acres	10
04N	02E	31	NW	NE	2	IRRIGATION	20
			SW	NE		IRRIGATION	39
			NE	NW		IRRIGATION	40
			NW	NW	3	IRRIGATION	46
			SW	NW	4	IRRIGATION	12
			SE	NW		IRRIGATION	31
			NE	SW		IRRIGATION	10
			NW	SE		IRRIGATION	38
			SW	SE		IRRIGATION	11
						Section Acres	247
						Total Acres	1229

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:

15. Basis of Claim: License

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 63-2387B
Date Received: 11/2/1989
Receipt No: W006608
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

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

SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	11.42	5540

7. Total Quantity Appropriated is:
11.42 C.F.S. and/or 5540 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	NE	NE	1	IRRIGATION	31
			NW	NE	2	IRRIGATION	25
			SW	NE		IRRIGATION	17
			SE	NE		IRRIGATION	28
						Section Acres	101
04N	01E	20	NE	SW		IRRIGATION	14
			NW	SW		IRRIGATION	1
			NW	SE		IRRIGATION	21
			SW	NE	7	IRRIGATION	34
			SE	NE	8	IRRIGATION	31
			NW	NW	5	IRRIGATION	16
			SW	NW		IRRIGATION	35
			SE	NW	6	IRRIGATION	38
						Section Acres	190
04N	01E	21	SW	NE	7	IRRIGATION	20
			SE	NE	8	IRRIGATION	21
			SW	NW	5	IRRIGATION	24
			SE	NW	6	IRRIGATION	18
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	39
			SW	SW		IRRIGATION	10
			SE	SW		IRRIGATION	14
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	29
			SE	SE		IRRIGATION	29
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04N	01E	22	SE	SW		IRRIGATION	38
			NE	SE	10	IRRIGATION	18
			SW	SE		IRRIGATION	30
			SE	SE		IRRIGATION	40
						Section Acres	126
04N	01E	23	SW	SW	9	IRRIGATION	60
						Section Acres	60
04N	01E	25	NW	SE		IRRIGATION	1
			NE	SE		IRRIGATION	5
			SW	SE		IRRIGATION	5
			SE	SE		IRRIGATION	40
						Section Acres	51
04N	01E	26	NW	NW		IRRIGATION	36
			NE	SE		IRRIGATION	10
						Section Acres	46
04N	01E	27	NE	NE		IRRIGATION	23
			NW	NE		IRRIGATION	12
			NE	NW		IRRIGATION	4
						Section Acres	39
04N	01E	36	NE	NE		IRRIGATION	30

			NW	NE		IRRIGATION	2
			SE	NE		IRRIGATION	3
						Section Acres	35
04N	02E	30	SW	SW	7	IRRIGATION	10
						Section Acres	10
04N	02E	31	NW	NE	2	IRRIGATION	20
			SW	NE		IRRIGATION	39
			NE	NW		IRRIGATION	40
			NW	NW	3	IRRIGATION	46
			SW	NW	4	IRRIGATION	12
			SE	NW		IRRIGATION	31
			NE	SW		IRRIGATION	10
			NW	SE		IRRIGATION	38
			SW	SE		IRRIGATION	11
						Section Acres	247
						Total Acres	1229

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 A MAP OF THE DRAINAGE DISTRICT SHOWING POINTS OF DIVERSION, PLACE OF USE, SECTION NUMBER.

EXHIBIT "B" IS THE HARTSON DECREE OF AUGUST 13, 1925, DESCRIBING ACRES AND INCHES OF WATER.

DESC. OF DIVERTING WORKS: (A) JUNCTION DRAIN: WATERS DEVELOPED AND COLLECTED BY CLAIMANTS DRAINAGE SYSTEM IS DIVERTED FROM DRAIN INTO THURMAN MILL DITCH BY MEAN 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: THIS CLAIM IS A DUPLICATE FILING FOR 63-02387 - THE "B" PORTION BEING THE OTHER FILING IS IN THE NAME OF THE WARM SPRINGS DITCH CO.

NOTE: THIS CLAIM REFLECTS THE CLAIMANT'S ORIGINAL FILING WHICH SHOWS AN EARLIER PRIORITY DATE THAN LICENSED - BASED ON THE HARTSON DECREE OF 08-12-1925. THIS DECREE IS #63-A-5, HOWEVER, A MEMO IN THAT DECREE FILE STATES THAT PER AN IDWR ATTORNEY THE RIGHTS LISTED IN THAT DECREE ARE INVALID AND ARE REPLACED BY LICENSE NO. 63-02387. SEE COPY OF THIS MEMO IN CLAIM FILE ALSO. THE PLACE OF USE DATA ENTERED IN THE DATABASE IS A PORTION OF THE ACTUAL LICENSED P/U. THE WATER RIGHT REMARKS READ THAT THE P/U ALSO INCLUDES OTHER LANDS WITHIN THE BOUNDARIES OF DRAINAGE DIST NO 4 AND STRAWBERRY GLEN SUBDIVISION. THESE LEGALS WERE LISTED IN SUCH A WAY THAT DATA ENTRY BY 1/41/4 & SECTION WAS NOT POSSIBLE (LEGAL LISTS SUBD. LOTS, ETC). THE ACTUAL IRRIGATED ACREAGE ADDS UP TO 2181.38 ON THE LICENSE AND 2183 ACRES ON THE ADJUDICATION CLAIM. JS

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__

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 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: **A63-02387B**
Date Received: 11/ 2/1989
Receipt No: W006608
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: BOISE RIVER Trib. to: SNAKE 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	04/15	10/15	11.420		5540.00

7. Total Quantity Appropriated is:
11.420 C.F.S. (and/or) 5540.00 A.F.A.

8. Total consumptive use is 7640.0 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	NE	NE	1	IRR	31.0
			NW	NE	2	IRR	25.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	19	SW	NE		IRR	17.0
			SE	NE		IRR	28.0
					Section Acres		101.0
		20	SW	NE	7	IRR	34.0
			SE	NE	8	IRR	31.0
			NW	NW	5	IRR	16.0
			SW	NW		IRR	35.0
			SE	NW	6	IRR	38.0
			NE	SW		IRR	14.0
			NW	SW		IRR	1.0
			NW	SE		IRR	21.0
					Section Acres		190.0
		21	SW	NE	7	IRR	20.0
			SE	NE	8	IRR	21.0
			SW	NW	5	IRR	24.0
			SE	NW	6	IRR	18.0
			NE	SW		IRR	40.0
			NW	SW		IRR	39.0
			SW	SW		IRR	10.0
			SE	SW		IRR	14.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	29.0
			SE	SE		IRR	29.0
					Section Acres		324.0
		22	SE	SW		IRR	38.0
			NE	SE	10	IRR	18.0
			SW	SE		IRR	30.0
			SE	SE		IRR	40.0
					Section Acres		126.0
		23	SW	SW	9	IRR	60.0
					Section Acres		60.0
		25	NE	SE		IRR	5.0
			NW	SE		IRR	1.0
			SW	SE		IRR	5.0
			SE	SE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	51.0
		26	NW	NW		IRR	36.0
			NE	SE		IRR	10.0
						Section Acres	46.0
		27	NE	NE		IRR	23.0
			NW	NE		IRR	12.0
			NE	NW		IRR	4.0
						Section Acres	39.0
		36	NE	NE		IRR	30.0
			NW	NE		IRR	2.0
			SE	NE		IRR	3.0
						Section Acres	35.0
	02E	30	SW	SW	7	IRR	10.0
						Section Acres	10.0
		31	NW	NE	2	IRR	20.0
			SW	NE		IRR	39.0
			NE	NW		IRR	40.0
			NW	NW	3	IRR	46.0
			SW	NW	4	IRR	12.0
			SE	NW		IRR	31.0
			NE	SW		IRR	10.0
			NW	SE		IRR	38.0
			SW	SE		IRR	11.0
						Section Acres	247.0
						Total Acres	1229.0

11. Place of use in counties: ADA

12. Do you own the property listed above

13. Other Water Rights Used:
A63-02555.

14. Remarks:
EXHIBIT "A" IS A MAP OF THE DRAIN

↑
See remarks
for acres not
listed here, however,
claimed 2,183
acres orig.
claim.

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14. Remarks: Continued

DIVERSION, PLACE OF USE, SECTION NUMBER.

EXHIBIT "B" IS THE HARTSON DECREE OF AUGUST 13, 1925, DESCRIBING ACRES AND INCHES OF WATER.

DESC. OF DIVERTING WORKS: (A) JUNCTION DRAIN: WATERS DEVELOPED AND COLLECTED BY CLAIMANTS DRAINAGE SYSTEM IS DIVERTED FROM DRAIN INTO THURMAN MILL DITCH BY MEAN 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: THIS CLAIM IS A DUPLICATE FILING FOR 63-02387 - THE "B" PORTION BEING THE OTHER FILING IS IN THE NAME OF THE WARM SPRINGS DITCH CO.

