

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 63-198AJ
Date Received: 3/21/1990
Receipt No: C015817
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NAMPA & MERIDIAN IRRIGATION DIST Phone: (208)466-7861
1503 FIRST ST S
NAMPA ID USA 83651-4395

2. Date of Priority: 06/01/1877

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
02N	03E	4	NW	NE	6	ADA	
03N	03E	29	NW	SW	6	ADA	
05N	04E	35	SW	NE		BOISE	

5. Description of diverting works:

Surprise Valley Diversion

Ridenbaugh Canal

Green Ranch Diversion

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.4	

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

SCANNED
APR 28 2008

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks:

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.

Right 63-198AJ is limited to the irrigation of 40 acres within the authorized place of use.

Prior to March 15 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and groundwater recharge purposes at the Surprise Valley diversion. Use of water under those rights each year shall not exceed the reported amounts.

The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and groundwater recharge purposes divided by 0.0156 cfs/acre.

The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Surprise Valley Diversion shall not exceed a combined total of 20.34 cfs.

When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion and the Green Ranch diversion must also be reduced by an equivalent proportion.

Prior to diversion of water under transfer approval 5273 and 69594, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.

The right holder shall accomplish the change authorized by transfer 69594 within one (1) year of the date of approval.

The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.

The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch diversion on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.

In administering water rights from Mores Creek and its tributaries, the diversion and use of water under this right from the Green Ranch diversion shall be subordinate to other rights from Mores Creek and its tributaries, existing prior to November 20, 2001, with the following exception: this right, when diverted at the Green Ranch diversion, shall not be administered as subordinate to other rights from Mores Creek and its tributaries to the extent of a recognized delivery call from any Boise River water right holder against Mores Creek that is necessary to serve the water requirements of the senior right holder while making reasonable use of existing natural flow and storage water rights available to the right holder.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Decreed

WATER RIGHT NO. 63-198AJ
As Modified by Transfer No. 69594

In accordance with the approval of Transfer No. 69594, Water Right No. 63-198AJ is now described as follows.

Right Holder: NAMPA & MERIDIAN IRRIGATION DIST
1503 FIRST ST S
NAMPA ID 83651-4395

Priority Date: June 01, 1877

Source: BOISE RIVER
MORES CREEK

Tributary: SNAKE RIVER
BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.40 CFS
			0.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L6 (NWNE) Sec. 4 Twp 02N Rge 03E ADA County Surprise Valley Diversion

BOISE RIVER L6 (NWSW) Sec. 29 Twp 03N Rge 03E ADA County Ridenbaugh Canal

MORES CREEK SWNE Sec. 35 Twp 05N Rge 04E BOISE County Green Ranch Diversion

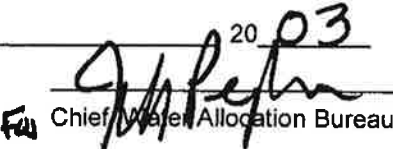
PLACE OF USE: SEE CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
2. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.
3. Right 63-198AJ is limited to the irrigation of 40 acres within the authorized place of use.
4. Prior to March 15 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and groundwater recharge purposes at the Surprise Valley diversion. Use of water under those rights each year shall not exceed the reported amounts.
5. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

6. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and groundwater recharge purposes divided by 0.0156 cfs/acre.
7. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Surprise Valley Diversion shall not exceed a combined total of 20.34 cfs.
8. When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion and the Green Ranch diversion must also be reduced by an equivalent proportion.
9. Prior to diversion of water under transfer approval 5273 and 69594, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
10. The right holder shall accomplish the change authorized by transfer 69594 within one (1) year of the date of approval.
11. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
12. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.
13. The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch diversion on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.
14. In administering water rights from Mores Creek and its tributaries, the diversion and use of water under this right from the Green Ranch diversion shall be subordinate to other rights from Mores Creek and its tributaries, existing prior to November 20, 2001, with the following exception: this right, when diverted at the Green Ranch diversion, shall not be administered as subordinate to other rights from Mores Creek and its tributaries to the extent of a recognized delivery call from any Boise River water right holder against Mores Creek that is necessary to serve the water requirements of the senior right holder while making reasonable use of existing natural flow and storage water rights available to the right holder.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24 day of July 2003

Fw Chief Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69594

This is to certify that: NAMPA & MERIDIAN IRRIGATION DIST
1503 FIRST ST S
NAMPA ID 83651-4395
(208)466-7861

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-30181	AJC/Decreed	06/01/1864	0.20 cfs				BOISE RIVER
63-199B	AJC/Decreed	05/01/1878	169.60 cfs				BOISE RIVER
63-200B	AJC/Decreed	08/20/1888	361.94 cfs				BOISE RIVER
63-198AJ	AJC/Decreed	06/01/1877	0.40 cfs		40		BOISE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-30181	NO	NO	NO	YES	NO	NO
63-199B	NO	NO	NO	YES	NO	NO
63-200B	NO	NO	NO	YES	NO	NO
63-198AJ	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>
63-30181	63-30181	0.20 cfs		N/A	N/A
63-199B	63-199B	169.60 cfs		N/A	N/A
63-200B	63-200B	361.94 cfs		N/A	N/A
63-198AJ	63-198AJ	0.40 cfs		40	N/A
COMBINED TOTALS		532.14 cfs			

Detailed Water Right Description(s) attached

Dated this 24 day of July, 2003

For


Chief Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1

DBS 1/16/02
Revisions approved
pgs. 1 & 4, Attachment C

Name of applicant Nampa & Meridian Irrigation District

Phone 208-466-7861

Post Office address 1503 First Street South, Nampa, Idaho 83651-4395

A. Purpose of Transfer

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Named source

COPY

2. Describe the reason for the proposed changes The Irrigation District is annexing land (copy of the Order of Annexation is attached). A new PD is needed to serve the new land. The new land will be served with up to 0.724 cfs of water from Mores Creek, tributary to the Boise River.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-00120F</u>	<u>6/1/1864</u>	<u>0.40 cfs</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>
<u>63-00198Q</u>	<u>6/1/1877</u>	<u>0.40 cfs</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>
<u>63-00199B</u>	<u>5/1/1878</u>	<u>169.60*cfs</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>
<u>63-00200B</u>	<u>8/20/1880⁸</u>	<u>361.94*cfs</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u> <u>— (1888 priority)</u>

2. Total amount of water being transferred 0.724¹ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Mores Creek tributary to Boise River / Source of water Boise River tributary to Snake River.
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
6		NW	NE	4	2N	3E	Ada	Surprise Valley Diversion
6		NW	SW	29	3N	3E	Ada	Ridenbaugh Canal
		SW	NE	35	5N	4E	Boise	Green Ranch Diversion

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
			Lands within the boundaries of the Nampa & Meridian Irrigation District																

¹ This transfer seeks to add a point of diversion for up to 0.724 cfs of the above referenced water rights.

