

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Shurte, Jan

From: Ted Booth [tbooth@srba.state.id.us]
Sent: Monday, October 20, 2008 4:03 PM
To: Shurte, Jan
Subject: 63-12312

Jan,

This right has a water quality remark that refers to the "Division of Environmental Quality of the Idaho Department of Health and Welfare." I am going to change it to "Department of Environmental Quality." I checked with Erika Malmen and she is OK with the change. Please update IDWR records accordingly.

Thanks,
Ted Booth

Eliminate annoying spam!

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-12312 V2

WATER RIGHT NUMBER: 63-12312 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF BOISE PUBLIC WORKS DEPT PO BOX 500 BOISE, ID 83701-0500 (208)384-3901

Priority Date: 02/15/1996

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	01/01 to 12/31	0.870 CFS	628.70 AF
	<u>Total Diversion:</u>	0.870 CFS	628.70 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseINDUSTRIAL Within ADA County

T04N R01E S22 NWSW

Conditions of Approval:

1. R11 Should the use of the water on this right reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, the right holder shall cease diversion under this right.
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.
3. After specific notification by the department, the right holder shall enter into an agreement to annually report to the department the amount water diverted under this right.
4. 027 Use of water under this right shall be non-consumptive.
5. Industrial use is for a biosolids dewatering facility.
6. 081 Use of water under this right shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-12312 V2

Comments:

SubCase:

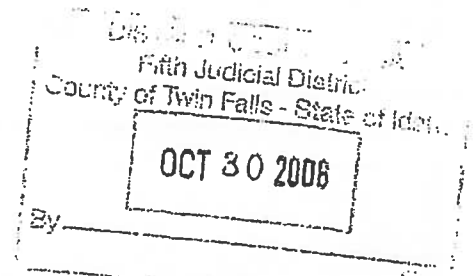
SubCase Number: 63-5237
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: awarntje
Basis of Claim: Beneficial Use
Date Filed: 8/16/2007 Objection Status: Active
Date Filed: 6/14/2007 Objection Status: Active
Date Filed: 6/19/2007 Objection Status: Active

Water Supply Bank:

RECEIVED

OCT 31 2008

DEPARTMENT OF
WATER RESOURCES



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

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-12312

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

On June 20, 2007, the claimant of the water right, the City of Boise, through its attorney Robert A. Maynard, filed an objection to the *Director's Report*, objecting to the quantity element of the right. On September 25, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-12312 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

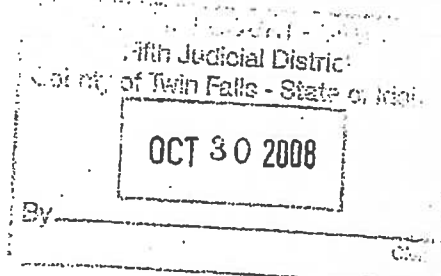
Dated Oct. 30, 2008

A handwritten signature in black ink, appearing to read 'Theodore R. Booth'.

Theodore R. Booth
Special Master
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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-12312



NAME AND ADDRESS: CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE, ID 83701-0500

SOURCE: GROUND WATER TRIBUTARY: BOISE RIVER

QUANTITY: 0.87 CFS
628.70 APY

PRIORITY DATE: 02/15/1996

POINT OF DIVERSION: T04N R01E S22 NWSW Within Ada County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	01-01 TO 12-31	0.87 CFS
			628.70 APY

PLACE OF USE: Industrial Within Ada County
T04N R01E S22 NWSW

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

Use of water under this right shall be non-consumptive.
Should the use of the water on this right reduce the quality of
water available to prior water rights and make it unusable to
satisfy the prior appropriations, the right holder shall cease
diversion under this right.

Use of water under this right shall comply with applicable
water quality standards of the Department of Environmental
Quality.

Industrial use is for a biosolids dewatering facility.
After specific notification by the department, the right holder
shall enter into an agreement to annually report to the
department the amount water diverted under this right.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

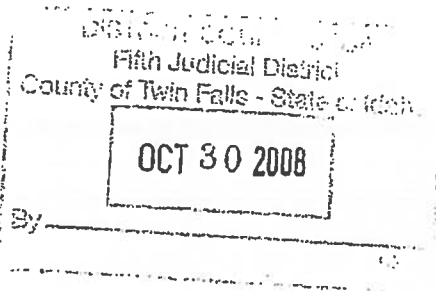
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment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

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

RECOMMENDATION

OCT 30 2008

John M. Melanson
OFFICIAL MAILED



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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-12312

On October 30, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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

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

DATED October 30, 2008.