NOTE: THIS CLAIM REFLECTS THE CLAIMANT'S ORIGINAL FILING WHICH SHOWS AN EARLIER PRIORITY DATE THAN LICENSED - BASED ON THE HARTSON DECREE OF 08-12-1925. THIS DECREE IS #63-A-5, HOWEVER, A MEMO IN THAT DECREE FILE STATES THAT PER AN IDWR ATTORNEY THE RIGHTS LISTED IN THAT DECREE ARE INVALID AND ARE REPLACED BY LICENSE NO. 63-02387. SEE COPY OF THIS MEMO IN CLAIM FILE ALSO. THE PLACE OF USE DATA ENTERED IN THE DATABASE IS A PORTION OF THE ACTUAL LICENSED P/U. THE WATER RIGHT REMARKS READ THAT THE P/U ALSO INCLUDES OTHER LANDS WITHIN THE BOUNDARIES OF DRAINAGE DIST NO 4 AND STRAWBERRY GLEN SUBDIVISION. THESE LEGALS WERE LISTED IN SUCH A WAY THAT DATA ENTRY BY 1/41/4 & SECTION WAS NOT POSSIBLE (LEGAL LISTS SUBD. LOTS, ETC). THE ACTUAL IRRIGATED ACREAGE ADDS UP TO 2181.38 ON THE LICENSE AND 2183 ACRES ON THE ADJUDICATION CLAIM. JS

15. Basis of Claim: LICENSE

Water Right Number: 16076

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: _____

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State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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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 AGS-033873
Date Received 11-2-89
Receipt Number W006608

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
which is tributary to (b) developed 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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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/15 amount 11.42 or 5,540

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 11.42 (cfs) and/or (b) 5,540 (acre feet)

8. Total consumptive use claimed is 7,640 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	
			SEE EXHIBITS A & B																

Total number of acres irrigated 2,183

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 a map of the Drainage District showing points of diversion, place of use, section number

Exhibit "B" is the Hartson Decree of August 13, 1925
describing acres and inches of water

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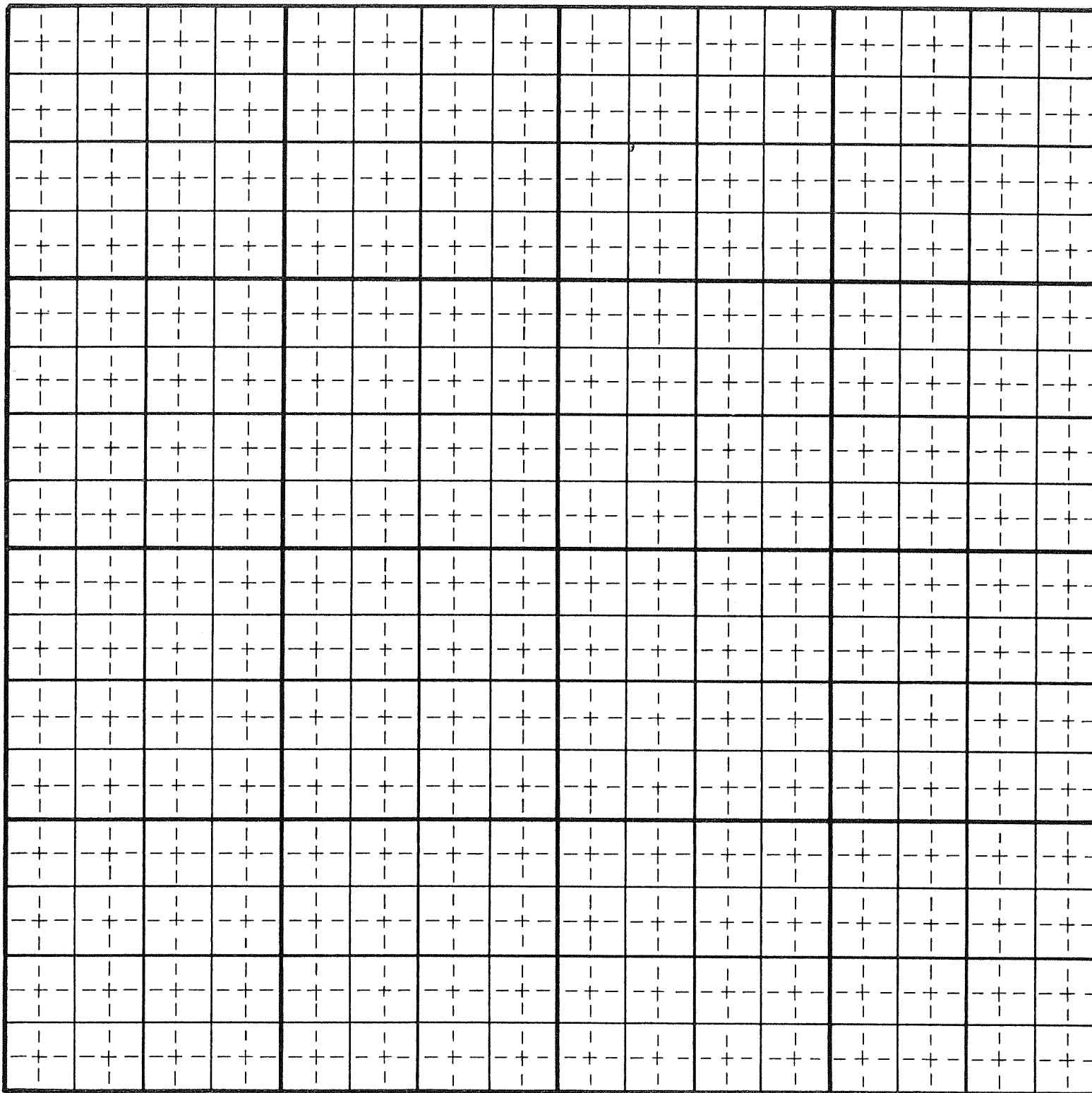
Last Name Drainage District No. 4 Ident No. _____

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 "A"



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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 63-2387
Court District (3rd) Case Number _____ Decree Date 8/13/25
Plaintiff vs Defendant In the Matter of Drainage District No. 4

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 Timothy 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

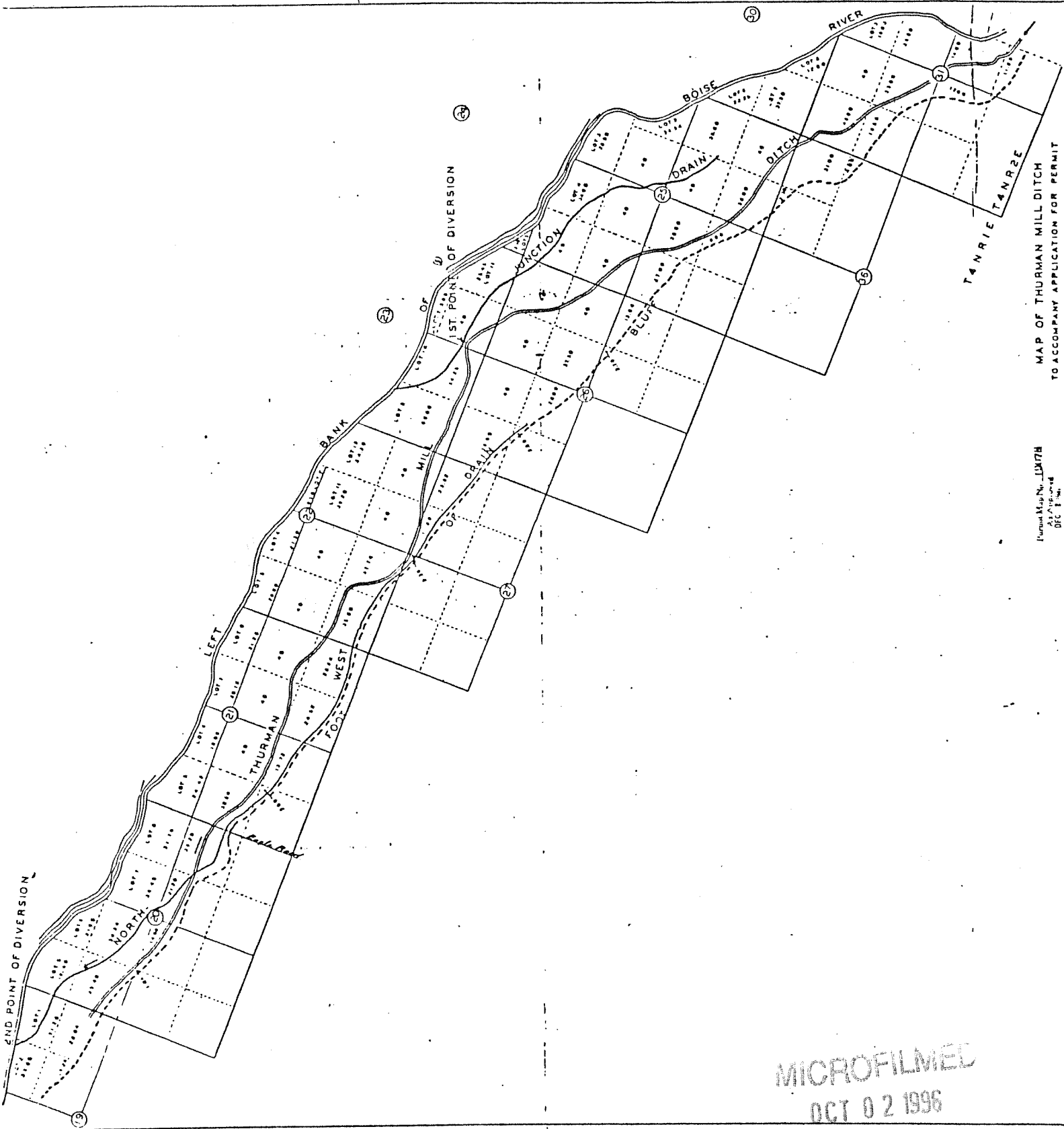
Address 1655 Fairview Ave., #204, Boise, Idaho 83702