*See Remarks

PART 1

6. General Information:

- a. Description of diversion system Ridenbaugh Diversion Dam and Canal, Surprise Valley pump station and pipeline, and Green Ranch pump station and pipeline.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: Lands presently irrigated within the District will continue to receive water diverted through the Ridenbaugh Canal system and the Surprise Valley pump station.
- d. Remarks: * These are the total amounts that can be used for irrigation. A portion of these same amounts can be used for industrial and ground water recharge purposes.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
 And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

See attached printouts of four rights.

*(per Transfer
5273)*

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other

3. Source of water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purpose:

Amount _____ for _____ purposes from _____
(cfs/ac-ft)Amount _____ for _____ purposes from _____
(cfs/ac-ft)Amount _____ for _____ purposes from _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. Amount _____ for _____ purposes from _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount _____ for _____ purposes from _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

Western

RECEIVED

FEB - 1 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

FEB 02 2000

WATER RESOURCES
WESTERN REGION

TRANSFER NO. 5273
WATER RIGHT NO(S). 63-00120F/63-00198Q/63-00199B/63-00200B

This is to certify that: NAMPA & MERIDIAN IRRIGATION DISTRICT
1503 FIRST ST S
NAMPA ID 836514395

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 63-00120F : Priority: 06/01/1864 IRRIGATION	03/15 to 11/15	0.40 CFS
Right No. 63-00198Q : Priority: 06/01/1877 IRRIGATION	03/15 to 11/15	0.40 CFS
Right No. 63-00199B : Priority: 05/01/1878 IRRIGATION	03/15 to 11/15	169.60 CFS
INDUSTRIAL	03/15 to 11/15	0.64 CFS
GROUNDWATER RECHARGE	03/15 to 11/15	2.56 CFS
SUBTOTAL:		169.60 CFS
Right No. 63-00200B : Priority: 08/20/1888 IRRIGATION	03/15 to 11/15	361.94 CFS
INDUSTRIAL	03/15 to 11/15	1.36 CFS
GROUNDWATER RECHARGE	03/15 to 11/15	5.44 CFS
SUBTOTAL:		361.94 CFS
TOTAL:		532.34 CFS

SOURCE

BOISE RIVER

TRIBUTARY OF

SNAKE RIVER

T. 89594

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TRANSFER NO. 5273
WATER RIGHT NO(S). 63-00120F/63-00198Q/63-00199B/63-00200B

LOCATION OF POINT(S) OF DIVERSION:

Surprise Valley Diversion	Lot 6 (NWNE), Sec. 4, Township 02N, Range 03E
Ridenbaugh Canal	Lot 6 (NWSW), Sec. 29, Township 03N, Range 03E ADA County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Prior to March 15 of each year the right holder shall report to the department the number and location of acres to be irrigated by these rights from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and groundwater recharge purposes at the Surprise Valley diversion. Use of water under these rights each year shall not exceed the reported amounts.
5. The amount of water diverted from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights these 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
6. The number of acres available for irrigation under these rights from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and groundwater recharge purposes divided by 0.0156 cfs per acre.
7. Each year the amount of water available for irrigation at the Surprise Valley diversion shall be reduced by the amount of water to be diverted for industrial and groundwater recharge purposes under these rights.
8. Diversion and use of water for industrial purposes under these rights shall not be more consumptive nor more depletive of water flowing in the Boise River than an equivalent diversion and use of water for irrigation purposes under these rights.

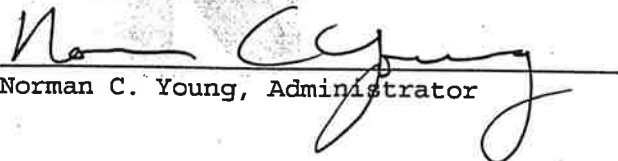
T. 69594
Pg. 6 of 9

TRANSFER NO. 5273
WATER RIGHT NO(S) . 63-00120F/63-00198Q/63-00199B/63-00200B

CONDITIONS OF APPROVAL AND REMARKS

9. The rate of flow diverted under these rights at the Surprise Valley Diversion shall not exceed a combined total of 20.34 cfs.
10. When the authorized diversion of water under these rights is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under these rights at the Surprise Valley diversion must also be reduced by an equivalent proportion.
11. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
12. The annual volume of water used for industrial and groundwater recharge purposes shall be measured using separate totalizing measuring devices and the right holder shall report the totals to the department by Dec. 31 of each year.
13. Place of use is within the Nampa and Meridian Irrigation District boundaries.
14. Right 63-00198Q is limited to the irrigation of 40 acres within the authorized place of use.
15. The place of use for industrial and groundwater recharge purposes under these rights is limited to the lands served by the Surprise Valley diversion.

Dated this 27TH day of JANUARY, 2000.


Norman C. Young, Administrator

T. 69594

B. 799

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SCALE: 2 inches equals 1 mile. Draw plan in ink.

SEE Attachment A

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use _____ Amount (cfs/ac-ft) _____ Hours/days/year _____ Period of Use _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge: _____
3. Describe effects on other water uses resulting from the proposed change: _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Daren R Coon
 Secretary-Treasurer
 Nampa & Meridian Irrigation District

Daren R Coon

(Signature of Applicant)

Subscribed and sworn before me this 24th day of October, 2001

Donna N. Moore

(Notary Public)

