

10/27/2006

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

RIGHT NUMBER: 63-12470
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: 8.990 CFS
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 S33 NENW Within ADA County
T01N R01E S33 SENW 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	8.800 CFS
STOCKWATER	01/01 12/31	0.190 CFS

PLACE OF USE:

IRRIGATION Within ADA County

T01N R01E S33	NESW	40.00	T01N R01E S33	NESE	40.00
T01N R01E S33	NWSE	40.00	T01N R01E S35	NESW	40.00
T01N R01E S35	NWSW	40.00	T01N R01E S35	SWSW	40.00
T01N R01E S35	SESW	40.00	T01N R01E S35	NESE	40.00
T01N R01E S35	NWSE	40.00	T01N R01E S35	SWSE	40.00
T01N R01E S35	SESE	40.00			

STOCKWATER same as IRRIGATION

440 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

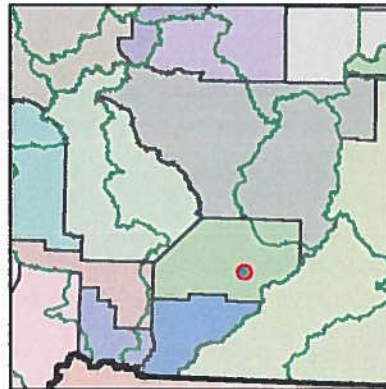
SRBA Recommendation:

63-12470

(Irrigation)