Date November 1, 1989

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OCT 02 1996

Last Name Drainage District No. 4 Ident. Number _____

Copies White-State, Yellow-Claimant



MAP OF THURMAN MILL DITCH
TO ACCOMPANY APPLICATION FOR PERMIT

PLUMPTRE
DIVISION
DEC 1 1956

MICROFILMED
OCT 02 1996

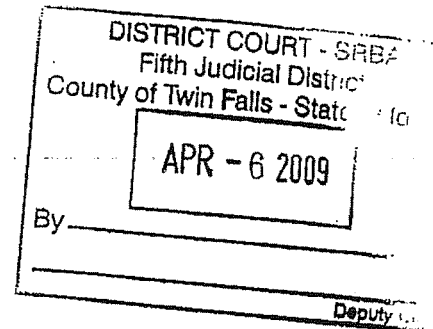
EXHIBIT

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

In Re SRBA
Case No. 39576

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

Water Right 63-31936



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: 15.00 CFS

PRIORITY DATE: 08/13/1925

POINT OF DIVERSION: T03N R02E S05 LOT 11 (NESE) Within Ada County
R03E S29 LOT 6 (NWSW)
T04N R01E S22 LOT 6 (SENW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	15.00 CFS

11.42 cfs of this right is credited for delivery to the Thurman Mill Canal; 1.03 cfs of this right is credited for delivery to the Ridenbaugh Canal and 2.55 cfs of this right is credited for delivery to the Warm Springs Canal.

PLACE OF USE: The place of use of this water right is within the digital boundaries of the Thurman Mill Ditch Company, Nampa & Meridian Irrigation District and the Warm Springs Ditch Company.

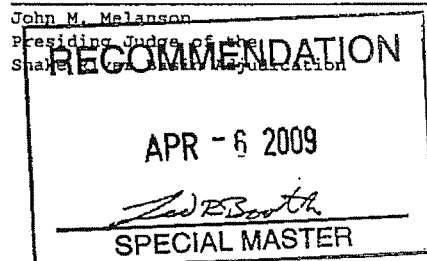
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The source of this right is wastewater collected by the right holder and 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 for each delivery organization.

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.



1413

AMENDED DIRECTOR'S REPORT

Subcase Nos. 63-31936

2008 FEB 6 10 09

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
David R. Tuthill, Jr., Director
Donald V. Shaff, Adjudication Bureau Chief

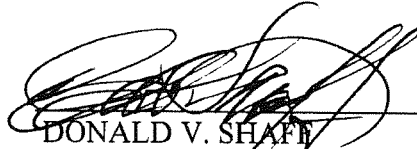
January 31, 2008

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources ("IDWR").

DISCUSSION

During exchanges with Special Master Booth concerning this water right, an Amended Director's Report was requested with a remark concerning the waste water source of this water right. IDWR has since revised the remark. Therefore, pursuant to further direction from Special Master Booth, the Director hereby submits for filing with the Court, this Amended Director's Report for the aforementioned subcase.


DONALD V. SHAFF
Adjudication Bureau Chief

Amended Director's Report
63-31936

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

RIGHT NUMBER: 63-31936

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: 15.000 CFS

PRIORITY DATE: 08/13/1925

POINT OF DIVERSION:

T03N R02E S5 NESE Lot 11 Within ADA County

T03N R03E S29 NWSW Lot 6 Within ADA County

T04N R01E S22 SENW Lot 6 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	15.000 CFS
11.42 cfs of this right is credited for delivery to the Thurman Mill Canal;		
1.03 cfs of this right is credited for delivery to the Ridenbaugh Canal and		
2.55 cfs of this right is credited for delivery to the Warm Springs Canal.		

PLACE OF USE:

The place of use of this water right is within the digital boundaries of the Thurman Mill Ditch Company, Nampa & Meridian Irrigation District and the Warm Springs Ditch Company.

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

The source of this right is wastewater collected by the rightholder and 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 the points of diversion for each delivery organization.

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.

Amended Director's Report
63-31936

Amended Director's Report
63-31936

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-135, 63-176,
63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425,
63-30125, 63-30129, 63-30130, 63-30131.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE AS T03N, R03E, S29, NWSW: 63-198AJ,
63-199B, 63-200B, 63-2392B, 63-2968 AND 63-30181.

WATER IS DELIVERED THROUGH THE RIDENBAUGH CANAL, THE THURMAN
MILL CANAL AND THE WARM SPRINGS CANAL

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-192,
63-216C, 63-19425.

Amended Director's Report
63-31936

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

RIGHT NUMBER: 63-31936

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: 15.000 CFS

PRIORITY DATE: 08/13/1925

POINT OF DIVERSION:

T03N R02E S5 NESE Lot 11 Within ADA County

T03N R03E S29 NWSW Lot 6 Within ADA County

T04N R01E S22 SENW Lot 6 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	15.000 CFS
11.42 cfs of this right is credited for delivery to the Thurman Mill Canal;		
1.03 cfs of this right is credited for delivery to the Ridenbaugh Canal and		
2.55 cfs of this right is credited for delivery to the Warm Springs Canal.		

PLACE OF USE:

The place of use of this water right is within the digital boundaries of the Thurman Mill Ditch Company, Nampa & Meridian Irrigation District and the Warm Springs Ditch Company.

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

The source of this right is wastewater collected by the rightholder and 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 the points of diversion for each delivery organization.

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.

Amended Director's Report
63-31936

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-135, 63-176,
63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425,
63-30125, 63-30129, 63-30130, 63-30131.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE AS T03N, R03E, S29, NWSW: 63-198AJ,
63-199B, 63-200B, 63-2392B, 63-2968 AND 63-30181.

WATER IS DELIVERED THROUGH THE RIDENBAUGH CANAL, THE THURMAN
MILL CANAL AND THE WARM SPRINGS CANAL

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-192,
63-216C, 63-19425.

EXHIBIT

B

In the Matter of Drainage
 District No. 4 of the County
 of Ada in the State of Idaho

ORDER TEMPORARILY APPORTIONING
 DEVELOPED WATERS.

The petition of B. W. Stillwell, J. T. Barber and James Keener, as Commissioners of Drainage District No. 4 of the County of Ada in the State of Idaho, heretofore filed in the above entitled court and cause on the 13th day of August, 1925, having been presented to the undersigned, one of the judges of the above entitled court, and it satisfactorily appearing therefrom that an order was made and entered on the 18th day of April, 1925, temporarily apportioning and distributing 51.34 miners inches of water continuous flow, from the 750 miners inches alleged in said petition to have been developed and emptied into Boise River from the drainage canal of said district, to certain lands in said order described and to the use of the persons therein named, and, it further appearing that an order should be made temporarily apportioning and distributing, until further order of this court, or of one of the judges thereof, 698.66 miners inches continuous flow, being the balance remaining from the said 750 miners inches, to the lands in said petition described and hereinafter described and for the use of the persons therein mentioned and hereinafter named.

IT IS THEREFORE HEREBY ORDERED, and this does order that until further order of this court, or of one of the judges thereof, the water man for Boise River is empowered, authorized and directed, by reason of the water developed and placed in Boise river in the construction of the drainage canal of Drainage District No. 4 of the County of Ada in the State of Idaho, to divert 127.68 miners inches of water continuous flow from Boise River into Warm Springs Slough and 570.98 miners inches of water continuous flow from Boise River into Thurmen Mill Ditch for use by the parties hereinafter named on their lands hereinafter described in the amounts following, said lands aggregating 2,181.38 acres situated in said drainage district:

OWNER	DESCRIPTION	ACRES	MINERS INC OF WATER
<u>T. 4 N., R. 1 E. B.M.</u> <u>Section 19</u>			
Barber, John T.	Part of Lot 1	14.28	1.17
" " "	Lot 2	25.00	10.33
" " "	SW $\frac{1}{4}$ NE $\frac{1}{4}$	17.26	7.93
" " "	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Except tract described in Book of Deeds 137, p. 289, Ada County	3.76	1.11
Hanna, A. J.	Part of Lot 1	17.00	1.39
" " "	Part of SE $\frac{1}{4}$ NE $\frac{1}{4}$ Described in Book of Deeds 137, p. 289, Ada County	24.28	10.76
<u>Section 20.</u>			
Clark, Daniel, et al	Lot 7	34.46	7.06
" " "	Lot 8	30.98	6.47
" " "	NE $\frac{1}{4}$ SE $\frac{1}{4}$	36.20	18.18
Graham, James L.	Lot 5	16.40	3.41
" " "	Lot 6	38.34	8.15
" " "	SW $\frac{1}{4}$ NW $\frac{1}{4}$ except tract described in Book of Deeds 38, p. 229, Ada County	10.00	4.51
Graham, Lewis F.	W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	15.72	7.82

P. 24 N. 1/4 E. R. 10 Sec. 21
S. 1/4 E. 1/4 SW 1/4

Green, Lewis E.		9.76	4.87
Blumen, Ariana	Tract in NW 1/4 SE 1/4 as described in Book of Deeds 105, p. 313, Ada County	21.20	10.16
Auxier, J. W. and Eli E.	Tract in NE 1/4 SW 1/4 as described in Book of Deeds 160, p. 292, Ada County	14.08	6.32
Webster, Mary E.	NW 1/4 SW 1/4	1.04	.88

which said waters, the watermaster of Boise River is empowered, authorized and directed to divert into Warm Springs Slough;