My commission expires 11/04/2006



FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 24 attachments

Received by DAN Date 11-20-01 Protest filed by _____

Prelim. check by SL * Fee \$250 W028515

Received by DAN Date 11-20-01

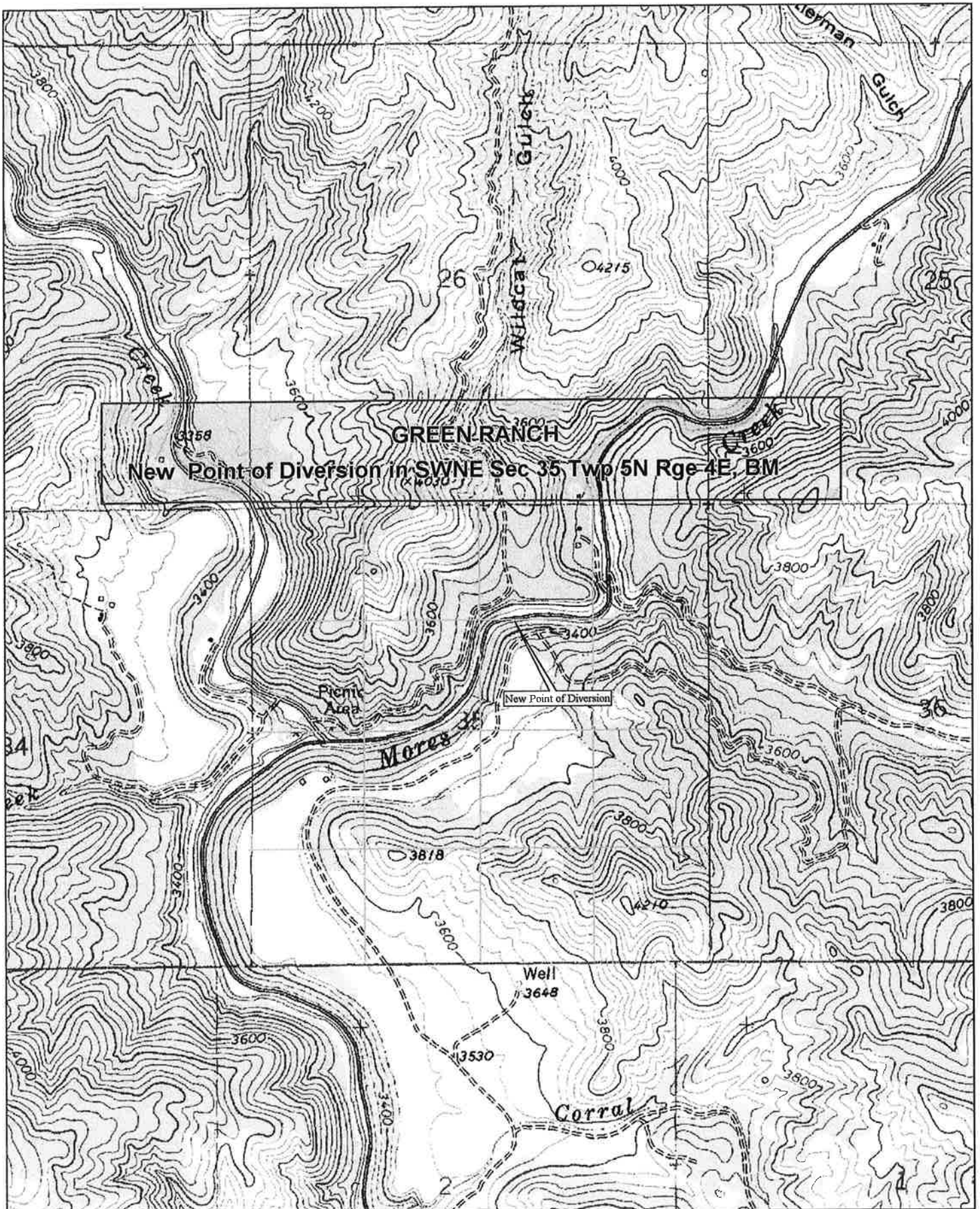
Published in IDAHO WORLD THE IDAHO STATESMAN Copies of protest forwarded by _____

Pub. Dates 12-20 + 27-01 LM-1-02 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial
 _____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

* Fee is correct for .724 cfs proposal
 -SL 12/11/01



No gov't lot in pld 1/4 1/4
-82 12/11/01

T. 69594
Attachment A

COPY

RESOLUTION AND ORDER BY THE BOARD OF DIRECTORS

FOR ANNEXATION OF LANDS TO

NAMPA & MERIDIAN IRRIGATION DISTRICT

At the Board Meeting of **5 June 2001**, the Board held a hearing of the annexation petition filed by **Cumer L. Green and JoAnne Green, dba Green Ranch**, and as a result of the hearing, **Aschenbrenner** presented the following resolution and moved for its adoption:

WHEREAS, Cumer L. Green and JoAnne Green, dba Green Ranch, filed a request for annexation of land to Nampa & Meridian Irrigation District, legally described as follows:

A tract of land located in the NE ¼ and the SE ¼ of Section 35, Township 5 North, Range 4 East, Boise Meridian, Boise County, Idaho, more particularly described as follows:

Commencing at a found brass cap monumenting the NW corner of the NE ¼ of said Section 35, thence South 00°07'55" West along the westerly line of said NE ¼ a distance of 2226.93 feet to a point, said point being the POINT OF BEGINNING.

Thence continuing South 00°07'55" West along said westerly line a distance of 394.06 feet to a found brass cap monumenting the SW corner of said NE ¼;

Thence South 00°04'29" West along the westerly line of the SE ¼ of said Section 35 a distance of 1224.29 feet to a point;

Thence North 68°19'59" East a distance of 1412.56 feet, more or less, to a point on the easterly line of the NW ¼ of said SE ¼;

Thence North 00°03'17" West along said easterly line a distance of 700.92 feet to a found brass cap monumenting the NE corner of the NW ¼ of said SE ¼;

T. 89594
Attachment B
(5 pgs)

Thence North 89°55'11" West along the northerly line of said SE ¼ a distance of 198.73 feet to a point;

Thence 643.52 feet along the arc of a non-tangent circular curve to the right, said curve having a radius of 208.08 feet, a central angle of 177°11'49", a chord bearing of North 89°55'11" West, a chord distance of 416.04 feet to a point on said northerly line;

Thence North 89°55'11" West along said northerly line a distance of 110.82 feet to a found brass cap;

Thence departing said northerly line North 01°45'20" West a distance of 71.53 feet to a point;

Thence North 57°10'50" East a distance of 178.18 feet to a point;

Thence North 81°41'45" East a distance of 69.13 feet to a point;

Thence North 86°42'15" East a distance of 234.99 feet to a point;

Thence North 26°22'15" West a distance of 234.66 feet to a point;

Thence North 39°29'50" West a distance of 101.10 feet to a point;

Thence North 06°09'30" West a distance of 54.33 feet to a point;

Thence North 57°36'26" East a distance of 149.06 feet to a point;

Thence North 62°32'01" East a distance of 191.89 feet to a point;

Thence North 77°02'02" East a distance of 159.10 feet, more or less, to a point on the easterly line of the SW ¼ of said NE ¼;

Thence North 00°08'16" East along the easterly line of the SW ¼ of said NE ¼ a distance of 416.98 feet to a point;

Thence departing said easterly line South 66°29'10" West a distance of 103.80 feet to a point;

Thence North 82°58'00" West a distance of 291.70 feet to a point;

Thence South 85°26'20" West a distance of 180.10 feet to a point;

Thence South 69°20'35" West a distance of 86.40 feet to a point;
Thence South 88°20'10" West a distance of 180.00 feet to a point;
Thence South 78°33'25" West a distance of 83.30 feet to a point;
Thence South 24°26'10" West a distance of 241.60 feet to a point;
Thence South 08°52'00" West a distance of 164.50 feet to a point;
Thence South 42°34'20" West a distance of 414.52 feet to the POINT OF
BEGINNING.

