

10/27/2006

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

RIGHT NUMBER: 63-12461
NAME AND ADDRESS: CITY OF BOISE
PUBLIC WORKS DEPT
ATTN ENV PROGRAM MANAGER
PO BOX 500
BOISE ID 83701-0500

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 6.400 CFS
PRIORITY DATE: 07/22/1998

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

POINT OF DIVERSION:

T01N R01E S27 SWNW Within ADA County
T01N R01E S27 NWSW 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	6.400 CFS

PLACE OF USE:

<u>IRRIGATION Within ADA County</u>					
T01N R01E S27	NENW	40.00	T01N R01E S27	NWNW	40.00
T01N R01E S27	SWNW	40.00	T01N R01E S27	SENW	40.00
T01N R01E S27	NESW	40.00	T01N R01E S27	NWSW	40.00
T01N R01E S27	SWSW	40.00	T01N R01E S27	SESW	40.00

320 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Permit

Idaho Department of Water Resources

Claim Number: 63-12461

Legal: T01N, R01E, S27

Reviewed By: *DWS*

● Point of Diversion



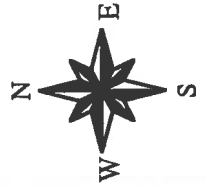
Place of Use



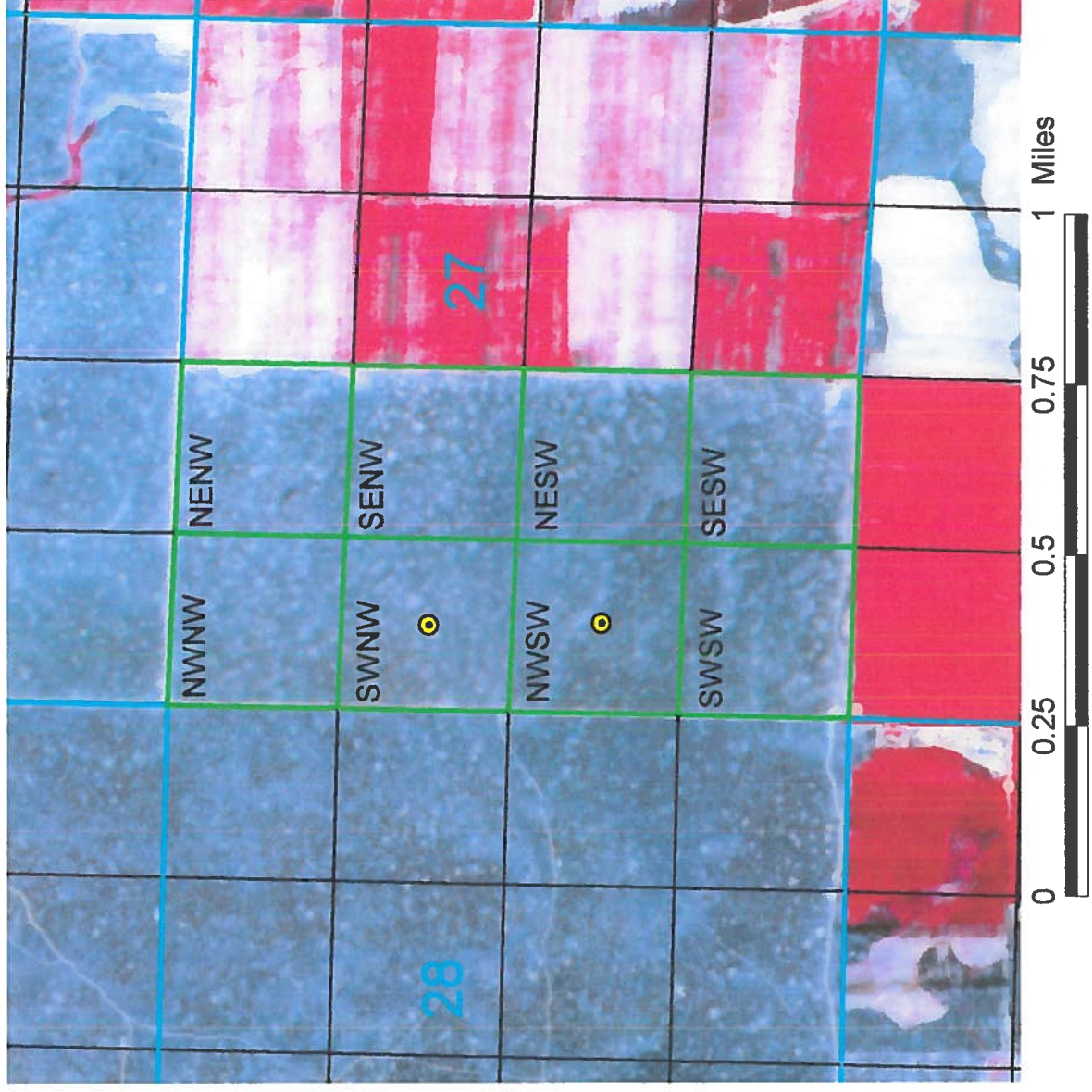
Section Lines



Quarter Quarter Lines



1987 Napp Photo



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 63-12461
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: 07/22/1998

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
01N	01E	27	SW	NW		ADA	
01N	01E	27	NW	SW		ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	6.4	

7. Total Quantity Appropriated is:
6.4 C.F.S. and/or 1120 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
01N	01E	27	NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
Section Acres							320
Total Acres							320

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:

THIS RIGHT WHEN COMBINED WITH 63-12470 SHALL NOT EXCEED A TOTAL DIVERSION RATE OF 9.8 CFS.

WATER RIGHT 02-2268 PROVIDES MITIGATION FOR BOTH 63-12461 AND 63-12470.

15. Basis of Claim: Permit

RECEIVED

AUG 08 2002

WATER RESOURCES
WESTERN REGIONIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number Alb3-12461Date Received 8-8-02Receipt Number W029568NOTICE 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) 7/22/98

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

4. a. Location of existing point of diversion is: Township 1N Range 1E Section 27 ,
1/4 of SW 1/4 of NW 1/4 , Govt. Lot, _____ B.M., County of Ada

Additional points of diversion if any: NWSW 1N1E27

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. _____

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/1 to 11/15 amount 6.4 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.4 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1,120 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:

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	
1N	1E	27					40	40	40	40	40	40	40	40					320

Total number of acres irrigated 320

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

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.