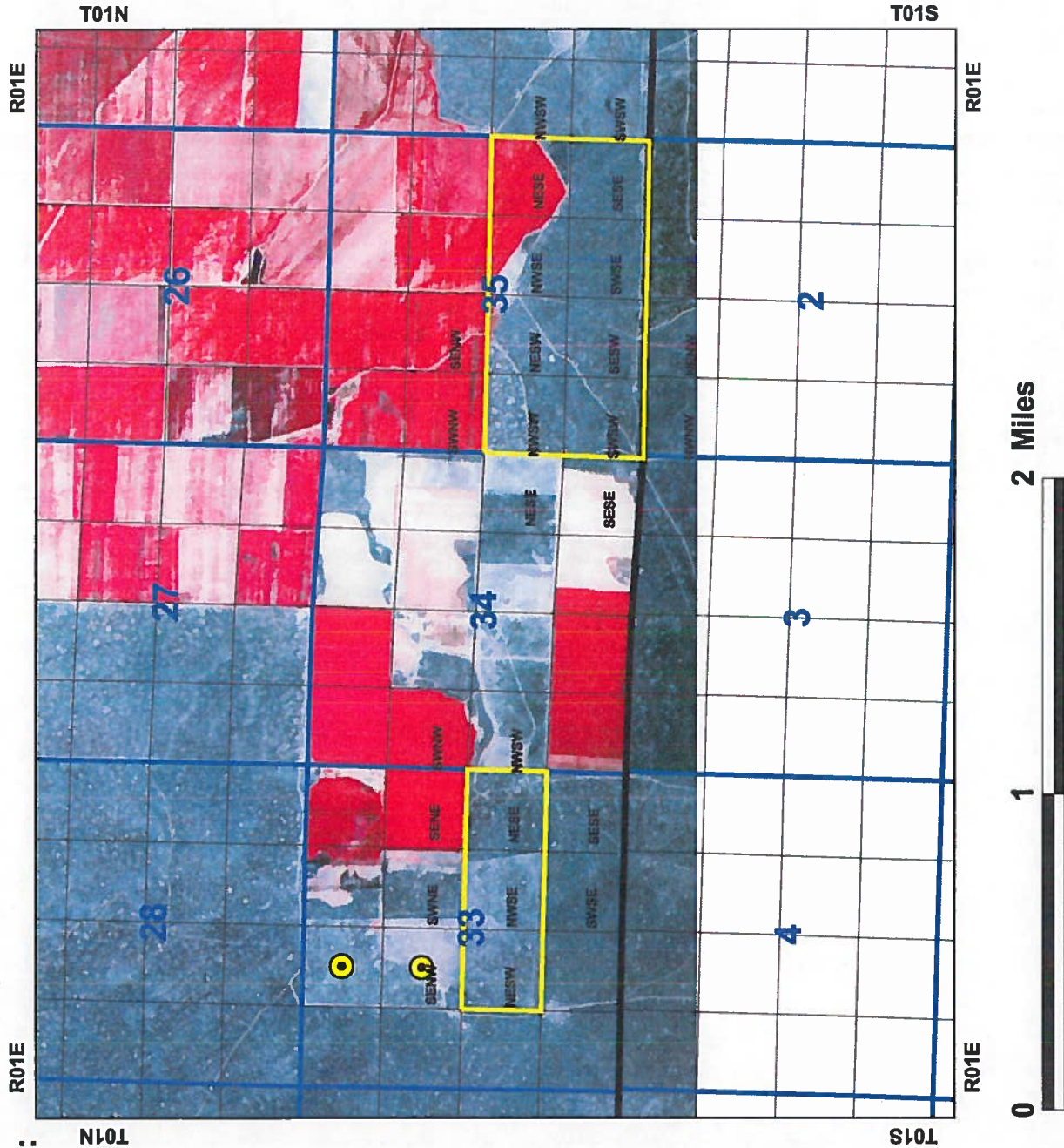
Legend

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

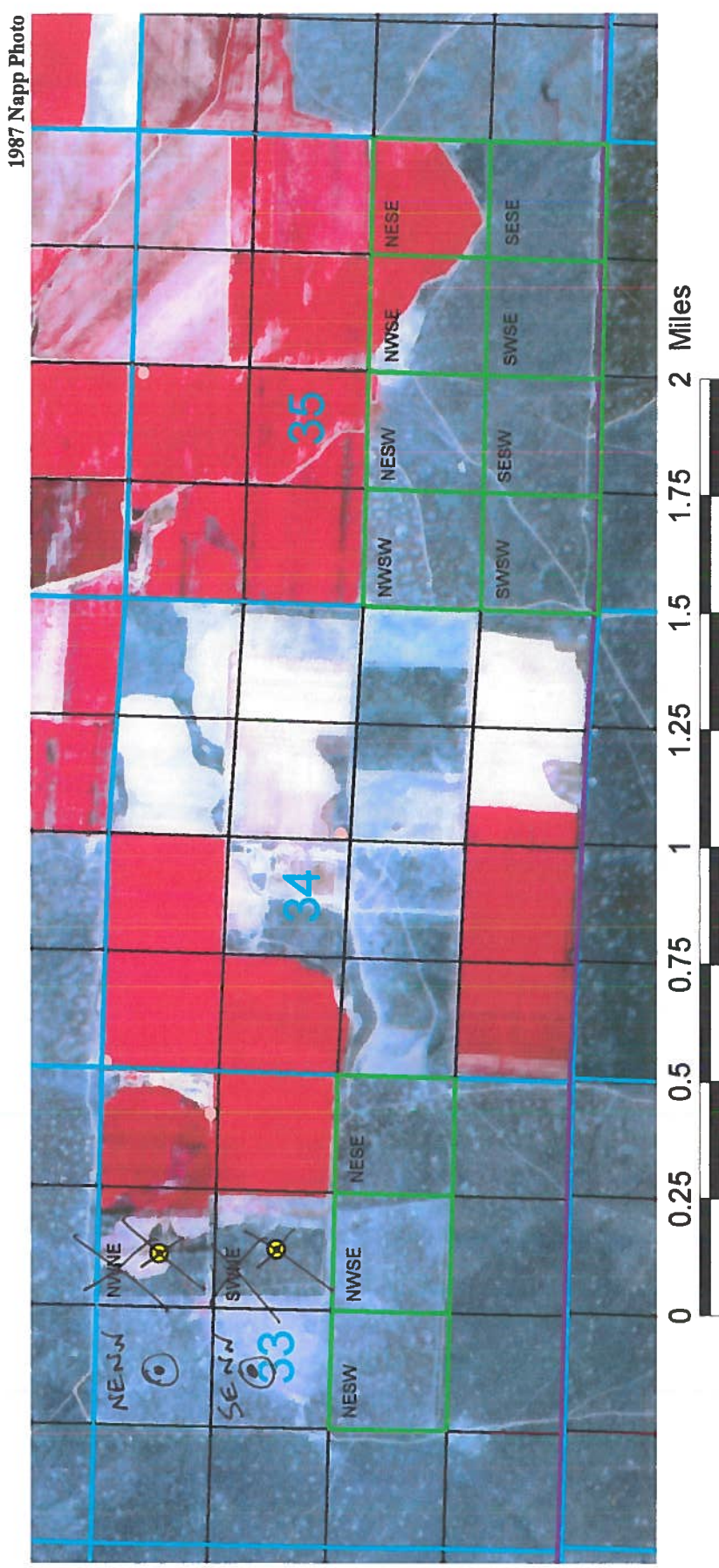


Ada County
IDWR Basin 63

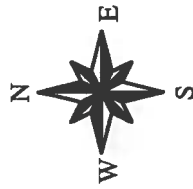
Prepared by A. Warnijes
On Friday, October 27, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources



Claim Number: 63-12470
Legal: T01N, R01E, S33 & 35
Reviewed By:



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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-12470
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: 09/09/1998

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	33	NE NW	ADA	
01N	01E	33	SE NW	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	8.8	
STOCKWATER	01/01	12/31	0.19	

7. Total Quantity Appropriated is:
8.99 C.F.S. and/or 1540 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	33	NE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
						Section Acres	120
01N	01E	35	NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	320
						Total Acres	440

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:

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