DIANA R. DELANEY
Deputy Clerk

Fifth Judicial District
County of Twin Falls - State of Idaho
OCT 30 2008

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

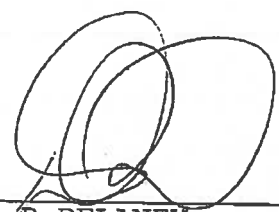
Water Right(s): 63-12312

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 30, 2008, with sufficient first-class postage prepaid to the following:

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

CITY OF BOISE
Represented by:
ERIKA E MALMEN
251 EAST FRONT ST STE 400
BOISE, ID 83702-7310
Phone: 208-343-3434



DIANA R DELANEY
Deputy Clerk

RECEIVED

OCT 31 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
OCT 30 2008	
Clerk	Deputy Clerk

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

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-19875

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

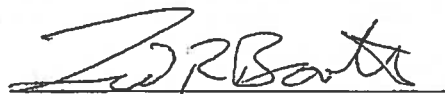
On June 18, 2007, the Wilder Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source of the water right should be described as wastewater. On October 16, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-19875 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated

Oct 30, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

OCT 30 2008

By _____ Clerk

The source of this right is waste water. The wasting of water may be discontinued at any time.

QUANTITY: 0.36 CFS

PRIORITY DATE: 04/15/1933

POINT OF DIVERSION: T02N R04W S14 NWNE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.36 CFS

PLACE OF USE:	Irrigation		Within Canyon County
	T02N R04W S14	NWNE 4.0	LOT 5 (NENW) 8.5
	LOT 5	(SENE) 5.5	
	18.0 Acres Total		

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

An easement or right of way agreement providing for access to the drain by its owner and those responsible for maintaining it, and/or for access to the drain by the appropriator to divert water pursuant to this right, must be executed among the appropriator, the owner of the drain, and if appropriate, those responsible for maintaining the drain. Failure to execute such an agreement will constitute grounds for legal action to prevent water from being diverted under this right.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54 (b) CERTIFICATE

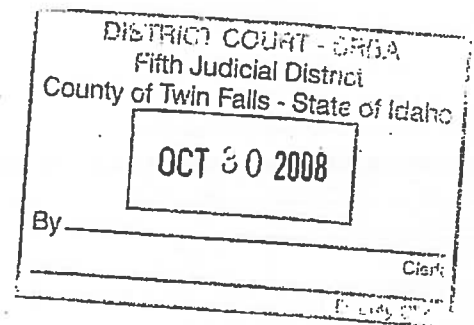
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment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

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

RECOMMENDATION

OCT 30 2008

SPECIAL MASTER



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

In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

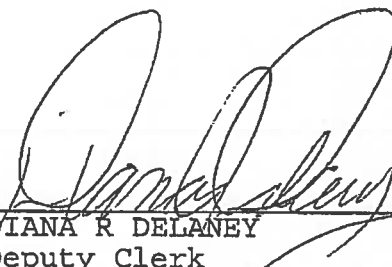
Water Right(s): 63-19875

On October 30, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

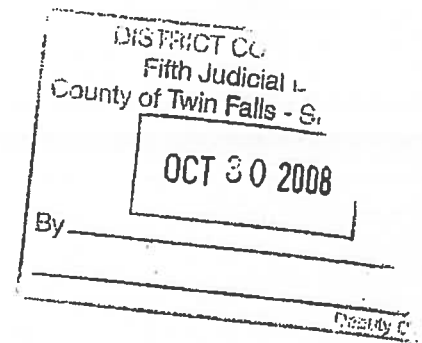
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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

DATED October 30, 2008.