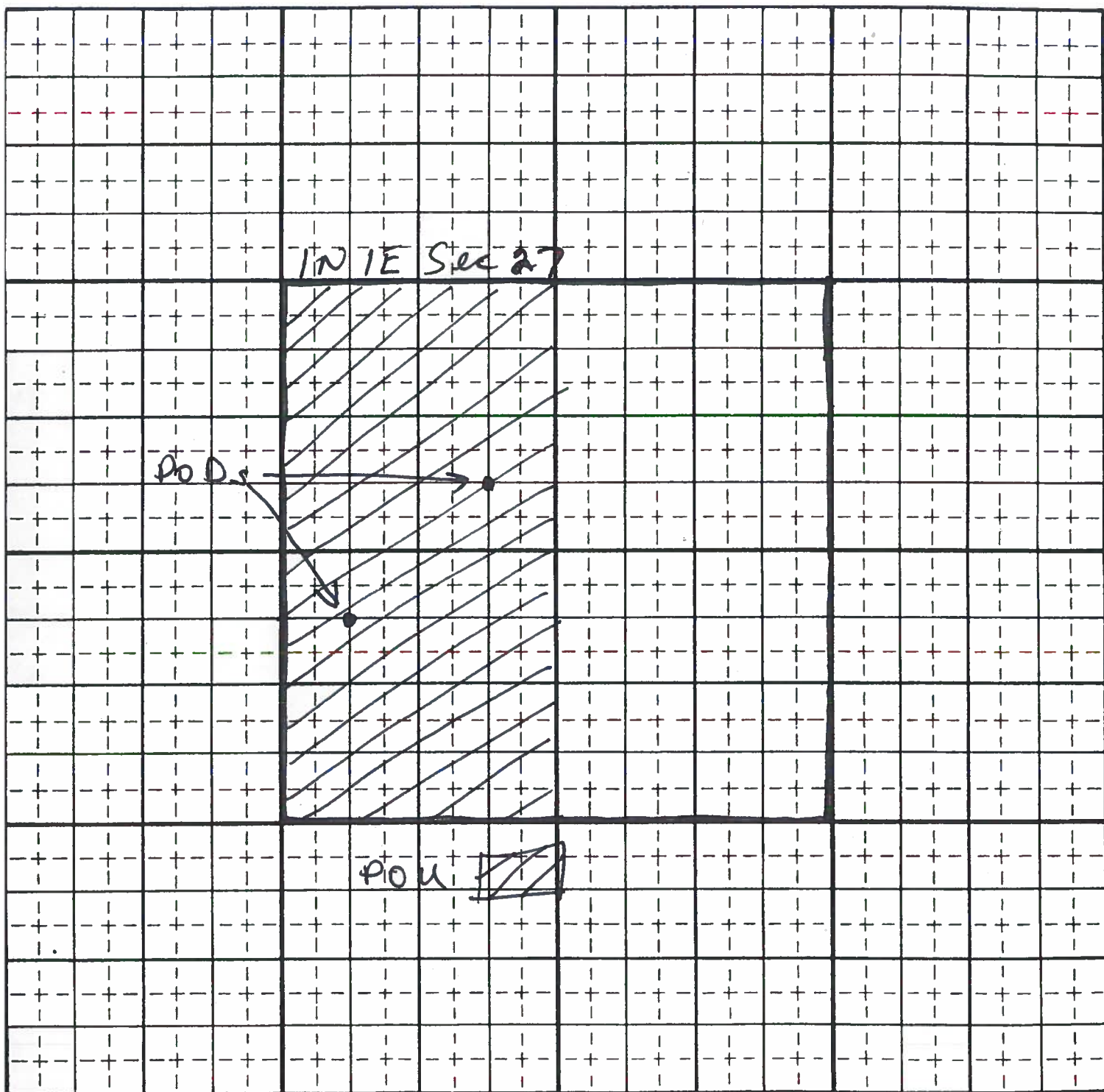
13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (x)

14. Remarks: This water right and 63-12470 when combined shall not exceed a total
diversion rate of 9.8 cfs. Water right 02-02268 provides mitigation for
both 63-12461 and 63-12470.

Last Name _____ Ident No. _____

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

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit X
Decree _____
If applicable provide IDWR Water Right Number 63-12461
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.

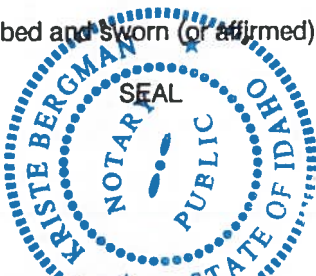
Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Director Title _____
of City of Boise Public Works Dept. Organization _____, that I have signed the foregoing
document in the space below as Director Title _____ of City of Boise Public Works Dept. 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 IDAHO)
County of ADA) SS.

Subscribed and sworn (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 _____

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NOS.	)	ORDER GRANTING
63-12461 AND 63-12470 IN THE NAME OF	)	EXTENSION OF TIME TO
CITY OF BOISE CITY	)	COMMENCE PROJECT
	)	CONSTRUCTION

This matter having come before the Department of Water Resources (Department) as a request for an extension of time to commence construction, the Department makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On June 1, 2000, the Department issued Permit Nos. 63-12461 and 63-12470 (permits) in the name Don Watkins and/or Brian Watkins with the following condition of approval:

Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

2. On September 29, 2000, the Department received assignments of the permits changing ownership of the permits to the City of Boise City.
3. On May 15, 2001, the City of Boise City requested a six-month extension of time to commence construction of the project authorized under the permits to allow for budgeting of the construction costs and planning efforts.

CONCLUSIONS OF LAW

1. Section 42-204, Idaho Code provides in pertinent part as follows:

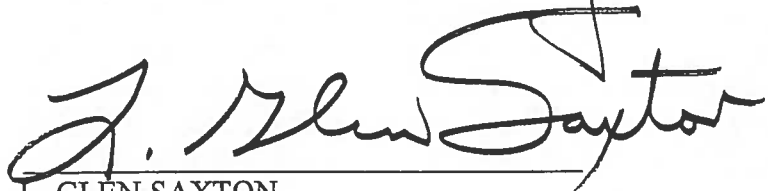
Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within one (1) year from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the

- holder of such permit by circumstances, over which he has no control.
2. The City of Boise City has shown reasonable cause for the delay.
 3. The Department should grant an extension of time in which to commence construction of the project authorized under the permits.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the time period allowed to commence construction of the project authorized under Permit Nos. 63-12461 and 63-12470 is extended by six months to December 1, 2001.

Dated this 18th day of May, 2001



L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED 10.5.00 \$25.00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 29 2000
WATER RESOURCES
WESTERN REGION

ASSIGNMENT OF PERMIT
To change the ownership of a permit

We, Brian Watkins and Arthur Donald Watkins, hereby assign to the City of Boise City,
of, 150 South Capitol Boulevard BOISE ID 83702 208-384-3903 - PHONE
(Full Address) (Phone) (208) 384-3905 - FAX

All my right, title, and interest in and to Permit No. 63-12461 to
appropriate the public waters of the State of Idaho.

RECEIVED
OCT 6 - 2000
Department of Water Resources

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40
acre subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 22nd day of September, 2000.

Arthur Donald Watkins
Permit Holder: Arthur Donald Watkins

Brian D. Watkins
Permit Holder: Brian Watkins

State of Utah)
County of 0) ss.

On this 22nd day of September, 2000, personally appeared before me Arthur Donald
Watkins, one of the signers of the above instrument, who duly acknowledged to me that he executed the same.