WHEREAS, the District published notice of the filing of the petition in the Idaho Press-Tribune and The Idaho Statesman and no objections were made to the petition either prior to or during the annexation hearing.

WHEREAS, the Board of Directors of Nampa & Meridian Irrigation District deem it in the best interest of the District to annex the above-described property to the District.

IT IS HEREBY ORDERED BY THE MEMBERS OF THIS BOARD OF DIRECTORS:

1. That the above-described lands consisting of 50.00 Ridenbaugh Acres be annexed to the Nampa & Meridian Irrigation District.
2. That a period of ninety (90) days from the date of this Order be allowed for presentation to the Board of a petition signed by two percent (2%) of the landowners of the District requesting an election to approve or disapprove said annexation.
3. That this Order shall not become effective until said ninety (90) days have passed without such petition being presented or until approval of the annexation at an election.
4. That this Order shall be recorded at the Ada County Recorder's office and shall be made a Minute entry of the Minutes of the Board.

Weick seconded the motion made by Aschenbrenner to adopt the Resolution and Order for Annexation, it passed unanimously, and the Resolution and Order for Annexation was adopted and approved.

Dated 5 June 2001.

Assessment Number	Location	Exclusion Date	County	Exclusion Instrument Number	RMI	RA	NYA	SA	AAF	PMI	PA	PAF	RAF	Exclusion Code
2 A- 2 - 1	T	8/10/73	A	856910	0.26	0.42	0.00	0.00	0.00	0.00	0.00	0.00	0.42	2
17 B- 1 - 9	T	8/10/73	A	856914	0.25	0.31	0.00	0.00	0.00	0.00	0.00	0.00	0.31	2
21 - 2 - 5	T	8/10/73	A	856915	0.30	0.28	0.00	0.00	0.08	0.00	0.00	0.00	0.28	2
37 J- 3 - 14	T	7/30/79	A	7941459	0.28	0.35	0.00	0.00	0.00	0.00	0.00	0.00	0.35	1
37 N- 1 - 1	T	8/10/73	A	856916	0.24	0.29	0.00	0.00	0.00	0.00	0.00	0.00	0.29	2
56 - 1 - 4	T	8/10/73	A	856908	0.21	0.26	0.00	0.00	0.10	0.00	0.00	0.00	0.26	2
70 - 5 - 5	T	8/15/79	A	7945016	0.18	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1
202 - - 4	R	3/3/78	A	7816704	0.24	0.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2
414 C- -	R	7/10/78	A	7836595	1.64	1.64	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2
415 A- -	R	7/10/78	A	7836596	1.33	1.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2
417 - -	R	6/27/78	A	7834246	1.43	1.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2
440 - -	R	2/14/78	A	7807873	0.45	0.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2
459 - - 1	R	5/9/78	A	7824409	0.30	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2
479 B- 6 - 33	T	8/15/79	A	7945005	0.23	0.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1
492 - 3A-	R	2/2/78	A	7806038	0.33	0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2
492 - 3D-	R	2/2/78	A	7806037	0.32	0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2
493 F- -	R	12/1/76	A	7647602	1.24	3.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2
493 L- -	R	3/16/77	A	7711234	3.70	8.98	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2
493 N- -	R	2/2/79	A	7906537	8.50	10.51	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2
512 - - 3	R	4/19/78	A	7819936	0.39	0.62	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2
529 A- -	R	7/16/79	A	7938878	5.00	5.83	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2
652 -10 - 3	T	8/10/73	A	856897	0.21	0.25	0.00	0.00	0.04	0.00	0.00	0.00	0.25	2
682 N- 7 - 12	T	8/10/73	A	856895	0.19	0.24	0.00	0.00	0.08	0.00	0.00	0.00	0.21	2
695 - 7 - 6	T	7/7/78	A	7836351	0.07	0.11	0.00	0.00	0.00	0.00	0.00	0.00	0.03	2
818 - 3 - 24	T	8/10/73	A	856918	0.23	0.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2
981 C- -	T	6/5/75	A	7514036	6.24	7.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2
985 - -	T	8/15/79	A	7945014	1.01	1.51	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1
987 - 3 - 17	T	2/6/78	A	7811454	0.21	0.24	0.00	0.00	0.00	0.00	0.00	0.00	0.24	2
1053 F- -	T	5/13/75	A	7514037	1.22	1.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1
					36.20	50.00	0.00	0.00	0.30	0.00	0.00	0.00	2.64	



President of the Board

Attest:



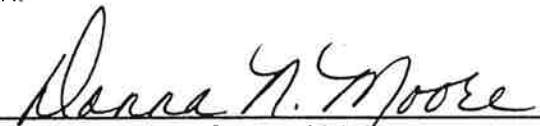
Secretary of the Board

STATE OF IDAHO)
)ss.
County of Canyon)

On this **5th** day of **June 2001**, before me, the undersigned, a Notary Public in and for said State, personally appeared **Henry Weick and Daren R. Coon** known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.





Notary Public - State of Idaho
Residing at Caldwell, Idaho
My Commission Expires: 11/04/2006

RECEIVED

JAN 16 2002

WATER RESOURCES
WESTERN REGION

~~Exhibit B~~

The Following is a Listing of the Idaho Department of Water Resources Water
Right Identification Numbers for the Nampa & Meridian Irrigation District's
Ridenbaugh Natural Flow Water Rights:

IDWR Water Right Number	Priority Date	Total Diversion Rate for Water Right	Diversion Rate to be Apportioned to Green Ranch Lands
63-00120F	June 1, 1864	.40 c.f.s.	.000544 c.f.s.
63-00198Q	June 1, 1877	.40 c.f.s.	.000544 c.f.s.
63-00199B	May 1, 1878	169.60 c.f.s.	.230656 c.f.s.
63-00200B	August 20, 1888	<u>361.94 c.f.s.</u>	<u>.492238 c.f.s.</u>
	TOTALS	532.34 c.f.s.	.724 c.f.s.

~~Exhibit B~~

T. 69.594
Attachment C

OCT-22-1999 FRI 04:33 PM

FAX NO.