DIANA R. DELANEY
Deputy Clerk



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

In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-19875

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 30, 2008, with sufficient first-class postage prepaid to the following:

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

WILDER IRRIGATION DISTRICT

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

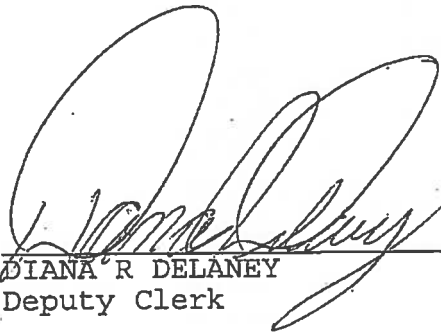
USDI BUREAU OF RECLAMATION

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

CERTIFICATE OF MAILING

PAGE 1
10/30/08

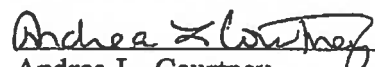
DANIEL R GIBBENS
SHIRLEY A GIBBENS
19483 LEWIS LN
CALDWELL, ID 83605
Phone: 208-459-0305



DIANA R DELANEY
Deputy Clerk

IDWR Concurrence:


Jan Shurte Date
Water Rights Supervisor

 8/26/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-12312

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

RIGHT NUMBER: 63-12312
NAME AND ADDRESS: CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE ID 83701-0500

SOURCE: GROUND WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 0.870 CFS 2+7-CFS
628.700 AFY

PRIORITY DATE: 02/15/1996

POINT OF DIVERSION:

T04N R01E S22 NWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

01/01 12/31

0.870 CFS
628.70 AFY

PLACE OF USE: INDUSTRIAL in ADA County

T04N R01E S22 NWSW

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

Should the use of the water on this right reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, the right holder shall cease diversion under this right.

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

After specific notification by the department, the right holder shall enter into an agreement to annually report to the department the amount water diverted under this right.

Use of water under this right shall be non-consumptive.

Industrial use is ~~is~~ for a biosolids dewatering facility.

Use of water under this right ~~approval~~ shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SF5 Right No. 63-12312

CERTIFICATE OF MAILING

I certify that on 9/24, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

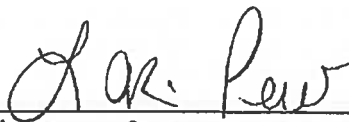
1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

CITY OF BOISE
Represented by:
ERIKA E. MALMEN
251 EAST FRONT ST., STE. 400
BOISE, ID 83702-7310

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 63-12312

NAME AND ADDRESS: CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE ID 83701-0500

SOURCE: GROUND WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 0.870 CFS ~~2.7 CFS~~
628.700 AFY

PRIORITY DATE: 02/15/1996

POINT OF DIVERSION:

T04N R01E S22 NWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.870 CFS 628.70 AFY

PLACE OF USE: INDUSTRIAL in ADA County

T04N R01E S22 NWSW

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

Should the use of the water on this right reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, the right holder shall cease diversion under this right.

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

After specific notification by the department, the right holder shall enter into an agreement to annually report to the department the amount water diverted under this right.

Use of water under this right shall be non-consumptive.

Industrial use is ~~is~~ for a biosolids dewatering facility.

Use of water under this right approval ~~approval~~ shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

10/31/2006

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

RIGHT NUMBER: 63-12312

NAME AND ADDRESS: CITY OF BOISE
PUBLIC WORKS DEPT
ATTN ENV PROGRAM MANAGER
PO BOX 500
BOISE ID 83701-0500

SOURCE: GROUND WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 2.700 CFS
628.700 AFY

PRIORITY DATE: 02/15/1996

POINT OF DIVERSION:

T04N R01E S22 NWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.870 CFS 628.70 AFY

PLACE OF USE: INDUSTRIAL Within ADA County

T04N R01E S22 NWSW

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

Industrial use if for a biosolids dewatering facility.

Should the use of the water on this right reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, the right holder shall cease diversion under this right.

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

Use of water under this right shall be non-consumptive.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

After specific notification by the department, the right holder shall enter into an agreement to annually report to the department the amount water diverted under this right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 03:36
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER SETTING SUBCASE(S)	
	)	FOR INITIAL HEARING	
Case No. 39576	)		
_____	)	SUBCASE NOS: 63-05254	63-05354
		63-07179	63-12312

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

FRIDAY, JUNE 20, 2008 at 01:30 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008 _____,
with sufficient first-class postage to the following:

CITY OF BOISE
CITY OF BOISE, DEPT OF
Represented by:
ROBERT A. MAYNARD
PERKINS COIE LLP
251 E FRONT ST, STE 400
BOISE, ID 83702-7310
Phone: 208-343-3434

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)

A. Subcase 63-12312

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: City of Boise, Public Works Dept.