SEAL



Jayne K. Thompson
Notary Public residing at _____
My Commission Expires: _____

MICROFILMED
APR 26 2001

State of Idaho)
County of Ada) ss.

On this 26th day of September, 2000, personally appeared before me Brian Watkins, one of the signers of the above instrument, who duly acknowledged to me that he executed the same.



Jeri Kay Rose
Notary Public residing at Boise
My commission expires: 10/18/00

MICROFILMED
APR 26 2001

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12461

Priority: July 22, 1998

Maximum Diversion Rate:

6.40 CFS

This is to certify, that DON WATKINS
BRIAN WATKINS
PO BOX 32
KUNA ID 83634-0032

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
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IRRIGATION	03/01 to 11/15	6.40 CFS
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LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 27, Township 01N, Range 01E
NWSW , Sec. 27, Township 01N, Range 01E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	01E	27	NENW 40.0	NWNW 40.0	SWNW 40.0	
			SEnw 40.0	NESW 40.0	NWSW 40.0	
			SWSW 40.0	SESW 40.0		320.0

Total number of acres irrigated: 320.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before May 1, 2005.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. Water shall not be diverted and beneficially used under this permit unless water is available under Right 02-02268 (in the name of Bell Rapids Mutual Irrigation Co.) and the portion thereof purchased by the permit holder as evidenced by the agreement for purchase and sale of water right dated 2/18/2000 is left undiverted in the Snake River.

MICROFILMED

APR 26 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12461

CONDITIONS OF APPROVAL AND REMARKS

7. Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate, and the irrigation of 595 acres.
8. The department retains jurisdiction until proof of beneficial use is submitted or the proof of beneficial use date as listed in the permit or as subsequently extended by action of the department, whichever date occurs first, to modify the conditions of approval relative to the mitigation plan. The modified conditions may provide for additional acreage to be irrigated and more water to be diverted within the limits of the applications as filed if the right holder provides additional mitigation or the need for mitigation is found to be unnecessary in whole or part.
9. The permit holder is not authorized to assign ownership of this permit or the part of the Bell Rapids water right used for mitigation without prior written approval of the department. In its consideration of a request for assignment, the department will review the permit holder's diligence in the development of a water right and the extent of development performed under terms of the permit.
10. The right holder shall install suitable measuring devices or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department. Annual reporting shall include documentation that Bell Rapids' diversion rate and volume have been reduced and the acreage associated with the right holder's purchased portion of the right has not been irrigated and other expansion of acreage under Bell Rapids' right has not occurred.
11. Failure to comply with the mitigation plan requirements or conditions of this approval is cause for the department to cancel this permit.
12. Water bearing zone to be appropriated is 300 to 600 feet.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

1st day of June, 2000.

Karl J. Dreher
for Karl J. Dreher, Director MICROFILMED
APR 26 2001

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 03-12461

Date: 11-04-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	1N	1E	27					40	40	40	40	40	40	40	40					320
GIS								41	41	40	40	40	40	40	40					322
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 2

Total Claimed Acres: 320

Overlapping POU Claim #'s:

Total GIS Acres: 322

COMMENTS:

POU per claim map. Claim wasn't in data base.

POD - one pod didn't match legal description. I placed it per legal description.

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

Sincerely,

Beth K. Baird
Environmental Programs Coordinator

STATUS CONFERENCE NOTES:

RIGHT NO. 63-12461 & 12470

DATE: 2-13-10

January 11, 2010 - 9:30 AM STATUS Conf.

Amendment of Permit Completed on both of these adding several pts. of diversion & changing POU.

See attached emails for all info.

Shurte, Jan

From: Padilla, Cherie
Sent: Tuesday, July 13, 2010 10:37 AM
To: Shurte, Jan
Cc: Saxton, Craig
Subject: RE: Number of subcases recommended based on permit

Hi Jan,

I send out amended licenses over two weeks ago and was waiting for signed amendments so I could issue the licenses. I thought I had this all done until SPF decided that they wanted to make changes to their field exam. Terry said that he made a mistake on the field exam and wanted to correct the system capacity numbers. This last Friday, I told him I would give him a chance to submit the corrected field exam information. Most likely that stuff should be coming in the mail very soon and then I will probably issue new licensing amendments with the corrected rates. I will move on these as soon as I hear back from SPF.

Thanks and let me know if I could be of any more assistance,

Cherie

From: Saxton, Craig
Sent: Tuesday, July 13, 2010 10:26 AM
To: Padilla, Cherie
Cc: Shurte, Jan; Courtney, Andrea; Williams, Ray
Subject: RE: Number of subcases recommended based on permit

Hey Everyone,

Cherie has been working on these files. Proof has been submitted. I will let her give you the update, but if I remember correctly, the City of Boise needs to show us that they met the conditions of approval....specifically:

3. 01M The right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department. Annual reporting shall include documentation that Bell Rapids' diversion rate and volume have been reduced and the acreage associated with the right holder's purchased portion of the right has not been irrigated and other expansion of acreage under Bell Rapids' right has not occurred.

Cherie, correct me if I am wrong, but from my recollection, the ball is in their court now. The need to show something or we can't move forward issuing a license. Perhaps pressure from the AJ side of things can help push them to get Cherie what she needs to issue the license.

Thanks everyone. Sorry I didn't get back to you before the hearing. Been a crazy morning....gonna get crazier ☺

C

From: Courtney, Andrea
Sent: Tuesday, July 13, 2010 9:56 AM
To: Williams, Ray; Saxton, Craig

Cc: Shurte, Jan

Subject: RE: Number of subcases recommended based on permit

Craig~

Crossing fingers today is your day.

Well, the City of Boise atty didn't appear for this morning's status conference. We didn't go on the record, but off the record we gave our update and discussed the two subcases.

I told SMBooth that the Dept had issued an amended permit in 9/09, with proof due 5/10, and that the Dep't was processing. I couldn't confirm that we had received proof, but b/c Jan found a draft license on the system, we told the Special Master that we suspected proof had been provided.

SMBooth questioned why the City had filed these two in the SRBA. We wondered the same.

I left a voicemail for Matt Wilde (City's atty) so hopefully I'll hear from him. Stay tuned on that front.

We set a status conf for 1/11/11 (awesome!) at 9:30am because we figured six-ish months out, you would be back from paternity leave and have had time to finish up the licenses or provide another update by then.

Andrea

From: Williams, Ray

Sent: Monday, July 12, 2010 3:51 PM

To: Saxton, Craig

Cc: Courtney, Andrea

Subject: FW: Number of subcases recommended based on permit

Craig,

I tried not to bug you about these, but..... I just spoke with Jan, and she thinks that you've been working on them. Could you give me a quick update on 63-12461 & 63-12470 (City of Boise)? They are set for a status conference tomorrow morning at 9:30.

Thanks!

Ray

From: Williams, Ray

Sent: Tuesday, July 06, 2010 1:39 PM

To: Courtney, Andrea

Subject: RE: Number of subcases recommended based on permit

That was Jan on the phone. She is going to talk to Darla to see if anything has been received, as she typically sends out the lapse notice. Jan is on it, so we don't need to check in with him quite yet.