RECEIVED

P. 05

JAN 16 2002

WATER RESOURCES

THIS FORM FURNISHING COUNTER COPY OF:

ALLIANCE TITLE &
ESCROW CORP.

169451

INSIDE

REQUEST Assurance

98 JUL 20 PM 4:27

BOISE COUNTY RECORDER

BY James J. KellerTYPE Deed Fee 3.00

READ & APPROVED BY GRANTEE(S):

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No. 98075921 JG/EK

WARRANTY DEED

FOR VALUE RECEIVED CUMER L. GREEN, A MARRIED PERSON

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto CUMER L. GREEN
& JOANNE GREEN, HUSBAND & WIFEGRANTEE(S), whose current address is: HC42 BOX 1500, IDAHO CITY, ID 83705
the following described real property in BOISE County, State of Idaho, more particularly
described as follows, to wit:The Southwest Quarter of the Northeast Quarter of Section
16, Township 5 North, Range 4 East, Boise Meridian, Boise
County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from
all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments,
if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend
the same from all lawful claims whatsoever.

Dated: July 14, 1998

STATE OF IDAHO
COUNTY OF ADAOn this 14th day of July, in the year of 1998, before me, the undersigned, a Notary
Public in and for said State, personally appeared CUMER L. GREEN & JOANNE GREEN,known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and
acknowledged to me that he/she/they executed the same.Signature: Evelyn S. KellerName: EVELYN S. KELLERResiding at: BOISE, IDMy Commission Expires: 02/18/04

Original

Ownership
@ proposed
point of
diversion

T. 69594 Attachment D

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-00198AJ**
Date Received: 3/21/1990
Receipt No: C015817
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: NAMPA & MERIDIAN IRRIGATION DISTRICT
Address: 1503 FIRST ST S
NAMPA ID 83651

2. Date of Priority: JUN 1, 1877

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	03E	4	NW	NE		6	ADA
03N	03E	29	NW	SW		6	ADA

5. Description of diverting works:
DIVERSION DAM, HEADWORKS, RIDENBAUGH CANAL AND LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

TRANS. 392 & 1864

PLACE OF USE: LANDS WITHIN THE BOUNDARIES OF THE NAMPA &
MERIDIAN IRRIGATION DISTRICT.

NOTE TO FILE: A GENERAL LAND LIST IS ENTERED UNDER A63-30181Z0
AND A63-30181Z1. THIS CLAIM REPRESENTS A PORTION OF 63-00198Q.

CLAIM AMENDED PER TRANSFER 5273 APPROVED 1/27/2000.

FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.

Decree Plaintiff

RIVERSIDE IRR. DIST.

vs Decree Defendant

Western

RECEIVED

FEB - 1 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

FEB 02 2000

TRANSFER NO. 5273

WATER RIGHT NO(S). 63-00120F/63-00198Q/63-00199B/63-00200B

WATER RESOURCES
WESTERN REGION

63-00120Z

This is to certify that: **NAMPA & MERIDIAN IRRIGATION DISTRICT**
1503 FIRST ST S
NAMPA ID 836514395

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 63-00120F :		
Priority: 06/01/1864		
IRRIGATION	03/15 to 11/15	0.40 CFS
Right No. 63-00198Q :		
Priority: 06/01/1877		
IRRIGATION	03/15 to 11/15	0.40 CFS
Right No. 63-00199B :		
Priority: 05/01/1878		
IRRIGATION	03/15 to 11/15	169.60 CFS
INDUSTRIAL	03/15 to 11/15	0.64 CFS
GROUNDWATER RECHARGE	03/15 to 11/15	2.56 CFS
SUBTOTAL:		169.60 CFS
Right No. 63-00200B :		
Priority: 08/20/1888		
IRRIGATION	03/15 to 11/15	361.94 CFS
INDUSTRIAL	03/15 to 11/15	1.36 CFS
GROUNDWATER RECHARGE	03/15 to 11/15	5.44 CFS
SUBTOTAL:		361.94 CFS
TOTAL:		532.34 CFS

SOURCE

BOISE RIVER

TRIBUTARY OF

SNAKE RIVER

TRANSFER NO. 5273
WATER RIGHT NO(S). 63-00120F/63-00198Q/63-00199B/63-00200B

LOCATION OF POINT(S) OF DIVERSION:

Surprise Valley Diversion	Lot 6(NWNE), Sec. 4, Township 02N, Range 03E
Ridenbaugh Canal	Lot 6(NWSW), Sec. 29, Township 03N, Range 03E ADA County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Prior to March 15 of each year the right holder shall report to the department the number and location of acres to be irrigated by these rights from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and groundwater recharge purposes at the Surprise Valley diversion. Use of water under these rights each year shall not exceed the reported amounts.
5. The amount of water diverted from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights these 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
6. The number of acres available for irrigation under these rights from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and groundwater recharge purposes divided by 0.0156 cfs per acre.
7. Each year the amount of water available for irrigation at the Surprise Valley diversion shall be reduced by the amount of water to be diverted for industrial and groundwater recharge purposes under these rights.
8. Diversion and use of water for industrial purposes under these rights shall not be more consumptive nor more depletive of water flowing in the Boise River than an equivalent diversion and use of water for irrigation purposes under these rights.

TRANSFER NO. 5273
WATER RIGHT NO(S). 63-00120F/63-00198Q/63-00199B/63-00200B

CONDITIONS OF APPROVAL AND REMARKS

9. The rate of flow diverted under these rights at the Surprise Valley Diversion shall not exceed a combined total of 20.34 cfs.
10. When the authorized diversion of water under these rights is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under these rights at the Surprise Valley diversion must also be reduced by an equivalent proportion.
11. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
12. The annual volume of water used for industrial and groundwater recharge purposes shall be measured using separate totalizing measuring devices and the right holder shall report the totals to the department by Dec. 31 of each year.
13. Place of use is within the Nampa and Meridian Irrigation District boundaries.
14. Right 63-00198Q is limited to the irrigation of 40 acres within the authorized place of use.
15. The place of use for industrial and groundwater recharge purposes under these rights is limited to the lands served by the Surprise Valley diversion.

Dated this 27TH day of JANUARY, 2000.


Norman C. Young, Administrator

CONTACTS = Attorneys D. STEENSON ^{PART 1} & C. Honsinger, Rignat Claude Train

* 1/4-1/4 added per terms - clarification does not require Applicant's initials to approve - SL
Total acres 5/27/48

PART 1

6. General Information:

a. Description of diversion system Ridenbaugh Diversion Dam and Canal; and Surprise Valley Pump Station and Pipeline.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Lands presently irrigated within the District will continue to receive water diverted through the Ridenbaugh Canal System.

d. Remarks:
See Attached "Remarks" (Attachment A)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
 And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

PART 1

B.1.