EXHIBIT B

Section 21

Joplin, Andrew J.	Lot 7	20.16	1.66
" " "	Lot 8	21.28	1.76
" " "	NW 1/4 SE 1/4	40.00	18.03
" " "	NE 1/4 SW 1/4	40.00	18.03
" " "	SW 1/4 SE 1/4 except as described in Book of Deeds 124, p. 370, Ada County	4.42	2.21

16.96 miners inches of which said waters, the watermaster of Boise River is empowered, authorized and directed to divert into Warm Springs Slough, and 24.71 inches to into Thurman Mill Ditch;

Bar V. Cattle Co.	Lot 5	24.42	2.00
" " " "	Lot 6	18.08	1.48
" " " "	NW 1/4 SW 1/4	38.94	21.06
" " " "	SW 1/4 SW 1/4	9.52	4.06
" " " "	SE 1/4 SW 1/4	13.72	6.03
" " " "	Part of SW 1/4 SE 1/4 as described in Book of Deeds 124, p. 370, Ada County	24.52	12.52
Harris, John H.	NE 1/4 SE 1/4	40.00	12.46
" " "	SE 1/4 SE 1/4 as described in Book of Deeds 122, p. 249, Ada County	28.64	11.28

Section 22

Larson, Alex	Tract as described in Book of Deeds 123, p. 90, Ada County	35.00	6.56
Jensen, Rasmus P.	Tract as described in Book of Deeds, 144, p. 2, Ada Co.	35.00	6.56
Fluharty, J.M. and F.D.	Tract as described in Book of Deeds, 128, p. 173, Ada County	72.72	15.81
Joplin, Martha J.	SE 1/4 SW 1/4 as described in Book of Deeds 113, p. 52, Ada County.	37.74	13.78
Anderson, Merton L.	Lot 10	17.92	1.47
" " "	SE 1/4 SE 1/4	40.00	8.20
" " "	Tract as described in Book of Deeds 115, p. 189, Ada County	6.68	.55

T. 4 N., R. 1 E., S. 1.
Section 22 (Cont)**EXHIBIT**

B

Martin, Geo. C.	NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.00	7.21
Givert, Alfons	SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.00	3.97
Coble, Joseph	Tract as described in Book of Deeds 125, p. 12, Ada County	3.33	1.38
Coble, Samuel	Tract as described in Book of Deeds 125, p. 67, Ada County	3.41	1.38
Coble, Lelia L.	Tract as described in Book of Deeds 125 p. 299, Ada County	3.41	1.38

Section 23

Ames, Barbara K.	Tract described in Book of Deeds 125, p. 10, Ada County	40.02	16.81
Davisson, Sarah M.	Lot 9	60.00	21.96
Gary, Oliver M.	Tract described in Book of Deeds 147, p. 297, Ada County.	132.00	38.99
F. C. Goodwin	Tract described in Book of Deeds 155, p. 137, Ada County	18.92	1.55
Dixon, Raphael	Tract described in Book of Deeds 165, p. 326, Ada County.	14.00	1.15
Abbott, Louanna	Tract described in Book of Deeds 153, p. 324, Ada County	39.20	5.68
Minton, Jos. J.	Tract described in Book of Deeds 51, p. 236, Ada County	25.00	4.51

Section 25

Kearney, Geo.	Tract described in Book of Deeds 35, p. 484, Ada County.	9.00	4.28
Williams, Annie	Tract described in Book of Deeds 32, p. 130 Ada County	40.00	15.10
Sheffer, T. B.	Tract described in Book of Deeds 140, p. 4, Ada County	12.74	1.05
Winston, A. G.	Tract in NE $\frac{1}{4}$ SE $\frac{1}{4}$	4.97	1.79
" " "	Tract in NW $\frac{1}{4}$ SE $\frac{1}{4}$	.50	.21
" " "	Tract in SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.79	2.59
" " "	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	20.73

Section 26

Young, W. J.	Tract described in Book of Deeds 132, p. 12, Ada County	72.08	28.17
Davisson, Sarah M.	NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.32	18.81
Turner, John C.	NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.20	4.95

Smith, Julia A.	Tract described in Book of Deeds 111, p. 155, Ada County.	16.70	5.20
Keener, J. E.	Tract described in Book of Deeds 109, p. 124, Ada Co.	80.00	33.94
<u>Section 27</u>			
Casey, Wm. H.	W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$	.60	.15
Cecil, John	part of E $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$	3.36	1.30
" "	Part of NW $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$	11.80	5.13
" "	Part of NE $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$	22.92	10.17
<u>Section 36</u>			
Winston, A. G.	NE $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$	29.68	14.88
Kiggins, C. E.	NW $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$	1.68	.54
Laughlin, E. C.	SE $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$	3.20	.80

T. 4 N., R. 2 E. B. M.
Section 30

Winston, A. G.	Lot 7	10.00	.82
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Section 31

Goodman, H. D.	Lot 3	46.00	16.69
" " "	NE $\frac{1}{2}$ NW $\frac{1}{4}$	40.00	8.85
" " "	Lot 2	19.80	4.41
" " "	Lot 4	12.00	5.25
" " "	SE $\frac{1}{2}$ NW $\frac{1}{4}$	31.12	9.75
" " "	SW $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$	39.00	13.08
" " "	NW $\frac{1}{2}$ SE $\frac{1}{2}$	37.60	10.46
" " "	NE $\frac{1}{2}$ SW $\frac{1}{4}$	9.68	3.93
" " "	SW $\frac{1}{2}$ SE $\frac{1}{2}$	10.84	5.12

T. 4 N. R. 1 E. B. M.
Strawberry Glen

(A subdivision in Sec. 25, T. 4 N. R. 1 E. B. M., according to plat on file and of record in office of the county recorder of Ada County, Idaho)

Austin, H. E.	Lot 4E	5.80	2.09
" " "	part of Lot 1	1.53	.55
Mitts, Zenia A.	Part of Lot 1	4.03	2.18
Coffee, John J. & Iva	Lot 2	10.46	4.87
" " " "	Lot 3	3.64	1.38
" " " "	Lot 4	6.20	2.93
" " " "	Lot 10	4.29	1.55
" " " "	Lot 11	4.29	1.55

Coffee, John J. & Iva	Lot 12	4.29	1.55
" " "	Lot 13	4.29	1.55
" " "	Lot 14	4.29	1.55
" " "	Lot 17	3.76	1.36
" " "	Lot 19	8.97	.74
" " "	Lot 20	8.38	.69
" " "	Lot 22	8.49	.70
" " "	Lot 24	6.52	.53
" " "	Lot 25	4.84	.40
" " "	Lot 26	4.84	.40
" " "	Lot 27	3.07	.25
" " "	Lot 28	3.05	.25
" " "	Lot 29	4.29	.35
" " "	Lot 30	4.29	1.55
" " "	Lot 31	4.29	1.55
" " "	Lot 32	4.29	1.55
" " "	Lot 33	4.29	1.55
" " "	Lot 37	4.29	2.32
" " "	Lot 38	4.29	2.32
" " "	Lot 39	4.29	2.32
" " "	Lot 41	7.60	3.66
Cox, Marion E.	Lot 5	5.68	3.02
" " "	Lot 6	4.29	2.32
Austin, H. E.	Lot 7.	4.29	2.32
" " "	Lot 8	4.29	2.32
" " "	Lot 9	4.29	1.55
Birdsell, Katie E.	Lot 15	6.09	1.84
Jennings, J. C.	Lot 16	4.98	1.80
Smith, May	Lot 18	3.36	1.21
Seaman, Wm. L.	Lot 21	8.23	.67
Booth, W. T.	Lot 23	8.36	.69
" " "	Lot 24	4.29	1.55
Kemp, E. A.	Lot 35	4.29	1.55
Hennessey, J. P.	Lot 36	4.29	1.55
Leppert, Geo.	Lot 40	4.29	2.32
Williams, J. A.	Lot 43	3.20	1.15
Earle, Paul B.	Lot 49	5.01	1.81
Cox, May	Lot 50	5.01	1.81
Elliott, W. O.	Lot 51	5.01	1.81

Patrick, James B.	Lot 52	4.59	1.66
Sheffer, T. B.	Lot 56	4.20	.34
Winston, A. G.	Lot 57	5.01	.41
" " "	Lot 58	5.01	.41
Cox, J. L.	Lot 59	5.01	.41

which said waters the watermaster of Boise River is empowered, authorized and directed to divert into Thurman Mill Ditch;

IT IS FURTHER ORDERED, and this does order, that each and every person who accepts said waters, or any part thereof, shall do so subject to the condition that this is a temporary order and is not to be made the basis of a permanent water right and that this order is made without prejudice to the rights of any one.

Dated this 13th day of August, 1925.

Clinton H. Hartson
District Judge

STATE OF IDAHO)
) SS
County of Ada)

I, STEPHEN UTTER, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the foregoing is a true and correct copy of the original Order Temporarily Apportioning Developed Waters, filed in the above entitled action and remaining now on file in my office at Boise City, Ada County, Idaho.

Given under my hand and the seal of said Court, at office in Boise City, Ada County, Idaho this the 13th day of August, 1925.