From: Courtney, Andrea

Sent: Tuesday, July 06, 2010 1:14 PM

To: Williams, Ray

Subject: RE: Number of subcases recommended based on permit

Good idea. Maybe Craig knows something we don't, or maybe the City has done nothing. Either way, it'd be helpful to have an update for the hearing.

Thanks, again, for looking ahead and keeping us on track.

From: Williams, Ray

Sent: Tuesday, July 06, 2010 11:43 AM

To: Courtney, Andrea

Subject: RE: Number of subcases recommended based on permit

Andrea,

The deadline for proof due was sent on 2/26/10 with a deadline of 5/1/10. I don't see any extensions being filed. Do you think we could see if Craig can send out a lapse notice? That might get their attention and get these moving.

Let me know your thoughts.. These (below) are set for next week.

Thanks,

Ray

From: Courtney, Andrea

Sent: Wednesday, May 12, 2010 2:25 PM

To: Saxton, Craig

Cc: Williams, Ray

Subject: RE: Number of subcases recommended based on permit

Craig~

These just popped on the radar ('cuz Ray works magic)-- 63-12461 & 63-12470 (City of Boise). We have a status conf in July.

Andrea

From: Saxton, Craig

Sent: Thursday, April 29, 2010 4:11 PM

To: Ridgeway, Renea; Cooley-Denney, Suzy; Kelly, Vicki

Cc: Bromley, Chris; Spencer, Nick; Courtney, Andrea

Subject: Number of subcases recommended based on permit

Hey Everyone,

I have a question for you all that I don't know if we have an answer for.

Do we know, or can we EASILY find out, how many subcases there are that are being held from partial decree because they were recommended based on permit and the court is holding them from partial decree until the license is issued?

If it isn't easy, then don't worry about it. On the other hand, if I know which ones they are, I might be able to use my newly acquired Allocations influence to push them through.

Thanks,

c

SRBA

DIRECTORS REPORT 63-12461

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 63-12461

Name and Address: CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE, ID 83701-0500

Source: GROUND WATER

Quantity: 6.40 CFS

Priority Date: 07-22-1998

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

Diversion Point: T01N R01E S27 SWNW Within Ada County
NWSW

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	03-01 TO 11-15	6.40 CFS

Place of Use:	Irrigation	Within Ada County
	T01N R01E S27	NENW 40 NWNW 40 SWNW 40 SENW 40 NESW 40 NWSW 40 SWSW 40 SESW 40
	320 Acres Total	

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

Explanatory Material: Basis of Claim - Permit

[Return to SRBA Home Page](#)

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 63-12461

Priority: July 22, 1998

Maximum Diversion Rate: 6.40 CFS

This is to certify, that CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE ID 83701-0500

has applied for an amendment of a permit and the amendment is APPROVED for development of water as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	6.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, Twp 01N, 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					
01N	01E	27					39.0	39.0	39.0	40.0	21.0	30.0	40.0	22.0				270.0	
01N	01E	33					10.0			10.0	10.0				10.0	10.0		50.0	

Total Acres: 320

State of Idaho
Department of Water Resources
Amendment of Permit
NO. 63-12461

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 1, 2010**.
2. Subject to all prior water rights.
3. The right holder shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. To mitigate for the depletion of water resulting from the use of water under this right and right 63-12470 and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
2-2268B	Irrigation	9.8	2317.6	579

The land that will no longer be irrigated under this right is located within the W½,NE, W½,SE, and SW¼, Section 20 and W½NE, N½SW, and NW¼, Section 29, Township 07S, Range 13E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

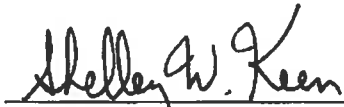
7. Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate, and the irrigation of 595 acres.
8. The department retains jurisdiction until proof of beneficial use is submitted or the proof of beneficial use date as listed in the permit or as subsequently extended by action of the department, whichever date occurs first, to modify the conditions of approval relative to the mitigation plan. The modified conditions may provide for additional acreage to be irrigated and more water to be diverted within the limits of the applications as filed if the right holder provides additional mitigation or the need for mitigation is found to be unnecessary in whole or part.
9. The permit holder is not authorized to assign ownership of this permit or the water right used for mitigation without prior written approval of the department. In its consideration of a request for assignment, the department will review the permit holder's diligence in the development of a water right and the extent of development performed under terms of the permit.

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 63-12461

10. The right holder shall install suitable measuring devices or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department. Annual reporting shall include documentation that Bell Rapids' diversion rate and volume have been reduced and the acreage associated with the right holder's purchased portion of the right has not been irrigated and other expansion of acreage under Bell Rapids' right has not occurred.
11. Failure to comply with the mitigation plan requirements or conditions of this approval is cause for the department to cancel this permit.
12. Water bearing zone to be appropriated is 300 to 600 feet.

This amendment of permit is issued pursuant to the provisions of Section 42-211, Idaho Code. Witness the signature of the Director, affixed at Boise, this 4th day of December, 2007.


for DAVID R. TUTHILL, JR., Director

Sent to J.O. Towner
out on 9-2-10

**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

Water Rights: 63-12461, 63-12470

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

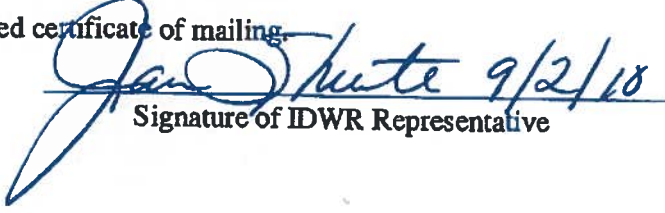
- ☐ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer
 - ☐ Point of diversion
 - ☐ Period of use
 - ☐ Split of water right
 - ☐ Other
 - ☐ Place of use
 - ☐ Nature of use
 - ☐ Change in ownership

XX IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:

 9/2/10
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on _____, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Director of IDWR
PO Box 83720
Boise ID 83720

☒ hand-delivered

3. Copies to all parties to the subcase:

City of Boise
Public Works Dept
PO Box 500
Boise ID 83701-0500

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile

Signature of person mailing this document

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

RIGHT NUMBER: 63-12470

NAME AND ADDRESS:

CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE ID 83701-0500

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

7.320 CFS ~~8.990 CFS~~
1,647.000 AFY ~~0.000 AFY~~

Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation.