Right Number	Priority	Amount (cfs)	Nature of Use	Period of Use
63-00120F	6/1/1864	0.40 cfs	irrigation	3/15 to 11/15
63-00198Q	6/1/1877	0.40 cfs	irrigation	3/15 to 11/15
63-00199B	5/1/1878	169.60 cfs	irrigation	3/15 to 11/15
		0.64 cfs	industrial	3/15 to 11/15
		<u>2.56 cfs</u>	ground water recharge	3/15 to 11/15
		total* 169.60 cfs		
63-00200B	8/20/1888	361.94 cfs	irrigation	3/15 to 11/15
		1.36 cfs	industrial	3/15 to 11/15
		<u>5.44 cfs</u>	ground water recharge	3/15 to 11/15
		total* 361.94 cfs		
Total		532.34 cfs		

*see transfer remarks for further explanation

4 11

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED (SEE ATTACHED PRINTOUTS PREPARED BY THE IDWR FOR THE)
(NMID RIDENBAUGH WATER RIGHTS AS RECORDED)

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

- ☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

No _____ If yes, describe _____

(If the entire right is to be changed by the applicant, omit part B and C.)

- 2. Point(s) of Diversion:**

3. Lands irrigated or place of use:

Total acres _____

2. Point(s) of Diversion:

3. Lands irrigated or place of use:

[illegible]

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-00120F

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.40 CFS
DOMESTIC	to	
	Totals	0.40 CFS

SOURCE

BOISE RIVER

TRIBUTARY OF

SNAKE RIVER

Priority: 06/01/1864

ADA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 02W 25	NESE	SESE		
04N 01W 36	SENE			

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

1. TRANS. 595.

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-00198Q

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.40 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BOISE RIVER	SNAKE RIVER

Priority: 06/01/1877

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>
03N	01W	15	NESE	40		40
Total number of acres irrigated:						40

CONDITIONS/REMARKS:

1. TRANS. 392 & 1864.
2. P/D IN NW S11, T4N, R2W.

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-00199B

STAGE: DECREMENT

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	169.60 CFS
<u>SOURCE</u>		<u>TRIBUTARY OF</u>
BOISE RIVER		SNAKE RIVER

Priority: 05/01/1878

LOCATION OF POINT(S) OF DIVERSION: Lot 6(NWSW), Sec. 29, Township 03N, Range 03E
ADA County

PLACE OF USE: See RemarksCONDITIONS/REMARKS:

1. P/U LANDS UNDER SYSTEM.

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-002008

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	361.94 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BOISE RIVER	SNAKE RIVER

Priority: 08/20/1888

LOCATION OF POINT(S) OF DIVERSION: Lot 6(NWSW), Sec. 29, Township 03N, Range 03E
ADA County

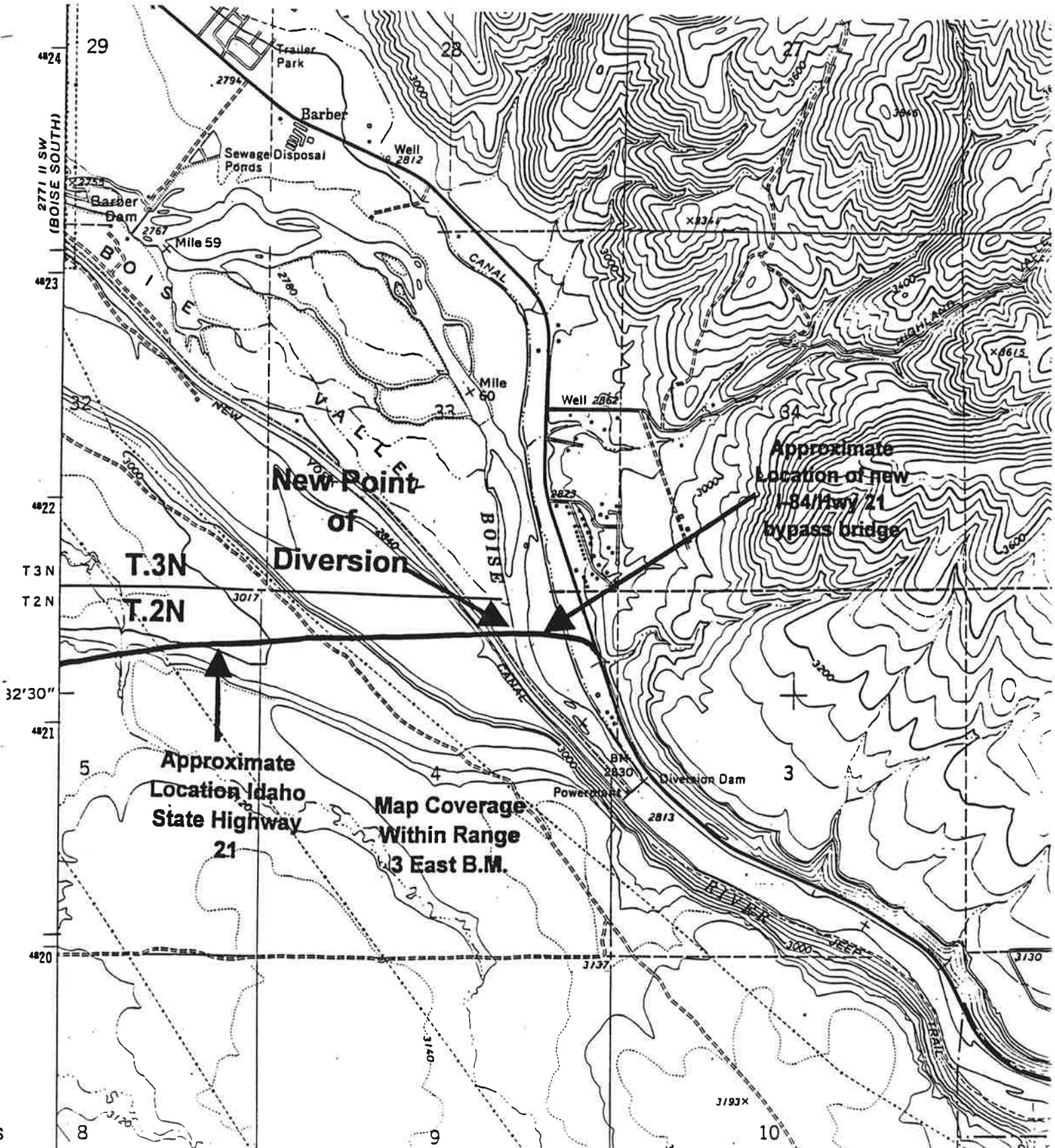
PLACE OF USE: See RemarksCONDITIONS/REMARKS:

1. P/U LANDS UNDER SYSTEM.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



PART 3

B. CHANGES IN NATURE OF USE

- 1

New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
(See Attached Remarks) = <u>Attachment A</u>			_____ to _____
_____			_____ to _____
2. Quantity and quality of return flows and location of discharge:
(See Attached Part 3) = Attachment B
3. Describe effects on other water uses resulting from the proposed change:
(See Attached Part 3)

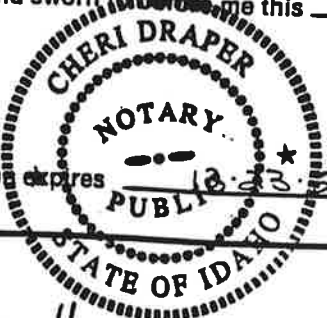
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Nampa & Meridian Irrigation District

By: Daren R Coon
Its: Sec. - Treas. (Signature of Applicant)

Subscribed and sworn to before me this 16th day of JANUARY, 19 98.



Cheri Draper

(Notary Public)

My commission expires 12-13-2003

FOR DEPARTMENT USE ONLY

Transfer contains 11 pages and 45 attachments = A through E

Received by Rch Date 1/16/98 Protest filed by ✓ All protests withdrawn as noted

Prelim. check by SL Fee \$100 in 3/18/99 letter to parties

Receipted by Rch Date 1/16/98

Published in Statewide 6-4-11-98

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on 5/29/98 & 7/13/99

Recommended for ☐ approval ☐ denial

_____ rec'd. 2/13/99 by _____

Copy of transfer sent to lien holder _____

#W023382
(8100)

16:46

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-00198AJ**
Date Received: 3/21/1990
Receipt No: CO15817
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: NAMPA & MERIDIAN IRRIGATION DISTRICT
Address: 1503 FIRST STREET SOUTH
NAMPA ID 83651

2. Date of Priority: JUN 1, 1877

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03E	29		NW	SW	6	ADA

5. Description of diverting works:
DIVERSION DAM, HEADWORKS, RIDENBAUGH CANAL AND LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

TRANS. 392 & 1864

PLACE OF USE: LANDS WITHIN THE BOUNDARIES OF THE NAMPA &
MERIDIAN IRRIGATION DISTRICT.

NOTE TO FILE: A GENERAL LAND LIST IS ENTERED UNDER A63-30181Z0
AND A63-30181Z1. THIS CLAIM REPRESENTS A PORTION OF 63-00198Q.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.

Decree Plaintiff

RIVERSIDE IRR. DIST.

vs

Decree Defendant

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-001980

Date Received: 3-21-90

Receipt No.: 0015816/0015817

Received By: DP

MAR 23 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NAMPA & MERIDIAN IRRIGATION DISTRICT
Address: 1503 First Street South, Nampa, Idaho 83651
2. Date of Priority: June 1, 1877
3. Source: BOISE RIVER Trib. to: SNAKE RIVER
4. Point of Diversion

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03E	29	NW	SW		6	ADA

5. Description of diverting works: Diversion dam, headworks, main (Ridenbaugh) canal and laterals.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
Irrigation	3/15	11/15	0.400		

7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 70.000 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use: The place of use for lands within Nampa & Meridian Irrigation District is shown in Appendix 1 of Claims Nos. A63-00199B and A63-00200B.
11. Place of use in counties: Ada.
12. Do you own the property listed above as place of use? No.
13. Other Water Rights Used:
See "Nampa & Meridian Irrigation District Water Rights List" attached hereto as Appendix 3.

14. Remarks:

TRANS. 392 & 1864
P/D IN NW S11, T 4N, R2W.

15. Basis of Claim: DECREED

Water Right Number: 63-00198Q

FARMERS CO-OP DITCH CO.

Decree Plaintiff

vs

RIVERSIDE IRR. DIST.

Decree 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 x do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

For Organizations:

I do solemnly swear or affirm that I am president of NAMPA & MERIDIAN IRRIGATION DISTRICT, that I have signed the foregoing document in the space below as president of NAMPA & MERIDIAN IRRIGATION DISTRICT, and that the statements contained in the foregoing document are true and correct.

Bob Williams
Signature of Authorized Agent
President, NAMPA & MERIDIAN
IRRIGATION DISTRICT

3-20-90
Date

STATE OF IDAHO)
) ss.
COUNTY OF CANYON)

Subscribed and sworn (or affirmed) before me this 20th day of March, 1990.

Donna G. Moore
Notary Public
Residing at Caldwell, Idaho
My commission expires: 11/04/94

17. Notice of Appearance:

Notice is hereby given that I, W. F. Ringert, 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

W. F. Ringert

Address: P. O. Box 2773, Boise, Idaho 83701

Date

3-20-90

NAMPA & MERIDIAN IRRIGATION DISTRICT WATER RIGHTS LIST

A63-199B	
A63-00200A	A63-02109
A63-00200B	A63-02158
A63-00249	A63-02388
A63-00278	A63-02392
A63-00278A	A63-03613
A63-00279	A63-03614
A63-00279A	A63-03618
A63-00301	A63-04868
A63-00302	A63-05261
A63-00373	A63-05262
A63-02106	A63-05263
	A63-05264

Jan Shurte Date
Adjudication Supervisor

2

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

RIGHT NUMBER: 63-198AJ

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK LAW
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773

SOURCE: BOISE RIVER
MORES CREEK

TRIBUTARY: SNAKE RIVER
TRIBUTARY: BOISE RIVER

QUANTITY: 0.400 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion and the Green Ranch diversion must also be reduced by an equivalent proportion.

The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.

The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Surprise Valley Diversion shall not exceed a combined total of 20.34 cfs.

The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more than 4.5 cfs per acre at the field headgate for irrigation purposes. This condition shall not be

~~the field headgate for irrigation purposes. This condition shall not be~~
construed as a requirement for the right holder to regulate water on a volumetric basis.

PRIORITY DATE: 06/01/1877

Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and its tributaries.

