

09/08/2006

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

RIGHT NUMBER: 63-31104

NAME AND ADDRESS: BOISE PROJECT BOARD OF CONTROL
ATTN ALBERT BARKER
BARKER ROSHOLT
PO BOX 2139
BOISE ID 83702-2139

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/1948

POINT OF DIVERSION:

T04N R05W S23 NWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.080 CFS
Domestic use is for 1 home, 1 office, 1 shop.		

PLACE OF USE: DOMESTIC Within CANYON County

T04N R05W S23 NWNW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

Property also known as 108 5th St., Wilder.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-23845

WATER RIGHT NUMBER: 63-23845

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	RAYMOND D GIVENS GIVENS PURSLEY LLP 277 N 6TH ST #200 PO BOX 2720 BOISE, ID 83701-2720 (208)388-1200
Current Owner	BOISE PROJECT BOARD OF CONTROL ATTN ALBERT BARKER BARKER ROSHOLT PO BOX 2139 BOISE, ID 83702-2139 (208)336-0700
Attorney	BARKER ROSHOLT & SIMPSON LLP 205 N 10TH ST STE 520 PO BOX 2139 BOISE, ID 83701-2139 (208)336-0700

Priority Date: 12/31/1948

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 23, Twp 04N, Rge 05W, B.M.
CANYON County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	05W	23						X											

Conditions of Approval:

1. DOMESTIC USE FOR 2 HOMES, SHOP, OFFICE & LUNCHROOM.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-23845

2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:Comments:

1. DUNN1 3/18/1994 COPIED FROM REMARKS
Comment: OWNED BY THE BUREAU OF RECLAMATION. OPERATIONS AND MAINTENANCE TRANSFERRED TO THE BOISE PROJECT BOARD OF CONTROL BY CONTRACT.
2. CWALKER 7/19/1998 COPIED FROM REMARKS
Comment: FIELD VERIFIED
3. SSHERMAN 8/6/1999 ADDRESS CHANGE
Comment: ADDRESS CHANGE BY CLAIMANT LETTER.
4. dbuffing 2/6/2001 Name addition
Comment: The data in the name field was changed to show the addition of BLM to this right.

Dates and Other Information:

Licensed Date:
 Decreed Date: 4/7/2000
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

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 63-31104
Date Received: 6/19/00
Receipt No: C048986
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: BOISE PROJECT BOARD OF CONTROL Phone: (208)344-1141

Address: 2465 OVERLAND RD
BOISE ID USA 83705

2. Date of Priority: 12/31/1948

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
04N	05W	23	NW NW		CANYON

5. Description of diverting works:

WELL, PUMP & PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or) A.F.A
DOMESTIC	01/01	12/31	0.08

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1
Number of other uses: 2

10. Place of use:

Township Acres	RangeSection	1/4 of 1/4	Lot	Use
04N	05W 23	NW NW		DOMESTIC

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

PROPERTY OWNED BY USDI BUREAU OF RECLAMATION, BUT CLAIMED BY BOISE PROJECT BOARD OF CONTROL THROUGH CONTRACT. WELL ALSO SERVES ONE HOME IN DECREED RIGHT 63-23845. ADDITIONAL SERVICE NOW CLAIMED WAS OVERLOOKED IN INITIAL SRBA FILING.

15. Basis of Claim: Beneficial Use

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

ALB-31104

6/19/2000

C048986

\$58 fee 6/20/00
memo c fee

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Boise Project Board of Control Phone (208) 344-1141
Mailing Address 2465 Overland Rd. Boise ID Zip 83705

2. Date of Priority (Only one (1) per claim) 12/31/1948

3. Source of water supply (a) Groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 4N Range 5W Section 23,
1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Canyon

Additional points of diversion if any: _____

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.

Well, pump & pipelines

6. Water is claimed for the following purposes:

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

For Domestic purposes from 1/1 to 12/31 amount .08 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .08 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1 home, 1 office, 1 shop and minor landscaping of about 1/2 acre or less.