PRIORITY DATE:

09/09/1998

~~THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.~~

POINT OF DIVERSION:

T01N R01E S23 SESW
Within ADA County

T01N R01E S24 SWSW
Within ADA County

T01N R01E S25 SENW
Within ADA County

T01N R01E S25 SESW
Within ADA County

T01N R01E S25 NWSE
Within ADA County

T01N R01E S27 NWSW
Within ADA County

T01N R01E S33 NENE
Within ADA County

~~T01N R01E S33 NENW~~
~~Within ADA County~~
~~T01N R01E S33 SENW~~
~~Within ADA County~~

T01N R01E S34 SWNE
Within ADA County

T01N R01E S34 NWNW
Within ADA County

T01N R01E S35 NENW
Within ADA County

T01N R01E S35 NWNW
Within ADA County

T01N R01E S36 NENE
Within ADA County

**PURPOSE AND
PERIOD OF USE:**

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/01 11/15	<u>7.320 CFS 1,647.00 AFY</u>
		~~8.800 CFS~~
~~STOCKWATER~~	~~01/01 12/31~~	~~0.190 CFS~~

PLACE OF USE:

IRRIGATION within ADA County

T01N R01E S23 NESW 30.0
T01N R01E S23 NWSW 35.0
T01N R01E S23 SWSW 40.0
T01N R01E S23 SESW 40.0
T01N R01E S23 NESE 31.0
T01N R01E S23 NWSE 33.0
T01N R01E S23 SWSE 40.0
T01N R01E S23 SESE 40.0
T01N R01E S24 NESW 32.0
T01N R01E S24 NWSW 33.0
T01N R01E S24 SWSW 40.0
T01N R01E S24 SESW 33.0
T01N R01E S25 NENE 40.0
T01N R01E S25 NWNE 40.0
T01N R01E S25 SWNE 40.0
T01N R01E S25 SENE 40.0
T01N R01E S25 NENW 40.0
T01N R01E S25 NWNW 40.0
T01N R01E S25 SWNW 40.0
T01N R01E S25 SENW 40.0
T01N R01E S25 NESW 40.0
T01N R01E S25 NWSW 40.0
T01N R01E S25 SWSW 40.0
T01N R01E S25 SESW 40.0
T01N R01E S25 NESE 40.0
T01N R01E S25 NWSE 40.0
T01N R01E S25 SWSE 40.0
T01N R01E S25 SESE 15.0
T01N R01E S26 NENE 40.0
T01N R01E S26 NWNE 40.0
T01N R01E S26 SWNE 40.0
T01N R01E S26 SENE 40.0
T01N R01E S26 NENW 40.0
T01N R01E S26 NWNW 40.0
T01N R01E S26 SWNW 40.0
T01N R01E S26 SENW 40.0
T01N R01E S26 NESW 40.0
T01N R01E S26 NWSW 40.0
T01N R01E S26 SWSW 40.0
T01N R01E S26 SESW 40.0
T01N R01E S26 NESE 40.0
T01N R01E S26 NWSE 40.0
T01N R01E S26 SWSE 40.0
T01N R01E S26 SESE 40.0
T01N R01E S27 NENE 40.0

T01N R01E S27 NWNE 40.0
T01N R01E S27 SWNE 40.0
T01N R01E S27 SENE 40.0
T01N R01E S27 NENW 32.0
T01N R01E S27 NWNW 32.0
T01N R01E S27 SWNW 36.0
T01N R01E S27 SENW 40.0
T01N R01E S27 NESW 8.0
T01N R01E S27 NWSW 2.0
T01N R01E S27 NESE 40.0
T01N R01E S27 NWSE 40.0
T01N R01E S27 SWSE 40.0
T01N R01E S27 SESE 40.0
T01N R01E S33 NENE 40.0
T01N R01E S33 NWNE 40.0
T01N R01E S33 SWNE 40.0
T01N R01E S33 SENE 40.0
T01N R01E S33 NENW 40.0
T01N R01E S33 SENW 40.0
~~T01N R01E S33 NESW 40.0~~
~~T01N R01E S33 NESE 40.0~~
~~T01N R01E S33 NWSE 40.0~~
T01N R01E S34 NENE 40.0
T01N R01E S34 NWNE 40.0
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T01N R01E S34 SENE 40.0
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T01N R01E S34 SESW 40.0
T01N R01E S34 NESE 40.0
T01N R01E S34 NWSE 40.0
T01N R01E S34 SWSE 40.0
T01N R01E S34 SESE 40.0
T01N R01E S35 NENE 40.0
T01N R01E S35 NWNE 40.0
T01N R01E S35 SWNE 40.0
T01N R01E S35 SENE 40.0
T01N R01E S35 NENW 40.0
T01N R01E S35 NWNW 40.0
T01N R01E S35 SWNW 40.0
T01N R01E S35 SENW 40.0
T01N R01E S35 NESW 39.0
~~T01N R01E S35 NESW 40.0~~
T01N R01E S35 NWSW 39.0
~~T01N R01E S35 NWSW 40.0~~
T01N R01E S35 SWSW 30.0
~~T01N R01E S35 SWSW 40.0~~
T01N R01E S35 SESW 31.0
~~T01N R01E S35 SESW 40.0~~

T01N R01E S35 NESE 39.0
~~T01N R01E S35 NESE 40.0~~
T01N R01E S35 NWSE 40.0
~~T01N R01E S35 SWSE 40.0~~
~~T01N R01E S35 SESE 40.0~~
T01N R01E S36 NENE 32.0
T01N R01E S36 NWNE 37.0
T01N R01E S36 SWNE 3.0
T01N R01E S36 SENE 27.0
T01N R01E S36 NENW 40.0
T01N R01E S36 NWNW 40.0
T01N R01E S36 SWNW 17.0
T01N R01E S36 SENW 10.0

~~STOCKWATER Same as IRRIGATION~~

3776 ACRES TOTAL

~~440 ACRES TOTAL~~

This right is limited to the irrigation of 366 acres within the place of use described above in a single irrigation season.

Right Nos. 63-12461 and 63-12470 are limited to the irrigation of a combined total of 595 acres in a single irrigation season.

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

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

To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes

<u>Right No.</u>	<u>Use Changed to Mitigation</u>	<u>Mitigation Rate (cfs)</u>	<u>Mitigation Volume (AF)</u>	<u>Mitigation Acres</u>
2-2268B	Irrigation	9.8	2317.6	579

The land that will no longer be irrigated under this right is located within the W 1/2 NE, W 1/2 SE and SW 1/4, Section 20 and W 1/2NE, N 1/2SW, and NW 1/4, Section 29, Township 07S, Range 13E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this water right shall be reduced by the same proportion as the reduction to the mitigation rights.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License Permit

The following rights are diverted through points of diversion described above: 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-8435, 63-9243, 63-9359, 63-12461, and 63-12470.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-12470

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 366 acres within the place of use described above in a single irrigation season.
2. Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate, and the irrigation of 595 acres.
3. The following rights are diverted through points of diversion described above: 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-8435, 63-9243, 63-9359, 63-12461, and 63-12470.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
2-2268B	Irrigation	9.8	2317.6	579

The land that will no longer be irrigated under this right is located within the W 1/2 NE, W 1/2 SE and SW 1/4, Section 20 and W 1/2 NE, N 1/2 SW, and NW 1/4, Section 29, Township 07S, Range 13E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this water right shall be reduced by the same proportion as the reduction to the mitigation rights.