Address: P.O. Box 500

Boise, ID 83701-0500

Daytime Phone: _____

Name & Address of Attorney, if any:

Robert A. Maynard (208) 343-3434

Perkins Coie LLP

251 East Front Street, Ste. 400

Boise, ID 83702

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

Name: City of Boise, Public Works Dept.

Address: P.O. Box 500

Boise, ID 83701-0500

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

- 1 ☐ **Name and Address**
Should be: _____
- 2 ☐ **Source**
Should be: _____
- 3 ☒ **Quantity**
Should be: The quantity listed under "Purpose and Period of Use" should be changed to 2.7 CFS to be consistent with the "Quantity" section.
- 4 ☐ **Priority Date**
Should be: _____
- 5 ☐ **Point of Diversion**
Should be: _____
- 6 ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
- 7 ☒ **Purpose(s) of Use**
Should be: SEE QUANTITY NOTE
- 8 ☒ **Period of Year**
Should be: SEE QUANTITY NOTE
- 9 ☐ **Place of Use**
Should be: _____
- 10 ☐ **I object because:**
☐ This water right Should not exist.
☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** In the "Quantity" section the diversion rate is 2.7 CFS, but in the "Purpose and Period of Use" section it is .87 CFS. The "Purpose and Period of Use" section should be changed to 2.7 CFS.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss
County of Ada)

Robert A. Maynard, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

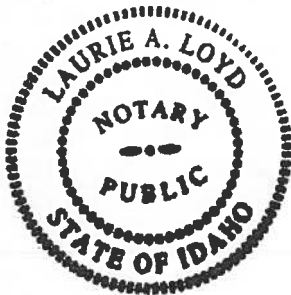
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge

(Signature of person filing objection)

Robert A. Maynard
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

June 19, 2007
Laurie A. Loyd
Notary Public for Idaho
Residing at: Bowen
My Commission Expires: 9/19/2010



INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on June 19, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1 Original to:

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

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

Name: Mr. P.

Address: _____

3 Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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

Robert A. [Signature]
Signature of objector or attorney
mailing on Objector's behalf



Idaho Department of Water Resources

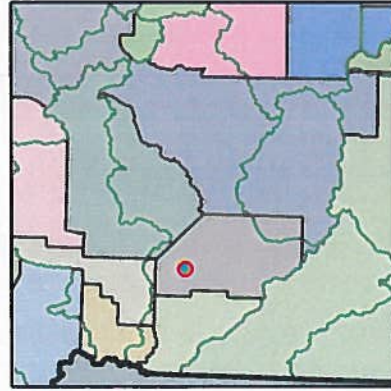
SRBA Recommendation:

63-12312

(Industrial)