Stephen Utter
Clerk

(SEAL)

By Thos. E. Lowell
Deputy

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

RIGHT NUMBER: 63-31936

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: 15.000 CFS

PRIORITY DATE: 08/13/1925

POINT OF
DIVERSION:

T03N R02E S5 NESE Lot 11 Within ADA County

T03N R03E S29 NWSW Lot 6 Within ADA County

T04N R01E S22 SENW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

15.000 CFS

11.42 cfs of this right is credited for delivery to the Thurman Mill Canal; 1.03 cfs of this right is credited for delivery to the Ridenbaugh Canal and 2.55 cfs of this right is credited for delivery to the Warm Springs Canal.

PLACE OF USE:

The place of use of this water right is within the digital boundaries of the Thurman Mill Ditch Company, Nampa & Meridian Irrigation District and the Warm Springs Ditch Company.

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

The source of this right is wastewater collected by the rightholder and 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 the points of diversion for each delivery organization. ~~The water delivered is limited, per the 1925 Court Order, to the irrigation of 2,181.38 acres within the digital boundaries of these delivery organizations.~~

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-135, 63-176,
63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425,
63-30125, 63-30129, 63-30130, 63-30131.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE AS T03N, R03E, S29, NWSW: 63-198AJ,
63-199B, 63-200B, 63-2392B, 63-2968 AND 63-30181.

WATER IS DELIVERED THROUGH THE RIDENBAUGH CANAL, THE THURMAN
MILL CANAL AND THE WARM SPRINGS CANAL

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-192,
63-216C, 63-19425.

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

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R03E, S29, NWSW: 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968 AND 63-30181.

WATER IS DELIVERED THROUGH THE RIDENBAUGH CANAL, THE THURMAN MILL CANAL AND THE WARM SPRINGS CANAL

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-192, 63-216C, 63-19425.

RECEIVED
OCT 28 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) Subcases 63-31935 and 63-31936
)
Case No. 39576) NOTICE OF COURT'S INTENT TO
) ISSUE PARTIAL DECREES
)
_____)

The *Director's Report* for the above-captioned water rights described the place of use by stating that such place of use is described by a digital boundary. However, upon further consultation with the Idaho Department of Water Resources, the SRBA Court has been informed that the place of use for the water rights should be described using the public land survey (i.e. quarter-quarters) rather than a digital boundary. Because the Court now proposes to issue partial decrees that will not be identical to the *Director's Report*, it is appropriate to provide an opportunity for the claimant or any interested party to comment prior to the issuance of the partial decrees. Copies of the proposed partial decrees are attached hereto.

This *Notice of Court's Intent to Issue Partial Decrees* will be published in the November 2007 Docket Sheet. **Any party wishing to comment on the proposed partial decrees shall file such comments with the Court no later than November 28, 2007.** In the event that any written comments are received, the matter will be set for hearing. In the absence of any timely written comments, the Court will issue the partial decrees as proposed after the expiration of the comment period.

Dated Oct. 25, 2007


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO ISSUE PARTIAL DECREES was mailed on October 25, 2007, with sufficient first-class postage to the following:

DRAINAGE DISTRICT NUMBER FOUR
OF ADA COUNTY
C/O S BRYCE FARRIS
PO BOX 2773
BOISE, ID 83701
Phone: 208-342-4591

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

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

PLACE OF USE:	Irrigation	Within Ada County
	T03N R02E S05 LOT 2 (NENW)	LOT 3 (NWNW)
	T04N R01E S09 LOT 3 (NENW)	
	S16 LOT 6 (NESW)	SWSW
	S17 SWSW	SWSE
	SESE	
	S18 LOT 8 (SESE)	
	S19 LOT 1 (NENE)	LOT 2 (NWNW)
	SWNE	SENE
	LOT 3 (NENW)	
	S20 LOT 1 (NENE)	LOT 2 (NWNW)
	LOT 7 (SWNE)	LOT 8 (SENE)
	LOT 5 (NWNW)	SWNW
	LOT 6 (SENW)	NESW
	NWSW	NESE
	NWSE	
	S21 LOT 1 (NENE)	LOT 2 (NWNW)
	LOT 7 (SWNE)	LOT 8 (SENE)
	LOT 3 (NENW)	LOT 4 (NWNW)
	LOT 5 (SWNW)	LOT 6 (SENW)
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
	S22 LOT 2 (NWNW)	LOT 9 (NWNW)
	LOT 7 (SWNE)	LOT 8 (SENE)
	LOT 5 (SWNW)	LOT 6 (SENW)
	NESW	NWSW
	SWSW	SESW
	LOT 10 (NESE)	LOT 11 (NWNW)
	SWSE	SESE
	S23 LOT 5 (SWNW)	LOT 8 (SWNW)
	LOT 6 (SENW)	LOT 9 (SWSW)
	LOT 10 (SESW)	LOT 7 (NWSE)
	SWSE	LOT 11 (SESE)
	S24 LOT 5 (SWSW)	
	S25 LOT 3 (NWNW)	SWNE
	LOT 2 (SENE)	LOT 4 (NENW)
	NWNW	SWNW
	SENW	NESW

PLACE OF USE (continued)

	NWSW	SESW
	NESE	NWSE
	SWSE	SESE
S26	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESE	
S27	NENE	NWNE
	NENW	
S36	NENE	NWNE
	SENE	
R02E S30 LOT 4	(SWNW)	LOT 2 (NESW)
LOT 3	(NWSW)	LOT 6 (NWSW)
LOT 7	(SWSW)	LOT 8 (SESW)
S31 LOT 1	(NENE)	LOT 2 (NWNE)
	SWNE	LOT 14 (SENE)
	NENW	LOT 3 (NWNW)
LOT 4	(SWNW)	SENW
	NESW	SESW
LOT 13	(NESE)	LOT 12 (NESE)
	NWSE	LOT 10 (SWSE)
LOT 7	(SWSE)	LOT 11 (SESE)
LOT 9	(SESE)	
S32 LOT 5	(SWNW)	LOT 3 (NESW)
LOT 7	(NWSW)	LOT 6 (NWSW)
	SWSW	LOT 8 (SESW)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1141.6 ACRES WITHIN
THE BOUNDARY OF DRAINAGE DISTRICT NO 4

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.

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

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-31936

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: 15.00 CFS

PRIORITY DATE: 08/13/1925

POINT OF DIVERSION: T03N R02E S05 LOT 11 (NESE) Within Ada County
R03E S29 LOT 6 (NWSW)
T04N R01E S22 LOT 6 (SENW)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-01 TO 11-15 15.00 CFS

11.42 cfs of this right is credited for delivery to the Thurman
Mill Canal; 1.03 cfs of this right is credited for delivery to
the Ridenbaugh Canal and 2.55 cfs of this right is credited for
delivery to the Warm Springs Canal.

PLACE OF USE: Irrigation Within Ada County

T03N R02E S05 LOT 2 (NENW)	LOT 3 (NWNW)
T04N R01E S09 LOT 3 (NENW)	
S16 LOT 6 (NESW)	SWSW
S17	SWSE
	SESE
S18 LOT 8 (SESE)	
S19 LOT 1 (NENE)	LOT 2 (NWNE)
	SENE
LOT 3 (NENW)	
S20 LOT 1 (NENE)	LOT 2 (NWNE)
LOT 7 (SWNE)	LOT 8 (SENE)
LOT 5 (NWNW)	SWNW
LOT 6 (SENW)	NESW
	NWSW
	NESE
	NWSE
S21 LOT 1 (NENE)	LOT 2 (NWNE)
LOT 7 (SWNE)	LOT 8 (SENE)
LOT 3 (NENW)	LOT 4 (NWNW)
LOT 5 (SWNW)	LOT 6 (SENW)
	NESW
	NWSW
	SWSW
	SESE
	SESE
S22 LOT 2 (NWNE)	LOT 9 (NWNE)
LOT 7 (SWNE)	LOT 8 (SENE)
LOT 5 (SWNW)	LOT 6 (SENW)
	NESW
	NWSW
	SWSW
LOT 10 (NESE)	LOT 11 (NWSE)
	SESE
S23 LOT 5 (SWNW)	LOT 8 (SWNW)
LOT 6 (SENW)	LOT 9 (SWSW)

PLACE OF USE (continued)

	LOT 10	(SESW)	LOT 7	(NWSE)
		SWSE	LOT 11	(SESE)
S24	LOT 5	(SWSW)		
S25	LOT 3	(NWNE)		SWNE
	LOT 2	(SENE)	LOT 4	(NENW)
		NWNW		SWNW
		SENW		NESW
		NWSW		SESW
		NESE		NWSE
		SWSE		SESE
S26		NENE		NWNE
		SWNE		SENE
		NENW		NWNW
		SWNW		SENW
		NESE		
S27		NENE		NWNE
		NENW		
S36		NENE		NWNE
		SENE		
R02E S30	LOT 4	(SWNW)	LOT 2	(NESW)
	LOT 3	(NWSW)	LOT 6	(NWSW)
	LOT 7	(SWSW)	LOT 8	(SESW)
S31	LOT 1	(NENE)	LOT 2	(NWNE)
		SWNE	LOT 14	(SENE)
		NENW	LOT 3	(NWNW)
	LOT 4	(SWNW)		SENW
		NESW		SESW
	LOT 13	(NESE)	LOT 12	(NESE)
		NWSE	LOT 10	(SWSE)
	LOT 7	(SWSE)	LOT 11	(SESE)
	LOT 9	(SESE)		
S32	LOT 5	(SWNW)	LOT 3	(NESW)
	LOT 7	(NWSW)	LOT 6	(NWSW)
		SWSW	LOT 8	(SESW)

THE WATER DELIVERED WITHIN THE BOUNDARY OF DRAINAGE DISTRICT NO 4 IS LIMITED TO THE IRRIGATION OF 2181.38 ACRES

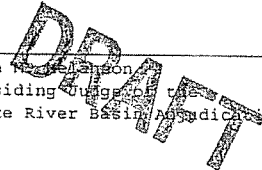
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

WATER IS DELIVERED THROUGH THE RIDENBAUGH CANAL, THE THURMAN MILL CANAL AND THE WARM SPRINGS CANAL
The source of this right is wastewater collected by the right holder and 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.