6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. Water bearing zone to be appropriated is 300 to 600 feet.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 9th day of August, 2010.

Shelley W. Keen
for GARY SPACKMAN
Interim Director

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-12470

Priority: September 09, 1998

Maximum Diversion Rate: 7.32 CFS
Maximum Diversion Volume: 1,647.0 AF

It is hereby certified 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 September 09, 1998; and has
submitted Proof of Beneficial Use on April 20, 2010. An examination indicates that the works have a
diversion capacity of 62.7 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
03/01 to 11/15

DIVERSION RATE
7.32 CFS

**ANNUAL
DIVERSION VOLUME**
1,647.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE¼NE¼ Sec. 36, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SE¼NW¼ Sec. 25, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NW¼SE¼ Sec. 25, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SW¼SW¼ Sec. 24, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NE¼NE¼ Sec. 33, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SW¼NE¼ Sec. 34, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NW¼NW¼ Sec. 34, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NE¼NW¼ Sec. 35, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NW¼NW¼ Sec. 35, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SE¼SW¼ Sec. 23, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SE¼SW¼ Sec. 25, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NW¼SW¼ Sec. 27, Twp 01N, 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	
01N 01E 23									30.0	35.0	40.0	40.0	31.0	33.0	40.0	40.0	289.0
01N 01E 24									32.0	33.0	40.0	33.0					138.0
01N 01E 25	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	15.0	615.0
01N 01E 26	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
01N 01E 27	40.0	40.0	40.0	40.0	32.0	32.0	36.0	40.0	8.0	2.0			40.0	40.0	40.0	40.0	470.0
01N 01E 33	40.0	40.0	40.0	40.0	40.0			40.0									240.0
01N 01E 34	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
01N 01E 35	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	30.0	31.0	39.0	40.0			538.0
01N 01E 36	32.0	37.0	3.0	27.0	40.0	40.0	17.0	10.0									206.0

Total Acres: 3776

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-12461

WATER RIGHT NUMBER: 63-12461

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DON WATKINS PO BOX 32 KUNA, ID 83634-0032 (208)362-0433
Original Owner	BRIAN WATKINS 4794 W CREE WY BOISE, ID 83709 (208)362-0567
Current Owner	CITY OF BOISE PUBLIC WORKS DEPT PO BOX 500 BOISE, ID 83701-0500 (208)384-3901
Representative	SPF WATER ENGINEERING LLC C/O LORI GRAVES 300 E MALLARD DR STE 350 BOISE, ID 83706 (208)383-4140

Priority Date: 07/22/1998

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	4.580 CFS	1,030.50 AF
	<u>Total Diversion:</u>	4.580 CFS	1,030.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 36, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	SE1/4NW1/4	Sec. 25, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	NW1/4SE1/4	Sec. 25, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	SW1/4SW1/4	Sec. 24, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	NE1/4NE1/4	Sec. 33, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	SW1/4NE1/4	Sec. 34, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	NW1/4NW1/4	Sec. 34, Twp 01N, Rge 01E, B.M.
ADA County		

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-12461

GROUND WATER	NE1/4NW1/4	Sec. 35, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	NW1/4NW1/4	Sec. 35, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	SE1/4SW1/4	Sec. 23, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	SE1/4SW1/4	Sec. 25, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	NW1/4SW1/4	Sec. 27, Twp 01N, 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	
01N	01E	23									30.0	35.0	40.0	40.0	31.0	33.0	40.0	40.0	289.0
01N	01E	24									32.0	33.0	40.0	33.0					138.0
01N	01E	25	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	15.0	615.0
01N	01E	26	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
01N	01E	27	40.0	40.0	40.0	40.0	32.0	32.0	36.0	40.0	8.0	2.0			40.0	40.0	40.0	40.0	470.0
01N	01E	33	40.0	40.0	40.0	40.0	40.0			40.0									240.0
01N	01E	34	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
01N	01E	35	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	30.0	31.0	39.0	40.0			538.0
01N	01E	36	32.0	37.0	3.0	27.0	40.0	40.0	17.0	10.0									206.0

Total Acres: 3776

Conditions of Approval:

1. X35 Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate, and the irrigation of 595 acres.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-12461

2. 170 To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
2-2268B	Irrigation	9.8	2317.6	579

The land that will no longer be irrigated under this right is located within the W 1/2 NE, W 1/2 SE and SW 1/4, Section 20 and W 1/2NE, N 1/2SW, and NW 1/4, Section 29, Township 07S, Range 13E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this water right shall be reduced by the same proportion as the reduction to the mitigation rights.

3. F06 The following rights are diverted through points of diversion described above: 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-8435, 63-9243, 63-9359, 63-12461, and 63-12470.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. X27 This right is limited to the irrigation of 229 acres within the place of use described above in a single irrigation season.
7. Water bearing zone to be appropriated is 300 to 600 feet.

Remarks:Comments:

1. cpadilla 5/11/2010 7:43:39 AM POD
Comment: Updated Shape
2. cpadilla 5/11/2010 1:58:10 PM POU
Comment: Updated Shape
3. cpadilla 7/21/2010 11:55:56 AM POU
Comment: Updated PLS
4. cpadilla 7/21/2010 1:32:52 PM POU
Comment: Updated Shape

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-12470

WATER RIGHT NUMBER: 63-12470

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DON WATKINS PO BOX 32 KUNA, ID 83634-0032 (208)362-0433
Original Owner	BRIAN WATKINS 4794 W CREE WY BOISE, ID 83709 (208)362-0567
Current Owner	CITY OF BOISE PUBLIC WORKS DEPT PO BOX 500 BOISE, ID 83701-0500 (208)384-3901
Representative	SPF WATER ENGINEERING LLC C/O LORI GRAVES 300 E MALLARD DR STE 350 BOISE, ID 83706 (208)383-4140

Priority Date: 09/09/1998

Basis: License

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>
IRRIGATION	03/01 to 11/15	7.320 CFS	1,647.00 AF
	<u>Total Diversion:</u>	7.320 CFS	1,647.00 AF

Location of Point(s) of Diversion

GROUND WATER ADA County	NW1/4SE1/4	Sec. 25, Twp 01N, Rge 01E, B.M.
GROUND WATER ADA County	SE1/4SW1/4	Sec. 25, Twp 01N, Rge 01E, B.M.
GROUND WATER ADA County	NE1/4NE1/4	Sec. 36, Twp 01N, Rge 01E, B.M.
GROUND WATER ADA County	NW1/4SW1/4	Sec. 27, Twp 01N, Rge 01E, B.M.
GROUND WATER ADA County	NE1/4NE1/4	Sec. 33, Twp 01N, Rge 01E, B.M.
GROUND WATER ADA County	SW1/4NE1/4	Sec. 34, Twp 01N, Rge 01E, B.M.
GROUND WATER ADA County	NW1/4NW1/4	Sec. 34, Twp 01N, Rge 01E, B.M.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-12470