Legend

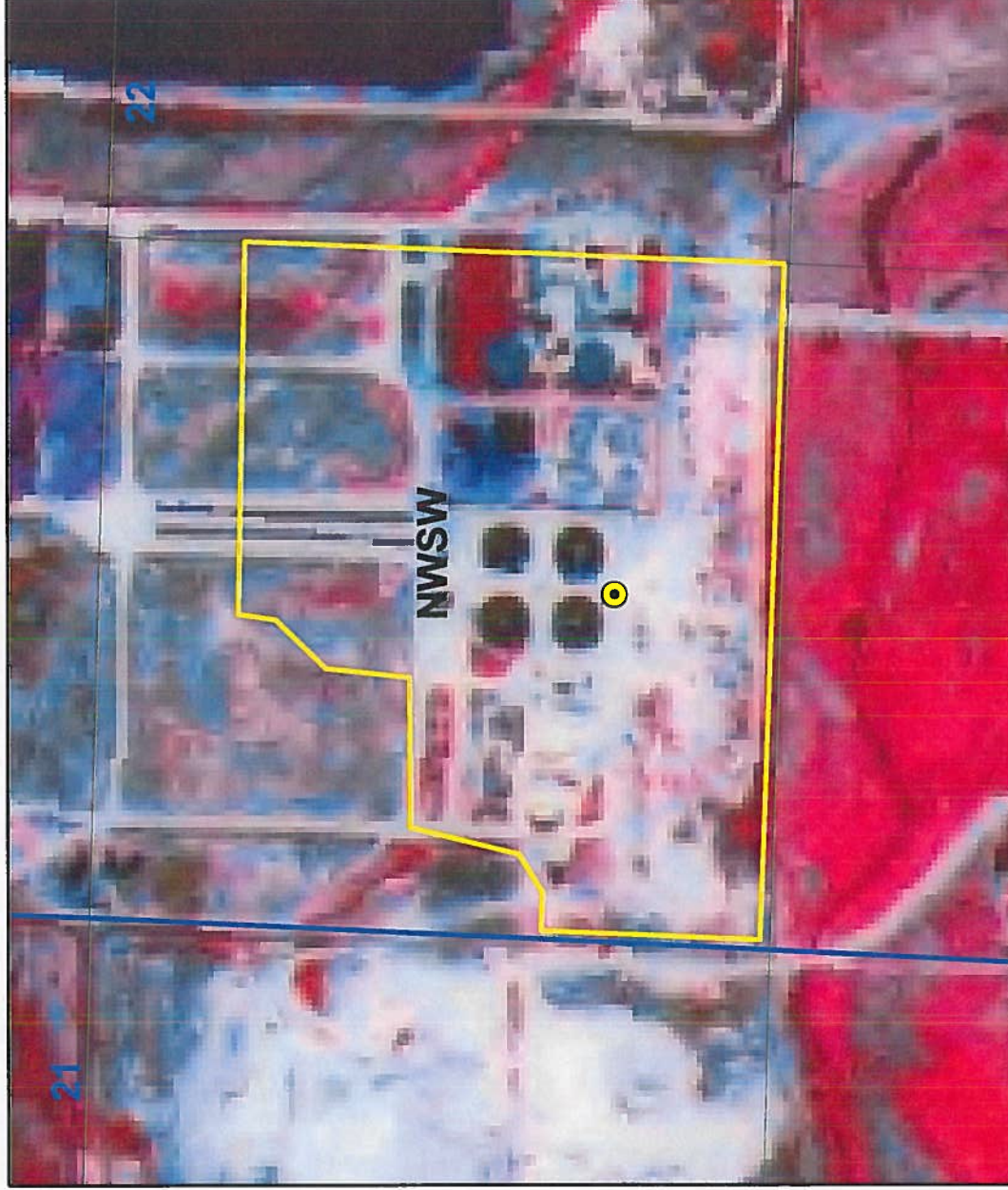
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Ada County
IDWR Basin 63

Prepared by A. Warntjes
On Tuesday, October 31, 2006
1987/88 Aerial Photography

R01E



T04N

0 0.1 0.2 Miles

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-12312

Priority: February 15, 1996

Maximum Diversion Rate:

0.87 CFS

Maximum Diversion Volume:

628.7 AF

This is to certify, that CITY OF BOISE

PUBLIC WORKS DEPT

PO BOX 500

BOISE ID 83701-0500

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 15, 1996; and has submitted Proof of Beneficial Use on August 31, 1998. An examination indicates that the works have a diversion capacity of 0.870 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	01/01 to 12/31	0.87 CFS	628.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 22, Township 04N, Range 01E
ADA County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

04N 01E 22

NWSW

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. Should the use of the water on this right reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, the right holder shall cease diversion under this right.
3. Use of water under this right shall be non-consumptive.
4. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
5. Permanent measuring devices must be maintained in such a manner that the amount of water diverted under this right and the amount of water discharged from the treatment facility into the Boise River can be measured.
6. Industrial use if for a biosolids dewatering facility.
7. After specific notification by the department, the right holder shall enter into an agreement to annually report to the department the amount water diverted under this right.

SCANNED

JAN 27 2003

MICROFILMED

JUN 09 1999

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 63-12312

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 28th day of

MAY, 1999.

Acting for

KARL J. DREHER, Director



MICROFILMED

JUN 09 1999

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

MAR 25 1999

WATER RESOURCES
WESTERN REGION

Water Right or Adjudication Claim No(s): See Attached Sheet

The following REQUIRED information must be submitted with this form:

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant See Attached Sheet
4. New Owner/Claimant(s) City of Boise
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address Public Works Dept.
P.O. Box 500
City, State and ZIP Code Boise, ID 83701-0500
New Telephone Number (208) 384-3901

*Name
change,
only
ADDRESS
change*

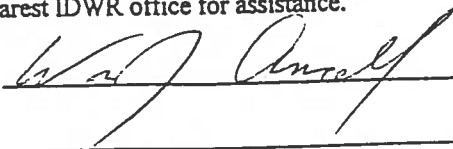
5. Date you acquired the property ---

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) 