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. Anderson
Presiding Judge of the
Snake River Basin Adjudication

Shurte, Jan

From: Shurte, Jan
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 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 1/4/14'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>

10/15/2007

DRAINAGE DISTRICT NO. 4

ADDITIONAL INFORMATION

DATE: AUGUST 13, 2004

BY: MEL SCHULTE

The primary contact for Drainage District No 4 is their attorney, Bryce Farris with the firm of Ringert & Clark. The current claims, 63-31935 & 63-31936 were prepared and submitted by Bryce Farris and there has been a lot of discussion with him about them.

Drainage District No 4 holds two licensed water rights from wastewater sources with 1964 & 1969 priority dates. The wastewater relating to these rights is delivered by the Thurman Mill Ditch Co system and used by their shareholders and the shareholders of Warm Springs Ditch Co. The district and their attorney do not agree with the priority dates and diversion rate amounts described in the licenses. Knowing they cannot easily overturn the components of the licenses, they withdrew the claims for the licenses and filed two beneficial use claims as replacements.

The recommendation for 63-31936 is supported by a court order dated 8/13/1925. The recommendation recognizes by a remark the fact the water is actually delivered and used by three other delivery organizations, Thurman Mill Ditch, Ridenbaugh Canal and Warm Springs Ditch. The entities that own these ditches filed individual claims for their portions but those claims have been disallowed in favor of 63-31936. Anyone or all three could challenge our recommendation on the basis that Drainage District No 4 is not in the business of irrigation so the right should be in their names.

The recommendation for 63-31935 is supported by the field exam information for license 63-2555 and several affidavits and resolutions. The water is delivered by the Thurman Mill canal and used by Thurman Mill Ditch Co shareholders. They could challenge this recommendation but its not likely knowing that the same law firm that represents the drainage district also represents Thurman Mill.

It is the decision of Dave Tuthill and management to not submit a boundary map with Drainage District No 4's recommendations. However, a draft boundary map was prepared and available if needed.

MTS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31936 V1

WATER RIGHT NUMBER: 63-31936 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: 08/13/1925
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	15.000 CFS	
	<u>Total Diversion:</u>	15.000 CFS	

Location of Point(s) of Diversion

WASTE WATER ADA County	L6 (NW1/4SW1/4)	Sec. 29, Twp 03N, Rge 03E, B.M.
WASTE WATER ADA County	L11 (NE1/4SE1/4)	Sec. 5, Twp 03N, Rge 02E, B.M.
WASTE WATER ADA County	L6 (SE1/4NW1/4)	Sec. 22, Twp 04N, Rge 01E, B.M.

Place of Use

Total Acres: 0

Conditions of Approval:

1. The source of this right is wastewater collected by the rightholder and 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 the points of diversion for each delivery organization. The water delivered is limited, per the 1925 Court Order, to the irrigation of 2,181.38 acres within the digital boundaries of these delivery organizations.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131.
3. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R03E, S29, NWSW: 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968 AND 63-30181.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31936 V1

4. F01 WATER IS DELIVERED THROUGH THE RIDENBAUGH CANAL, THE THURMAN MILL CANAL AND THE WARM SPRINGS CANAL
5. 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.
6. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-192, 63-216C, 63-19425.
7. 11.42 cfs of this right is credited for delivery to the Thurman Mill Canal; 1.03 cfs of this right is credited for delivery to the Ridenbaugh Canal and 2.55 cfs of this right is credited for delivery to the Warm Springs Canal.
8. The place of use of this water right is within the digital boundaries of the Thurman Mill Ditch Company, Nampa & Meridian Irrigation District and the Warm Springs Ditch Company.

Remarks:

Comments:

1. mcase 7/21/2004 POD

Comment: Correlated PODID 623317 from SpatialDataID 342571 to SpatialDataID 342228

2. mcase 7/21/2004 POD

Comment: Correlated PODID 623316 from SpatialDataID 342578 to SpatialDataID 302643

3. jshurte 12/7/2007 Amended DR

Comment: An amended DR was produced for the SRBA Court prior to partial decree to show that the Ridenbaugh Canal is the Nampa Meridian Irrigation Districts delivery system. Language was added per special master request to show the District rather than just Ridenbaugh Canal. More of a clarification for the district than any major change. CFS still limited and acres still limited the same as the recommendation.

Water Supply Bank:

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*

Shurte, Jan

From: Bryce Farris [Bryce@ringertclark.com]
Sent: Friday, January 04, 2008 9:32 AM
To: Shurte, Jan
Subject: RE: Drainage District No. 4 - 63-31936 language

If I recall, my comments were that the remarks list the following additional water rights diverted via the Thurman and the Warm Springs Ditch. I don't see the same remark with regard to the additional water rights diverted at the Ridenbaugh.

Thanks, Bryce

From: Shurte, Jan [mailto:Jan.Shurte@idwr.idaho.gov]
Sent: Friday, January 04, 2008 7:38 AM
To: Bryce Farris
Subject: FW: Drainage District No. 4 - 63-31936 language

Hi Bryce,

I do not have any notes in my file on your response to this one. We likely spoke on the phone about it, but things have been pretty intense around here and I did not put a note in the file. Would you please respond by email with your ideas on this one – then I will have a paper trail to follow and consider.

Thanks,
Jan

From: Shurte, Jan
Sent: Monday, December 10, 2007 2:40 PM
To: 'Bryce Farris'
Cc: Shurte, Jan
Subject: Drainage District No. 4 - 63-31936 language

Hi Bryce,

Ted Booth gave me liberty to change the language on this right – as you know. Attached is what I have come up with so far. Please look it over and let me know if it will work for you. It is my understanding that 63-31935 is ok (Junction Drain).

Thanks,
Jan

1/4/2008

Shurte, Jan

From: Shurte, Jan
Sent: Friday, January 04, 2008 7:38 AM
To: 'Bryce Farris'
Subject: FW: Drainage District No. 4 - 63-31936 language
Attachments: 20071207143226335.pdf

Hi Bryce,

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Thanks,
Jan

12/12/2007

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	)	
	)	Subcases 63-31935 and 63-31936
Case No. 39576	)	
	)	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

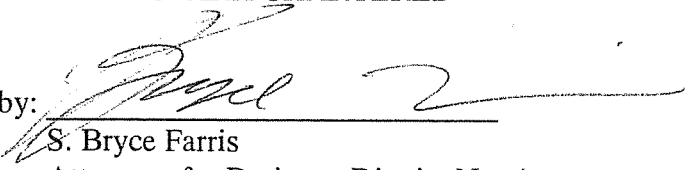
COPY

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:

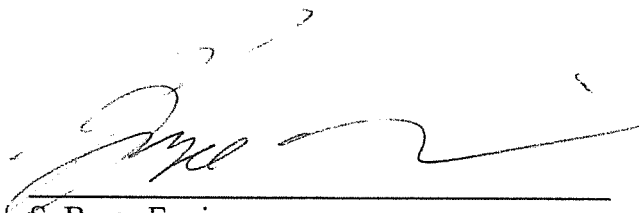

S. Bryce Farris

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

Amended Director's Report 63-31936

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

RIGHT NUMBER: 63-31936

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: 15.000 CFS

PRIORITY DATE: 08/13/1925

POINT OF DIVERSION:

T03N R02E S5 NESE Lot 11 Within ADA County

T03N R03E S29 NWSW Lot 6 Within ADA County

T04N R01E S22 SENW Lot 6 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	15.000 CFS
11.42 cfs of this right is credited for delivery to the Thurman Mill Canal; 1.03 cfs of this right is credited for delivery to the Ridenbaugh Canal and 2.55 cfs of this right is credited for delivery to the Warm Springs Canal.		

PLACE OF USE:

The place of use of this water right is within the digital boundaries of the Thurman Mill Ditch Company, Nampa & Meridian Irrigation District and the Warm Springs Ditch Company.

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

The source of this right is wastewater collected by the rightholder and 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 the points of diversion for the delivery organizations shown above. The water delivered is limited, per a 1925 Court Order, to the irrigation of 2,181.38 acres within the digital boundaries of these delivery organizations.

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

Amended Director's Report 63-31936

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131.

WATER IS DELIVERED THROUGH THE RIDENBAUGH CANAL, THE THURMAN MILL CANAL AND THE WARM SPRINGS CANAL

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-192, 63-216C, 63-19425.