GROUND WATER	NE1/4NW1/4	Sec. 35, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	NW1/4NW1/4	Sec. 35, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	SE1/4SW1/4	Sec. 23, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	SW1/4SW1/4	Sec. 24, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	SE1/4NW1/4	Sec. 25, Twp 01N, 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	
01N	01E	23									30.0	35.0	40.0	40.0	31.0	33.0	40.0	40.0	289.0
01N	01E	24									32.0	33.0	40.0	33.0					138.0
01N	01E	25	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	15.0	615.0
01N	01E	26	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
01N	01E	27	40.0	40.0	40.0	40.0	32.0	32.0	36.0	40.0	8.0	2.0			40.0	40.0	40.0	40.0	470.0
01N	01E	33	40.0	40.0	40.0	40.0	40.0			40.0									240.0
01N	01E	34	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
01N	01E	35	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	30.0	31.0	39.0	40.0			538.0
01N	01E	36	32.0	37.0	3.0	27.0	40.0	40.0	17.0	10.0									206.0

Total Acres: 3776

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-12470

2. 170 To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
2-2268B	Irrigation	9.8	2317.6	579

The land that will no longer be irrigated under this right is located within the W 1/2 NE, W 1/2 SE and SW 1/4, Section 20 and W 1/2NE, N 1/2SW, and NW 1/4, Section 29, Township 07S, Range 13E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this water right shall be reduced by the same proportion as the reduction to the mitigation rights.

3. X35 Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate, and the irrigation of 595 acres.
4. Water bearing zone to be appropriated is 300 to 600 feet.
5. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. X27 This right is limited to the irrigation of 366 acres within the place of use described above in a single irrigation season.
7. F06 The following rights are diverted through points of diversion described above: 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-8435, 63-9243, 63-9359, 63-12461, and 63-12470.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-12470

Comments:

1. mciscell 5/12/2010 5:21:15 PM POD
Comment: Bulk Generate Shape From PLS
2. mciscell 5/12/2010 5:21:45 PM POD
Comment: Bulk Generate Shape From PLS
3. mciscell 5/12/2010 5:21:47 PM POD
Comment: Bulk Generate Shape From PLS
4. mciscell 5/12/2010 5:24:37 PM POD
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5. mciscell 5/12/2010 5:24:37 PM POD
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6. mciscell 5/12/2010 5:24:38 PM POD
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7. mciscell 5/12/2010 5:25:50 PM POD
Comment: Bulk Generate Shape From PLS
8. mciscell 5/12/2010 5:25:50 PM POD
Comment: Bulk Generate Shape From PLS
9. cpadilla 5/19/2010 11:06:44 AM POD
Comment: Updated Shape
10. cpadilla 5/19/2010 11:08:33 AM POD
Comment: Updated Shape
11. cpadilla 5/19/2010 11:09:48 AM POD
Comment: Updated Shape
12. cpadilla 5/19/2010 11:12:08 AM POD
Comment: Updated Shape
13. cpadilla 5/19/2010 11:13:30 AM POD
Comment: Updated Shape
14. cpadilla 5/19/2010 11:16:09 AM POD
Comment: Updated Shape
15. cpadilla 5/19/2010 11:27:39 AM POD
Comment: Updated Shape
16. cpadilla 5/19/2010 11:28:38 AM POD
Comment: Updated Shape

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-12470

Water Supply Bank:

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

SEP - 7 2010

By _____ Clerk

Deputy Clerk

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

In Re SRBA
Case No. 39576

Water Rights: 63-12461, 63-12470

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer
- ☐ Point of diversion ☐ Place of use
- ☐ Period of use ☐ Nature of use
- ☐ Split of water right ☐ Change in ownership
- ☐ Other

XX IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:

Jan Shute 9/2/10
Signature of IDWR Representative

Sent to S.O. to send
out on 9-2-10

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

Water Rights: 63-12461, 63-12470

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

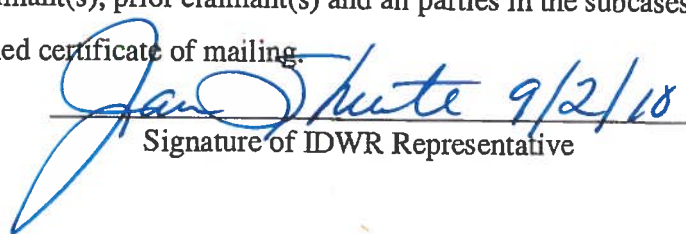
- ☐ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

XX IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:

 9/2/10
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on _____, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

Director of IDWR	☒ hand-delivered
PO Box 83720	
Boise ID 83720	

3. Copies to all parties to the subcase:

City of Boise	☐ overnight mail
Public Works Dept	☒ regular mail
PO Box 500	☐ hand-delivered
Boise ID 83701-0500	☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile

Signature of person mailing this document

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

RIGHT NUMBER: 63-12461

NAME AND ADDRESS:

CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE ID 83701-0500

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

4.580 CFS ~~6.400 CFS~~
1,030.500 AFY ~~0.000 AFY~~

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation.

Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate.

PRIORITY DATE:

07/22/1998

~~THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.~~

POINT OF DIVERSION:

T01N R01E S23 SESW
Within ADA County

T01N R01E S24 SWSW
Within ADA County

T01N R01E S25 SENW
Within ADA County

T01N R01E S25 SESW
Within ADA County

T01N R01E S25 NWSE
Within ADA County

~~T01N R01E S27 SNNW~~
~~Within ADA County~~

T01N R01E S27 NWSW
Within ADA County

T01N R01E S33 NENE
Within ADA County

T01N R01E S34 SWNE
Within ADA County

T01N R01E S34 NNNW
Within ADA County

T01N R01E S35 NENW
Within ADA County

T01N R01E S35 NNNW
Within ADA County

T01N R01E S36 NENE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

4.580 CFS 1,030.50 AFY

~~6.400 CFS~~

PLACE OF USE:

IRRIGATION

within ADA County

T01N R01E S23 NESW 30.0 /

T01N R01E S23 NWSW 35.0 /

T01N R01E S23 SWSW 40.0 /

T01N R01E S23 SESW 40.0 /

T01N R01E S23 NESE 31.0 /

T01N R01E S23 NWSE 33.0 /

T01N R01E S23 SWSE 40.0 /

T01N R01E S23 SESE 40.0 /

T01N R01E S24 NESW 32.0 /

T01N R01E S24 NWSW 33.0 /

T01N R01E S24 SWSW 40.0 /

T01N R01E S24 SESW 33.0 /

T01N R01E S25 NENE 40.0 /

T01N R01E S25 NWNE 40.0 /

T01N R01E S25 SWNE 40.0 /

T01N R01E S25 SENE 40.0 /

T01N R01E S25 NENW 40.0 /

T01N R01E S25 NWNW 40.0 /

T01N R01E S25 SWNW 40.0 /

T01N R01E S25 SENW 40.0 /

T01N R01E S25 NESW 40.0 /

T01N R01E S25 NWSW 40.0 /

T01N R01E S25 SWSW 40.0 /

T01N R01E S25 SESW 40.0 /

T01N R01E S25 NESE 40.0 /

T01N R01E S25 NWSE 40.0 /

T01N R01E S25 SWSE 40.0 /

T01N R01E S25 SESE 15.0 /

T01N R01E S26 NENE 40.0 /

T01N R01E S26 NWNE 40.0 /

T01N R01E S26 SWNE 40.0 /

T01N R01E S26 SENE 40.0 /

T01N R01E S26 NENW 40.0 /

T01N R01E S26 NWNW 40.0 /

T01N R01E S26 SWNW 40.0 /

T01N R01E S26 SENW 40.0 /

T01N R01E S26 NESW 40.0 /

T01N R01E S26 NWSW 40.0 /

T01N R01E S26 SWSW 40.0 /

T01N R01E S26 SESW 40.0 /

T01N R01E S26 NESE 40.0 /

T01N R01E S26 NWSE 40.0 /

T01N R01E S26 SWSE 40.0 /

T01N R01E S26 SESE 40.0 /

T01N R01E S27 NENE 40.0 /

T01N R01E S27 NWNE 40.0 /

T01N R01E S27 SWNE 40.0
T01N R01E S27 SENE 40.0
T01N R01E S27 NENW 32.0
~~T01N R01E S27 NENW 40.0~~
T01N R01E S27 NWNW 32.0
~~T01N R01E S27 NWNW 40.0~~
T01N R01E S27 SWNW 36.0
~~T01N R01E S27 SWNW 40.0~~
T01N R01E S27 SENW 40.0
T01N R01E S27 NESW 8.0
~~T01N R01E S27 NESW 40.0~~
T01N R01E S27 NWSW 2.0
~~T01N R01E S27 NWSW 40.0~~
~~T01N R01E S27 SWCW 40.0~~
~~T01N R01E S27 SESW 40.0~~
T01N R01E S27 NESE 40.0
T01N R01E S27 NWSE 40.0
T01N R01E S27 SWSE 40.0
T01N R01E S27 SESE 40.0
T01N R01E S33 NENE 40.0
T01N R01E S33 NWNE 40.0
T01N R01E S33 SWNE 40.0
T01N R01E S33 SENE 40.0
T01N R01E S33 NENW 40.0
T01N R01E S33 SENW 40.0
T01N R01E S34 NENE 40.0
T01N R01E S34 NWNE 40.0
T01N R01E S34 SWNE 40.0
T01N R01E S34 SENE 40.0
T01N R01E S34 NENW 40.0
T01N R01E S34 NWNW 40.0
T01N R01E S34 SWNW 40.0
T01N R01E S34 SENW 40.0
T01N R01E S34 NESW 40.0
T01N R01E S34 NWSW 40.0
T01N R01E S34 SWSW 40.0
T01N R01E S34 SESW 40.0
T01N R01E S34 NESE 40.0
T01N R01E S34 NWSE 40.0
T01N R01E S34 SWSE 40.0
T01N R01E S34 SESE 40.0
T01N R01E S35 NENE 40.0
T01N R01E S35 NWNE 40.0
T01N R01E S35 SWNE 40.0
T01N R01E S35 SENE 40.0
T01N R01E S35 NENW 40.0
T01N R01E S35 NWNW 40.0
T01N R01E S35 SWNW 40.0
T01N R01E S35 SENW 40.0
T01N R01E S35 NESW 39.0
T01N R01E S35 NWSW 39.0
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T01N R01E S35 NWSE 40.0
T01N R01E S36 NENE 32.0
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T01N R01E S36 NENW 40.0
T01N R01E S36 NWNW 40.0
T01N R01E S36 SWNW 17.0
T01N R01E S36 SENW 10.0

3776 ACRES TOTAL

320 ACRES TOTAL

This right is limited to the irrigation of 229 acres within the place of use described above in a single irrigation season.

Right Nos. 63-12461 and 63-12470 are limited to the irrigation of a combined total of 595 acres in a single irrigation season.

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

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

To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
2-2268B	Irrigation	9.8	2317.6	579

The land that will no longer be irrigated under this right is located within the W 1/2 NE, W 1/2 SE and SW 1/4, Section 20 and W 1/2NE, N 1/2SW, and NW 1/4, Section 29, Township 07S, Range 13E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this water right shall be reduced by the same proportion as the reduction to the mitigation rights.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License Permit

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

The following rights are diverted through points of diversion described above: 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-8435, 63-9243, 63-9359, 63-12461, and 63-12470.

Water bearing zone to be appropriated is 300 to 600 feet.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO: 63-12461

Priority: July 22, 1998

Maximum Diversion Rate: 4.58 CFS
Maximum Diversion Volume: 1,030.5 AF

It is hereby certified 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 March 03, 2009; and has
submitted Proof of Beneficial Use on April 20, 2010. An examination indicates that the works have a
diversion capacity of 62.7 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

4.58 CFS

**ANNUAL
DIVERSION VOLUME**

1,030.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE¼NE¼ Sec. 36, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SE¼NW¼ Sec. 25, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NW¼SE¼ Sec. 25, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SW¼SW¼ Sec. 24, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NE¼NE¼ Sec. 33, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SW¼NE¼ Sec. 34, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NW¼NW¼ Sec. 34, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NE¼NW¼ Sec. 35, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NW¼NW¼ Sec. 35, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SE¼SW¼ Sec. 23, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SE¼SW¼ Sec. 25, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NW¼SW¼ Sec. 27, Twp 01N, 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	
01N 01E 23									30.0	35.0	40.0	40.0	31.0	33.0	40.0	40.0	289.0
01N 01E 24									32.0	33.0	40.0	33.0					138.0
01N 01E 25	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	15.0	615.0
01N 01E 26	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
01N 01E 27	40.0	40.0	40.0	40.0	32.0	32.0	36.0	40.0	8.0	2.0			40.0	40.0	40.0	40.0	470.0
01N 01E 33	40.0	40.0	40.0	40.0	40.0		40.0										240.0
01N 01E 34	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
01N 01E 35	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	30.0	31.0	39.0	40.0			538.0
01N 01E 36	32.0	37.0	3.0	27.0	40.0	40.0	17.0	10.0									206.0

Total Acres: 3776

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-12461

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 229 acres within the place of use described above in a single irrigation season.
2. Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate, and the irrigation of 595 acres.
3. The following rights are diverted through points of diversion described above: 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-8435, 63-9243, 63-9359, 63-12461, and 63-12470.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
2-2268B	Irrigation	9.8	2317.6	579

The land that will no longer be irrigated under this right is located within the W 1/2 NE, W 1/2 SE and SW 1/4, Section 20 and W 1/2 NE, N 1/2 SW, and NW 1/4, Section 29, Township 07S, Range 13E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this water right shall be reduced by the same proportion as the reduction to the mitigation rights.

6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. Water bearing zone to be appropriated is 300 to 600 feet.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 9th day of August, 2010.

Shelley W. Keen
for GARY SPACKMAN
Interim Director