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

MICROFILMED

JUN 09 1999

City of Boise
Public Works Department
Water Rights/Adjudication Claims

✓ 63-09139 ✓	City of Boise P.O. Box 500 Boise, ID 83701	A63-07078B ✓	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550
✓ 63-12351 ✓	City of Boise	A63-07755 ✓	City of Boise PO Box 500 Boise, ID 837010500
✓ 63-12312 ✓	City of Boise Public Works Dept PO Box 500 Boise, ID 83701-0550	A63-08130B ✓	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550
A63-08125 ✓	City of Boise Wastewater Treatment Plant 11818 Joplin Rd. Boise, ID 83704	A63-09243 ✓	City of Boise PO Box 500 Boise, ID 837010500
A63-07005B ✓	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550	A63-09359 ✓	City of Boise PO Box 500 Boise, ID 837010500
A63-07042B ✓	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837-10500	A63-15489	City of Boise PO Box 500 Boise, ID 837010500
A63-07053 ✓	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550	A63-15491	City of Boise PO Box 500 Boise, ID 837010500
A63-07055C ✓	City of Boise PO Box 500 Boise, ID 837010500	A63-15492	City of Boise PO Box 500 Boise, ID 837010500
A63-07055D ✓	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550	A63-18683	City of Boise PO Box 500 Boise, ID 837010500
A63-07064A ✓	City of Boise PO Box 500 Boise, ID 837010500	A63-30137B	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550
A63-07064B ✓	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550	A63-30138	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550

PUBLIC WORKS DEPARTMENT
CITY HALL



H. BRENT COLES
MAYOR

COUNCIL MEMBERS

MIKE WETHERELL
COUNCIL PRESIDENT

M. JEROME MAPP
COUNCIL PRO TEM

VERNON L. BISTERFELDT
PAULA B. FORNEY
JON MASON
CAROLYN TERTELING-PAYNE

August 7, 2002

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

RECEIVED

AUG 08 2002

**WATER RESOURCES
WESTERN REGION**

To Whom It May Concern:

Included with this letter are five Notices of Claim to a Water Right for the City of Boise. The filing fees have been incorporated into one attached check. Our breakdown of the fees is as follows:

63-12351	\$150.00
63-12575	53.00
63-12312	350.00
63-12461	370.00
63-12470	490.00

Total \$1,413.00

Hopefully, this meets IDWR's requirements. Please let me know if there is any problem. Thank you.

Sincerely,

Beth K. Baird
Environmental Programs Coordinator

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 63-12312
Date Received: 8/8/2002
Receipt No: W029568
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CITY OF BOISE Phone: (208)384-3900
PUBLIC WORKS DEPARTMENT
PO BOX 500
BOISE ID USA 83701-0500

2. Date of Priority: 02/15/1996

3. Source: GROUND WATER Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01E	22	NW SW	ADA	

5. Description of diverting works:

Well, 115' deep.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	1/01	12/31	0.87	628.7

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

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED

APR 29 2008

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	22	SW	NW	INDUSTRIAL	

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

RECEIVED

AUG 08 2002

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

Ident. Number

Alb3-12312

Date Received

8-8-02

Receipt Number

W029568

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) City of Boise Public Works Dept. Phone (208) 384-3900

Mailing Address P.O. Box 500 Boise, ID Zip 83701-0500

2. Date of Priority (Only one (1) per claim) 2/15/96

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

4. a. Location of existing point of diversion is: Township 4N Range 1E Section 22,

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

Additional points of diversion if any: None

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 - 115' deep.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For industrial purposes from 1/1 to 12/31 amount 2.7 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.7 (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.) Industrial use is for biosolids processing at West Boise WWTP.