05/18/2005

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

RIGHT NUMBER: 63-31936

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: 15.000 CFS

PRIORITY DATE: 08/13/1925

POINT OF DIVERSION:
T03N R02E S5 NESE Lot 11 Within ADA County
T03N R03E S29 NWSW Lot 6 Within ADA County
T04N R01E S22 SENW Lot 6 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	15.000 CFS
11.42 cfs of this right is credited for delivery to the Thurman Mill Canal;		
1.03 cfs of this right is credited for delivery to the Ridenbaugh Canal and		
2.55 cfs of this right is credited for delivery to the Warm Springs Canal.		

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.

THE WATER DELIVERED WITHIN THE BOUNDARY OF DRAINAGE DISTRICT
NO 4 IS LIMITED TO THE IRRIGATION OF 2181.38 ACRES

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

The source of this right is wastewater collected by the rightholder and 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.

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

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63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425,
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WATER IS DELIVERED THROUGH THE RIDENBAUGH CANAL, THE THURMAN
MILL CANAL AND THE WARM SPRINGS CANAL

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-192,
63-216C, 63-19425.

DRAINAGE DISTRICT NO. 4

ADDITIONAL INFORMATION

DATE: AUGUST 13, 2004

BY: MEL SCHULTE

The primary contact for Drainage District No 4 is their attorney, Bryce Farris with the firm of Ringert & Clark. The current claims, 63-31935 & 63-31936 were prepared and submitted by Bryce Farris and there has been a lot of discussion with him about them.

Drainage District No 4 holds two licensed water rights from wastewater sources with 1964 & 1969 priority dates. The wastewater relating to these rights is delivered by the Thurman Mill Ditch Co system and used by their shareholders and the shareholders of Warm Springs Ditch Co. The district and their attorney do not agree with the priority dates and diversion rate amounts described in the licenses. Knowing they cannot easily overturn the components of the licenses, they withdrew the claims for the licenses and filed two beneficial use claims as replacements.

The recommendation for 63-31936 is supported by a court order dated 8/13/1925. The recommendation recognizes by a remark the fact the water is actually delivered and used by three other delivery organizations, Thurman Mill Ditch, Ridenbaugh Canal and Warm Springs Ditch. The entities that own these ditches filed individual claims for their portions but those claims have been disallowed in favor of 63-31936. Anyone or all three could challenge our recommendation on the basis that Drainage District No 4 is not in the business of irrigation so the right should be in their names.

The recommendation for 63-31935 is supported by the field exam information for license 63-2555 and several affidavits and resolutions. The water is delivered by the Thurman Mill canal and used by Thurman Mill Ditch Co shareholders. They could challenge this recommendation but its not likely knowing that the same law firm that represents the drainage district also represents Thurman Mill.

It is the decision of Dave Tuthill and management to not submit a boundary map with Drainage District No 4's recommendations. However, a draft boundary map was prepared and available if needed.

MTS

05/18/2005

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 63-31936

DRAINAGE DISTRICT NUMBER FOUR OF ADA COUNTY

C/O S BRYCE FARRIS

RINGERT CLARK CHARTERED

PO BOX 2773

BOISE ID 83701

Telephone Number: (208)342-4591

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

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

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

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31936 V1

WATER RIGHT NUMBER: 63-31936 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: 08/13/1925
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	15.000 CFS	
	<u>Total Diversion:</u>		15.000 CFS	

Location of Point(s) of Diversion

WASTE WATER ADA County	L6 (NW1/4SW1/4)	Sec. 29, Twp 03N, Rge 03E, B.M.
WASTE WATER ADA County	L11 (NE1/4SE1/4)	Sec. 5, Twp 03N, Rge 02E, B.M.
WASTE WATER ADA County	L6 (SE1/4NW1/4)	Sec. 22, Twp 04N, Rge 01E, B.M.

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. Place of Use THE WATER DELIVERED WITHIN THE BOUNDARY OF DRAINAGE DISTRICT NO 4 IS
- Irrigation LIMITED TO THE IRRIGATION OF 2181.38 ACRES

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31936 V1

2. Explanatory 11.42 CFS OF THIS RIGHT IS CREDITED FOR DELIVERY TO THE THURMAN MILL CANAL;
1.03 CFS OF THIS RIGHT IS CREDITED FOR DELIVERY TO THE RIDENBAUGH CANAL
AND 2.55 CFS OF THIS RIGHT IS CREDITED FOR DELIVERY TO THE WARM SPRINGS
CANAL
3. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION
DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-135, 63-176, 63-192, 63-193, 63-210,
63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131.
4. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION
DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-192, 63-216C, 63-19425.
5. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE AT THE FIELD HEADGATE.
6. Explanatory WATER IS DELIVERED THROUGH THE RIDENBAUGH CANAL, THE THURMAN MILL
CANAL AND THE WARM SPRINGS CANAL

Comments:

1. mcase 7/21/2004 POD

Comment: Correlated PODID 623317 from SpatialDataID 342571 to SpatialDataID 342228

2. mcase 7/21/2004 POD

Comment: Correlated PODID 623316 from SpatialDataID 342578 to SpatialDataID 302643

Water Supply Bank:

An aerial photograph of a rural landscape, likely agricultural, with a white grid overlay. A thick black line delineates the boundary of Drainage District No. 4. The boundary starts in the upper right, follows a winding path through the landscape, and ends in the lower left. The grid consists of squares of varying sizes, with some squares being larger than others, possibly indicating different land parcels or sections.

**DRAINAGE DISTRICT NO 4
IRRIGATION RIGHTS BOUNDARY**

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 1/4 1/4'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

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10/17/2007

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

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	5					X L 2	X L 3											
04N	01E	9					X L 3												
04N	01E	16								X L 6		X							
04N	01E	17										X				X	X		
04N	01E	18															X L 8		
04N	01E	19	X L 1	X L 2	X	X	X L 3												
04N	01E	20	X L 1	X L 2	X L 7	X L 8		X L 5	X	X L 6		X	X			X	X		

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31935 V1

04N 01E 21		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		L 1	L 2	L 7	L 8	L 3	L 4	L 5	L 6										
04N 01E 22			X	X	X			X	X	X	X	X	X	X	X	X	X	X	X
			L 2	L 7	L 8			L 5	L 6						L 10	L 11			
04N 01E 23								X	X			X	X			X	X	X	X
								L 5	L 6			L 9	L 10			L 7		L 11	
04N 01E 24												X							
												L 5							
04N 01E 25			X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X
			L 3		L 2	L 4													
04N 01E 26		X	X	X	X	X	X	X	X						X				
04N 01E 27		X	X			X													
04N 01E 36		X	X		X														
04N 02E 30								X		X	X	X	X						
								L 4		L 2	L 3	L 7	L 8						
04N 02E 31		X	X	X	X	X	X	X	X				X	X	X	X	X	X	X
		L 1	L 2		L 14		L 3	L 4						L 12		L 7	L 9		
04N 02E 32								X		X	X	X	X						
								L 5		L 3	L 6		L 8						

Total Acres: 0

Conditions of Approval:

1. B01 SOURCE IS ALSO KNOWN AS THE JUNCTION DRAIN
2. F01 WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. 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.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1141.6 ACRES WITHIN THE BOUNDARY OF DRAINAGE DISTRICT NO 4

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31935 V1

Water Supply Bank:

Shurte, Jan

From: Shurte, Jan
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 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

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<http://www.ihatespam.net>

10/15/2007

12/09/2005

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

RIGHT NUMBER: 63-31936

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: 15.000 CFS

PRIORITY DATE: 08/13/1925

POINT OF DIVERSION:

T03N R02E S5 NESE Lot 11 Within ADA County

T03N R03E S29 NWSW Lot 6 Within ADA County

T04N R01E S22 SENW Lot 6 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	15.000 CFS
11.42 cfs of this right is credited for delivery to the Thurman Mill Canal;		
1.03 cfs of this right is credited for delivery to the Ridenbaugh Canal and		
2.55 cfs of this right is credited for delivery to the Warm Springs Canal.		

PLACE OF USE:

THE WATER DELIVERED WITHIN THE BOUNDARY OF DRAINAGE DISTRICT
NO 4 IS LIMITED TO THE IRRIGATION OF 2181.38 ACRES

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

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

The source of this right is wastewater collected by the rightholder and 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.

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-135, 63-176,
63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425,
63-30125, 63-30129, 63-30130, 63-30131.

WATER IS DELIVERED THROUGH THE RIDENBAUGH CANAL, THE THURMAN
MILL CANAL AND THE WARM SPRINGS CANAL

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-192,
63-216C, 63-19425.

DISTRIBUTION OF DRAINAGE WATER
TO VARIOUS CANALS

CHART NO. 6

DRAINAGE DISTRICT NO. 2

	PERCENT OF TOTAL		PERCENT OF TOTAL
FARMERS UNION	20.99	CANYON COUNTY	12.68
BOISE VALLEY	10.03	BALLENTYNE	3.04
NEW DRY CREEK	9.47	BOISE CITY	3.01
NEW UNION	1.21	CONSUMERS	.11
MIDDLETON CANAL	35.00	LITTLE PIONEER	4.46

THE CREDITS GIVEN ABOVE ARE BASED ON A DRAINAGE FLOW OF 100 SECOND FEET.

JUDGE BRINK ORDERS, AUGUST, 1928, GIVES 90 INCHES ADDITIONAL TO FARMERS UNION.