THIS RIGHT WHEN COMBINED WITH 63-12461 SHALL NOT EXCEED A TOTAL DIVERSION RATE OF 9.8 CFS.

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

Date Received

Receipt Number

Alb3-12470
8-8-02
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) 9/9/98

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 33,
1/4 of NE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Ada

Additional points of diversion if any: SENW 1N1E33

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 8.8 or _____

For stockwater purposes from 1/1 to 12/31 amount .19 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 8.99 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1,540 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	33									40				40	40			120
1N	1E	35									40	40	40	40	40	40	40	40	320

Total number of acres irrigated 440

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.

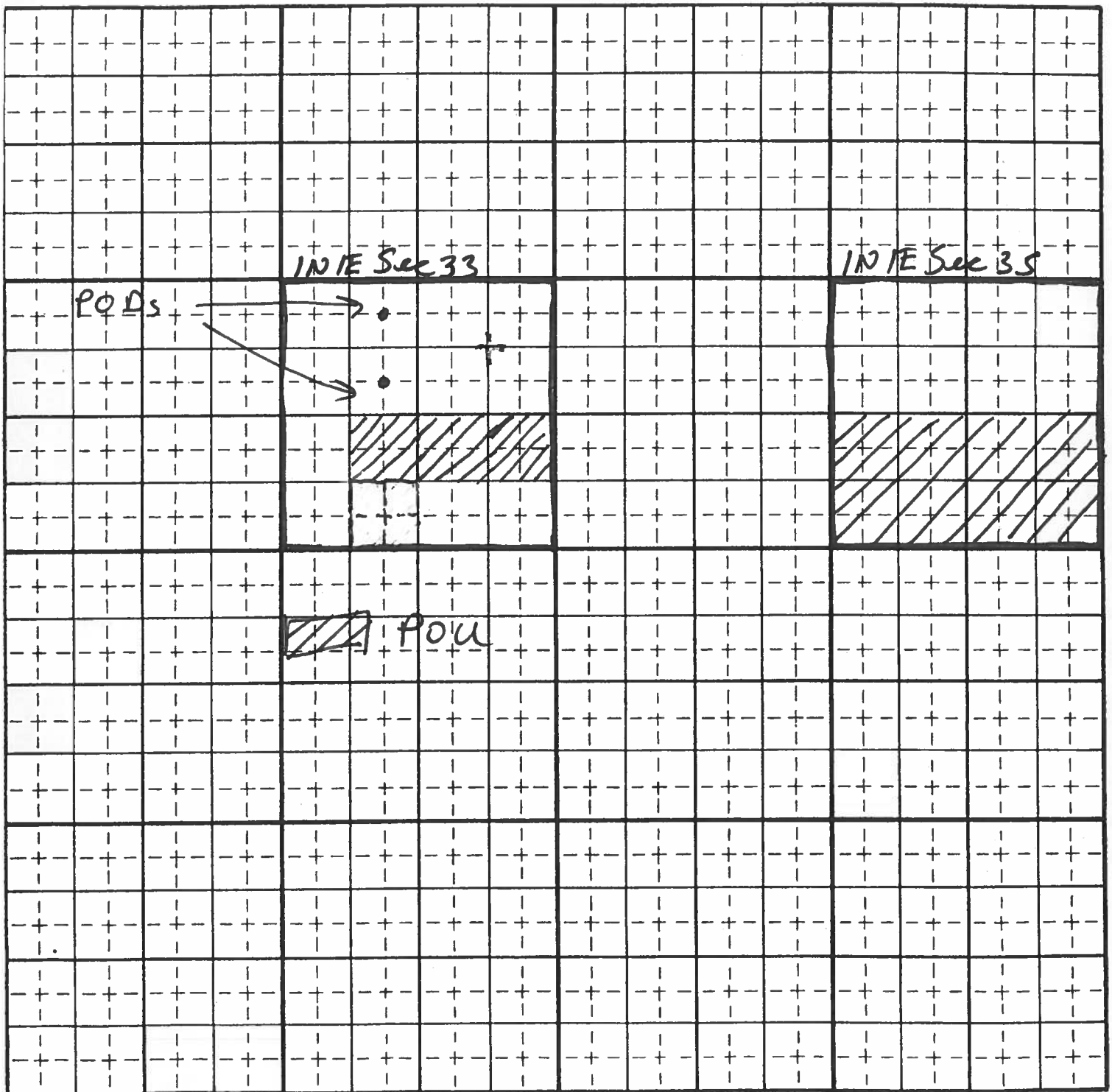
13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: This water right and 63 - 12461 when combined shall not exceed a total
diversion 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 63-12470