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	
4N	1E								I										

Total number of acres irrigated _____

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

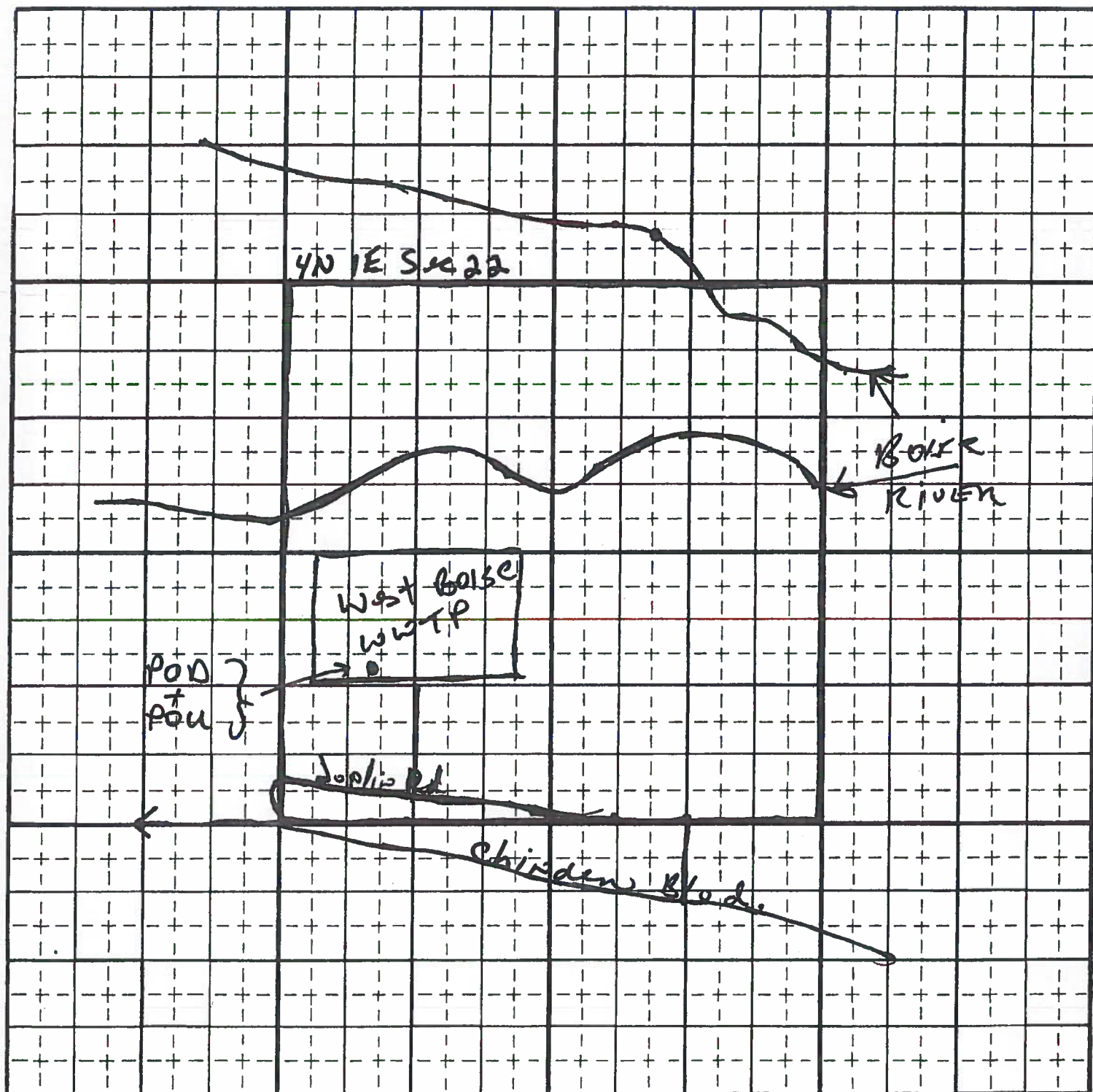
13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks:

Last Name _____ Ident No. _____

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

Scale: ⁴2 inches equals 1 mile



Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-12312
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 document are true
and correct.

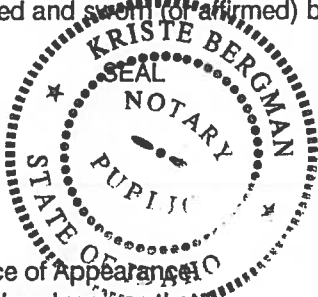
Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Director _____
Title _____
of City of Boise Public Works Dept. _____, that I have signed the foregoing
Organization _____
document in the space below as Director _____ of City of Boise Public Works Dept. _____
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] _____
Title and Organization _____ Date 7-15-02

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

Subscribed and sworn to (or affirmed) before me this 7th day of August 19 2002



Notary Public Kriste Bergman
Residing at Boise, Idaho
My Commission Expires 8/3/06

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 _____ Ident. Number _____