10. Description of place of use:

- 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	
<u>4N</u>	<u>5W</u>	<u>23</u>					<u>D</u>												<u>-</u>

Total number of acres irrigated -

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

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.
Possible Project water for yard use or None ()

14. Remarks: Property owned by USDI Bureau of Reclamation but claimed by Boise Project Board of Control through contract.
Well also serves one home in decadal right 63-23845.
Additional service now claimed was overlooked in initial SRBA filing.

Last Name Boise Project Board of Control Ident No. _____

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 3

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 Project Manager

of Boise Project Board of Control, that I have signed the foregoing

document in the space below as Project Manager of Boise Project Board of Control

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

Signature of Authorized Agent Ken Henley

Title and Organization Project Manager, Boise Project Board of Control Date 6/19/2000

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

Subscribed and sworn (or affirmed) before me this 19th day of June 2000



Notary Public Lori Graven

Residing at Boise

My Commission Expires 6/18/04

Please Print Name

17. Notice of Appearance:

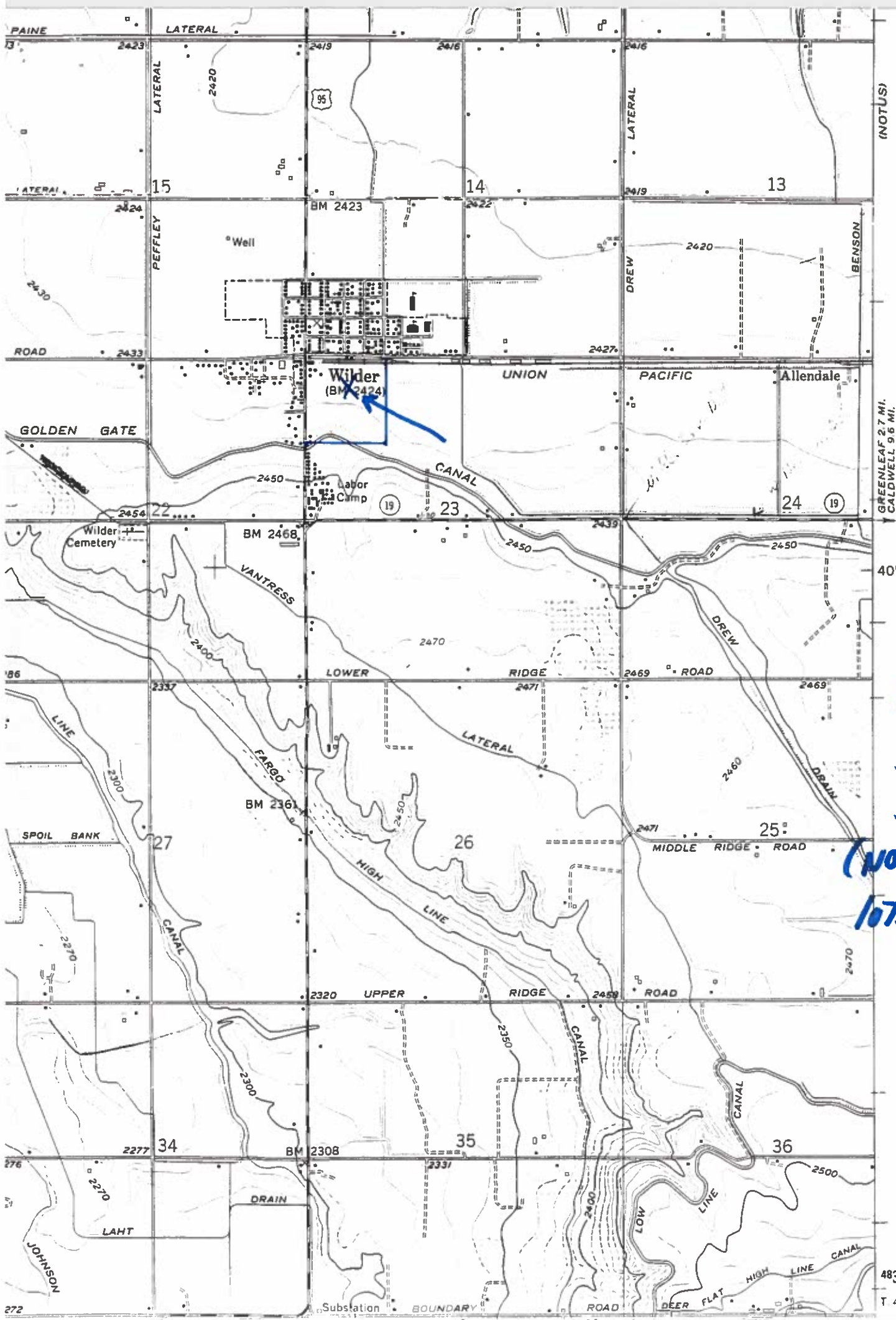
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Boise Project Board of Control Ident. Number _____