DRAINAGE DISTRICT NO. 3

	PERCENT OF TOTAL		PERCENT OF TOTAL
BOARD OF CONTROL	49.00	ROSSI MILL	10.00
RIDENBAUGH	24.00	MEEVES	2.00
BUBB (SOUTH BOISE MUTUAL)	15.00		

THE CREDITS GIVEN ARE BASED UPON A DRAINAGE DISCHARGE OF 15 SECOND FEET.

DRAINAGE DISTRICT NO. 4

THURMAN MILL	570.98 INCHES
RIDENBAUGH	51.34 "
WARM SPRINGS SLOUGH	127.68 "

THE CREDITS ABOVE ARE BASED ON A DRAINAGE DISCHARGE OF 750 INCHES, AND THE AMOUNTS ARE A DIRECT COURT ORDER.

**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) 03-31936Owner: Drainage District No. 4 Phone No. 342-4591 = atty, Bryce JarvisCurrent 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: 7-2-1924

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

The Court Order that is the basis of this claim was
signed by Judge Hartson on 8-13-1925

Source: Wastewater Tributary to Boise River

- ☐ No Change – SAME SOURCE
- ☒ Source found is different than claimed: The source is waste water
credited to DD #4 for water collected and returned to the river
POINT OF DIVERSION by their drain ditches.

- ☐ No change
- ☒ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

2181.38 acres within the boundary of DD #4 for 13.97 cfs			NE				NW				SW				SE				Totals
Place of Use			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TWP	RGE	SEC																	

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: _____

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

Delivered through Warm Springs Ditch, Thurman Mill Canal and Ridembaugh canal

Based on the court order dated 8-13-1925 and court order dated 4-18-1925

71.42 cfs is credited for delivery within Thurman Mill boundary.
1.03 cfs is credited to Nampa Meridian Dr. Dist for delivery within their boundary.

2.55 cfs is credited for delivery within Warm Springs Ditch Co. boundary.

63-2387 → amended

Claims: ① - 7-2-1924 priority vs 11-64 license

② 15 cfs vs 11.42 license and court order

③ BU vs license

① - OK if based on BU claim not license

② - Why 15 cfs when license and court order allow 11.42 cfs (590.98")

③ - will change to a BU number.

63-2387A withdrawn and re-filed as BU claim
63-31728

63-2387B has been renumbered to 63-2387

63-31936 - 2387

31935 - 2555

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 63-31936
Date Received: 10/30/1989
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: 07/02/1924

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01E	22	SE NW L+6	ADA	Warm Sp.
3N	2E	5	SW SE	ADA	Thurman Mill
04N	01E	19	NE SE L+11	ADA	
3N	3E	29	NW SW L+6	ADA	Ridenbaugh

5. Description of diverting works:

Water delivered through Thurman Mill Ditch Company, Warm Springs Ditch Company and Nampa & Meridian Irrigation District.

6. Water is used for the following purposes:

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

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

8. Total consumptive use:

PD 4N, 13, 22, 25, 26 - 200

[illegible]

POD-3N, 2E, 55, NES E

[illegible]

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that DRAINAGE DISTRICT NUMBER 4

Beneficial Use Period of Use Rate of Diversion Annual Volume

Irrigation from April 15 to October 15 at 11.42 cfs and 5,540 acre feet

_____ from _____ to _____ at _____ cfs and _____

_____ from _____ to _____ at _____ cfs and _____

(both dates inclusive)

Subject, however, to the condition that no more than 11.42 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 confined for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 5,540 acre feet per year, said waters to be diverted within the SE 1/4, Sec. 5, Twp. 3N, Rge. 2E, B. M. in the County of Ada

Description and location of place of use: SEE ATTACHED DECREE LIST

[illegible]

Total number of acres irrigated 2,181.38

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.

Deput.

Director

MICROFILMED
OCT 02 1996

DATE OF EXAM 3 Aug 1973

ACREAGE
Found 2,181.38
Recommended 2,181.36

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q = 11.42 c.f.s. V = 4115 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 _____ no X

Name source: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes X no _____

Name source exchanged with: Boise River
Twp. 3N N/S, Rge 2E E/W, B.M., Sec. 5, Sub. SE 1/4 NE 1/4 Ada County _____

Point of injection: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 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 Ada County _____

Total Q measured 11.42 11.42 Method of measurement Water Master records District 63

Total Q recommended 11.42 Meter No. _____ Type _____ Condition good

Total V recommended 4115 AF/Ann

Recommended Amendments: See above

P.D. _____
Place of Use _____
Other _____
None None

MEASUREMENT CALCULATION: Take for water master records of water balance. Water measure not taken from Boise River water master records were measured the Thurman-Mill Drain then credits the Thurman-Mill ditch with 11.42 cfs as stated in an early decree.

SYSTEM DESCRIPTION: Head gate at Boise River in 2E Sec 5, SE 1/4 there water enters the Thurman-Mill Ditch and the Drainage District system. From this ditch the water is pumped and the excess drainage is picked up in this drainage system and credited back to the ditch as stated in decree.

REMARKS: See Decree for details

Examiner's Signature G. L. S. S. S. Date 10/23/78

Checked by _____ Date _____

Approved by _____ Date _____

MICROFILMED
OCT 02 1996

Summary of Exams

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 SWSE Sec. 23
therefore, only will credit the acreages
listed in the decree ~~between~~ ^{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.

Law Offices

Timothy J. Gass

Counselor & Attorney at Law
Main Street Plaza, Suite 204
1655 Fairview Ave.
Boise, Idaho 83702

Area Code 208
345-3817

RECEIVED
NOV 02 1989
Department of Water Resources
Western Regional Office

Elbert E. Gass
of Counsel

November 1, 1989

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: Drainage District No. 4

Gentlemen:

I enclose two Notices of Claim to a Water Right based upon the pertinent provision of Chapter 29, Title 42, Idaho Code, and Water Right License Numbers 63-2387 and 19078/63-2555.

Also enclosed is Drainage District No. 4's Check No. 1072 in the amount of \$50.00 and my personal check No. 4144 in the amount of \$50.00.

Very truly yours,



Elbert E. Gass

EEG/mg

Enclosures

MICROFILMED
OCT 02 1996

Date Received

approved

**State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

SEP 19 1989

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

DRAINAGE DISTRICT NO. 4 of the County of Ada of the (208) 345-3817
Name of Claimant State of Idaho Phone Number
c/o Elbert E. Gass
1655 Fairview Avenue, Suite 204 Boise Idaho 83702
Mailing Address City State Zip
21.42 cfs of seepage and percolating waters collected in a privately operated
drainage system described in IDWR Numbers 190786/63-2525 and 63-2387
County(s) where place of use is located Date claim originally due
Ada and Canyon August 8, 1989 63-02555

Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:
The Warm Springs Ditch Company, an irrigation delivery system within the boundaries of Drainage District No. 4, was awarded 127.68 miners inches or 2.55 cfs of drainage waters which, together with 8.80 cfs decreed by the Stewart Decree, is used upon lands within its delivery system. Don Watts of Sherly L. Chapman's office has prepared a Notice of Claim to a Water Right to be filed on or before October 30, 1989 pursuant to an extension of time granted to Warm Springs. The area to which live and drainage water is beneficially applied is being reduced, and notices of assessment to the water users within the Warm Springs Ditch have heretofore been mailed said assessments, but to date not all such users have paid the assessment

Claimant requests an extension to November 10, 1989
Signature ELBERT E. GASS Date of request October 17, 1989

Attorney for Drainage District No. 4
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to November 10, 1989

Signed this 4 day of November, 1989

Director or his designated agent
DAVID B. SHAW

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

RECEIVED
MICROFILMED
OCT 02 1989

Department of Water Resources
Western Regional Office

For 42-1409(10)-1
5/89

Date Received

RECEIVED
AUG 01 1989

AUG 10 1989

State of Idaho
Department of Water Resources

Department of Water Resources

Department of Water Resources
Western Regional Office

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

DRAINAGE DISTRICT NO. 4 of the County of Ada of the State of (208) 345-3817
Name of Claimant Idaho Phone Number
c/o ELBERT E. GASS

1655 Fairview Avenue, Suite 204 Boise Idaho 83702
Mailing Address City State Zip

Ada and Canyon

August 8, 1989

County(s) where place of use is located Date claim originally due
21.42 cfs (10,391 af) of seepage and percolating waters collected in a privately operated
drainage system described in IDWR Numbers 190786/63-2525 and 63-2387
Identify water right(s) for which extension is requested 63-02555

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

90 day Commencement Notice was not received until July 13, 1989. District No. 4

embraces 3,322.9 acres, and some of its drainage waters are delivered to Ridenbaugh

Canal for users within Canyon County. Identifying lands actually using water for

irrigation and domestic purposes. The Board of Drainage Commissioners are now in

process of budgeting, levying and certifying assessments for ensuing year, and expenses
of filing water claim is an unusual and substantial one-time expense.

Claimant requests an extension to March 1, 19 90

Signature ELBERT E. GASS July 31, 19 89
Date of request

ATTORNEY FOR DRAINAGE DISTRICT NO. 4
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

Allow 90 days to file claim, no indication waters
reaching Canyon County are under right of District.

and if granted the filing deadline is extended to October 13, 19 89

Signed this 9 day of August, 19 89

Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

DAVID B. SHAW

MICROFILMED
OCT 02 1996

Yellow Copy mailed to E. GASS @ above Address

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