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

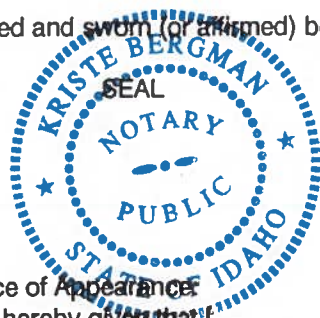
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent W. J. Ansell

Title and Organization _____ Date 7-15-02

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

Subscribed and sworn (or affirmed) before me this 7th day of August 18 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

SCANNED

ORDER GRANTING EXTENSION OF TIME TO COMMENCE PROJECT CONSTRUCTION - PAGE 1

JAN 27 2003

MICROFILMED

JUN 01 2001

- 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

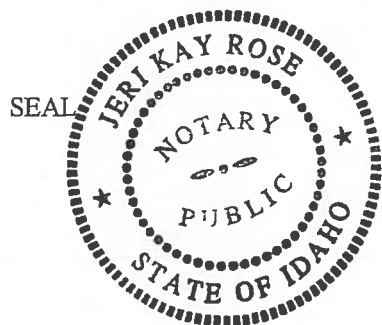
A handwritten signature in dark ink, appearing to read "L. Glen Saxton", written over a horizontal line.

L. GLEN SAXTON
Chief, Water Allocation Bureau

BOI MT1:314251.1

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

BOI_MT1:314251.1

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12470

Priority: September 9, 1998

Maximum Diversion Rate:

8.99 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>
IRRIGATION	03/01 to 11/15	8.80 CFS
STOCKWATER	01/01 to 12/31	0.19 CFS
	Totals	8.99 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 33, Township 01N, Range 01E
SENEW , Sec. 33, 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	33	NESW 40.0	NESE 40.0	NWSE 40.0	120.0
		35	NESW 40.0	NWSW 40.0	SWSW 40.0	
			SESW 40.0	NESE 40.0	NWSE 40.0	
			SWSE 40.0	SESE 40.0		320.0

Total number of acres irrigated: 440.0

PLACE OF USE: STOCKWATER, same as IRRIGATION use

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.

MICROFILMED

APR 26 2001

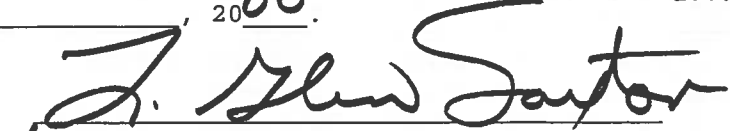
State of Idaho
Department of Water ResourcesPermit To Appropriate Water
NO. 63-12470CONDITIONS OF APPROVAL AND REMARKS

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.
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. MICROFILMED
Witness the signature of the Director, affixed at Boise, this

1st day of June, 2000.

APR 26 2001


for Karl J. Dreher, Director

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