(NOTUS)

GREENLEAF 2.7 MI.
CALDWELL 9.6 MI.

4N
5W
S.23
(NO govt
lots)

4831000m N.
T 4 N.

MEMORANDUM

TO: Files
FROM: Steve Lester *SL*
DATE: June 20, 2000

RE : *Boise Project Board of Control Water Right & SRBA Filings*

Ken Henley is the project manager. He filed 16 applications for permit on May 1, 2000. Each application described a well for a D/I use. Initial review and discussions with Henley revealed that five wells were involved for existing "community uses" related to project operations.

Each well served some combination of homes, offices, shops and minor landscaping since well construction occurred. Each well was recorded in the SRBA as a D/I use. Five partial decrees resulted. The Boise Project overlooked the additional units per well when originally filing the SRBA claims. Henley is concerned that each system does not become limited to just an exempted use, which is why the 16 applications were submitted.

Four of the wells and community uses occurred before 1963. Fourteen of the applications can be replaced with four beneficial use SRBA claims. The claims are "add-ons" to D/I decreed rights. I assume that SRBA late fees do not apply to the oversight in filing on uses overlooked earlier in the process.

The fifth well was constructed in 1964. The community uses in this case do not qualify for a SRBA beneficial use claim. This well, located south of the canal in Section 26, serves a total of three units. But one home is already covered by 63-22099. Two applications for permit, each for .04 cfs to serve a single unit, were combined into one application for .08 cfs to serve two units. See today's amended application. The amended application does not increase the use originally shown in the two applications, and the priority date should remain as May 1, 2000. The application includes .06 cfs for D/2 internal use plus .02 cfs for up to 1/2 acre of landscaping.

Here is a tabular summary of the filings that replace the 16 applications. As noted, two applications were folded into one, while the other 14 were condensed into four additional SRBA claims.

<i>Location</i>	<i>Use began</i>	<i>Total units</i>	<i>D/I Decree</i>	<i>Need to cover</i>	<i>Fee</i>
S. 26 north	1950	D/5	63-22102	D/4 via SRBA	\$60
S. 26 south	1964	D/3	63-22099	D/2 via APPL	\$50
S. 19	1948	D/6	63-23850	D/5 via SRBA	\$61
S. 17	1958	D/3	63-23851	D/2 via SRBA	\$56
S. 23	1948	D/4	63-23845	D/3 via SRBA	\$58

Total fees paid in Receipt C048986	\$800
Apply to \$ SRBA Claims	\$235
Retain for Application for Permit	<u>\$ 50</u>
Issue Refund	\$515

✓ Copies of this memo appear with the four new SRBA claims. A copy is forwarded to S.O. for the refund.

SRBA

PARTIAL DECREE 63-23845

Issued on 04-07-2000.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	BOISE PROJECT BOARD OF CONTROL		
	2465 OVERLAND RD		
	BOISE, ID 83705		
SOURCE:	GROUNDWATER		
QUANTITY:	0.04 CFS		
	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED		
	GALLONS PER DAY.		
PRIORITY DATE:	12/31/1948		
POINT OF DIVERSION:	T04N R05W S23	NWNW	Within Canyon County
PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04
PLACE OF USE:	Domestic		Within Canyon
	T04N R05W S23	NWNW	
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:			
	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS N		
	DETERMINATION OF HISTORICAL BENEFICIAL USE.		
	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).		

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