JS

NBS
SBF



Nampa & Meridian Irrigation District

Adjudication Recommendations: 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968, 63-30181

Irrigation Service Area Boundary
GIS Place of Use Illustration

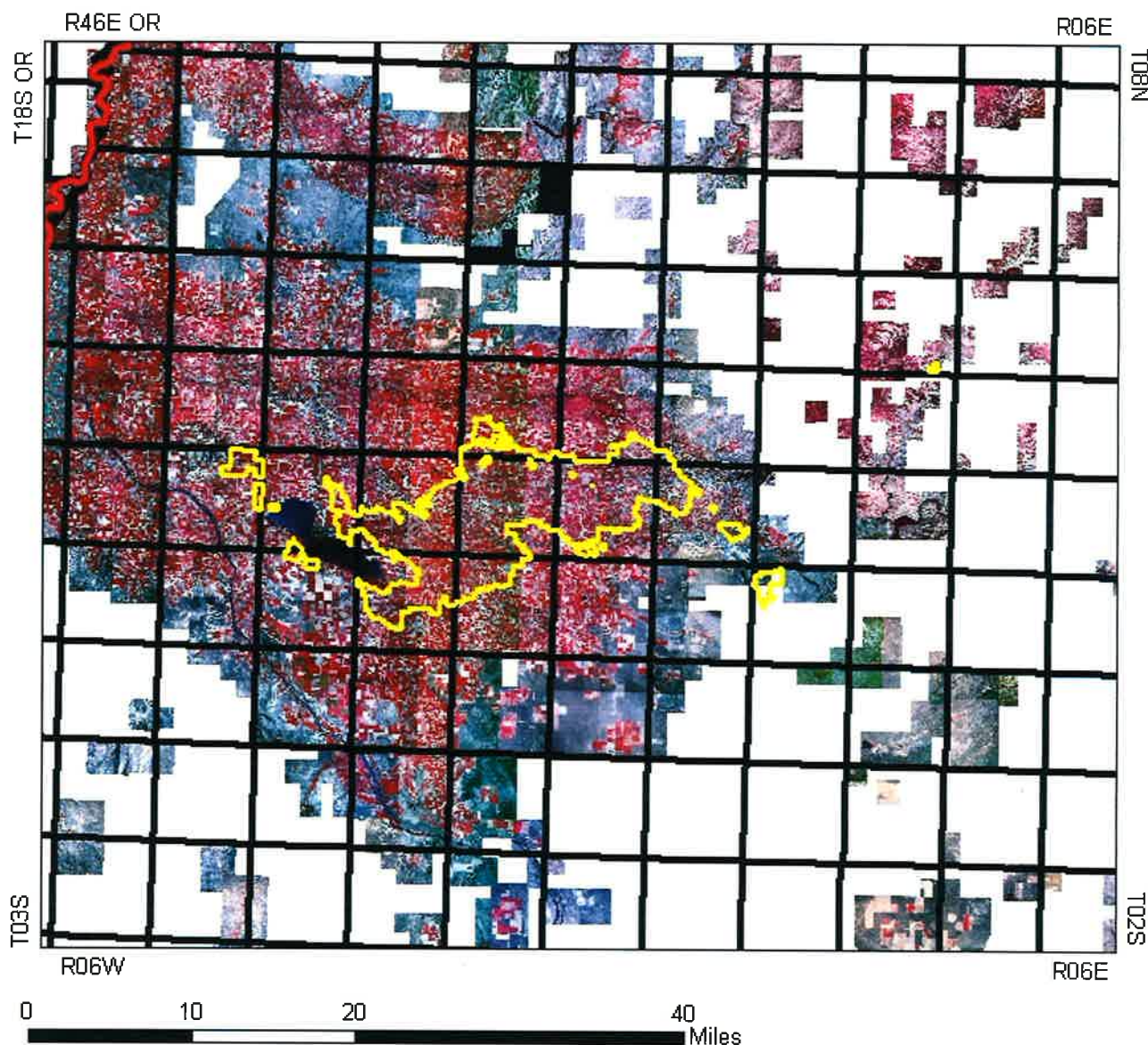
Legend

-  Service Area
-  State Outline
-  Townships



Ada, Boise, Canyon Counties
IDWR Basin 63

Prepared by Danielle Favreau
On May 21, 2010
1987/88 Aerial Photography



SF5 Right No. 63-198AJ

POINT OF DIVERSION:

T02N R03E S4 NWNE Lot 6 Within ADA County

T03N R03E S29 NWSW Lot 6 Within ADA County

T05N R04E S35 SWNE Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.400 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

[Signature]
NBS

SBE

PLACE OF USE:

~~69495 ACRES TOTAL~~

This right when combined with Right Nos. 63-199B, 63-200B, 63-2392B, 63-2968, 63-30181 and ~~63-32695~~ can be used to irrigate up to 69,495 acres within the boundary of the Nampa Meridian Irrigation District.

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

The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and ground water recharge purposes divided by 0.0156 cfs/acre.

This right is limited to the irrigation of 40 acres within the authorized place of use.

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.

The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch diversion on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.

Prior to March 15 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and ground water recharge purposes at the Surprise Valley

SF5 Right No. 63-198AJ

diversion. Use of water under those rights each year shall not exceed the reported amounts.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.

Prior to diversion of water under transfer approval 5273 and 69594, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.

~~The right holder shall accomplish the change authorized by transfer 69594 within one (1) year of the date of approval.~~

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

This right is designated as No. 65 in the Stewart Decree and the Boise Water Distribution Report.


NBS
SBF

CERTIFICATE OF MAILING

I certify that on January 28, ²⁰¹¹~~2010~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

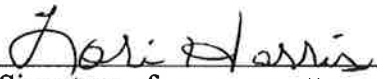
1. Original to:

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

2. Copies to:

NAMPA & MERIDIAN IRRIGATION DISTRICT
Represented by:
S. BRYCE FARRIS
RINGERT LAW CHARTERED
455 S. THIRD ST.
P.O. BOX 2773
BOISE, ID 83701-2773

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



Signature of person or attorney



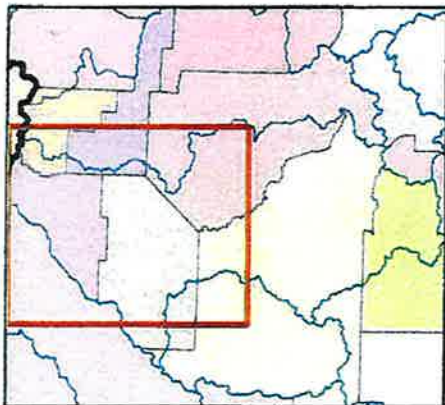
Nampa & Meridian Irrigation District

Adjudication Recommendations: 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968, 63-30181

Irrigation Service Area Boundary
GIS Place of Use Illustration

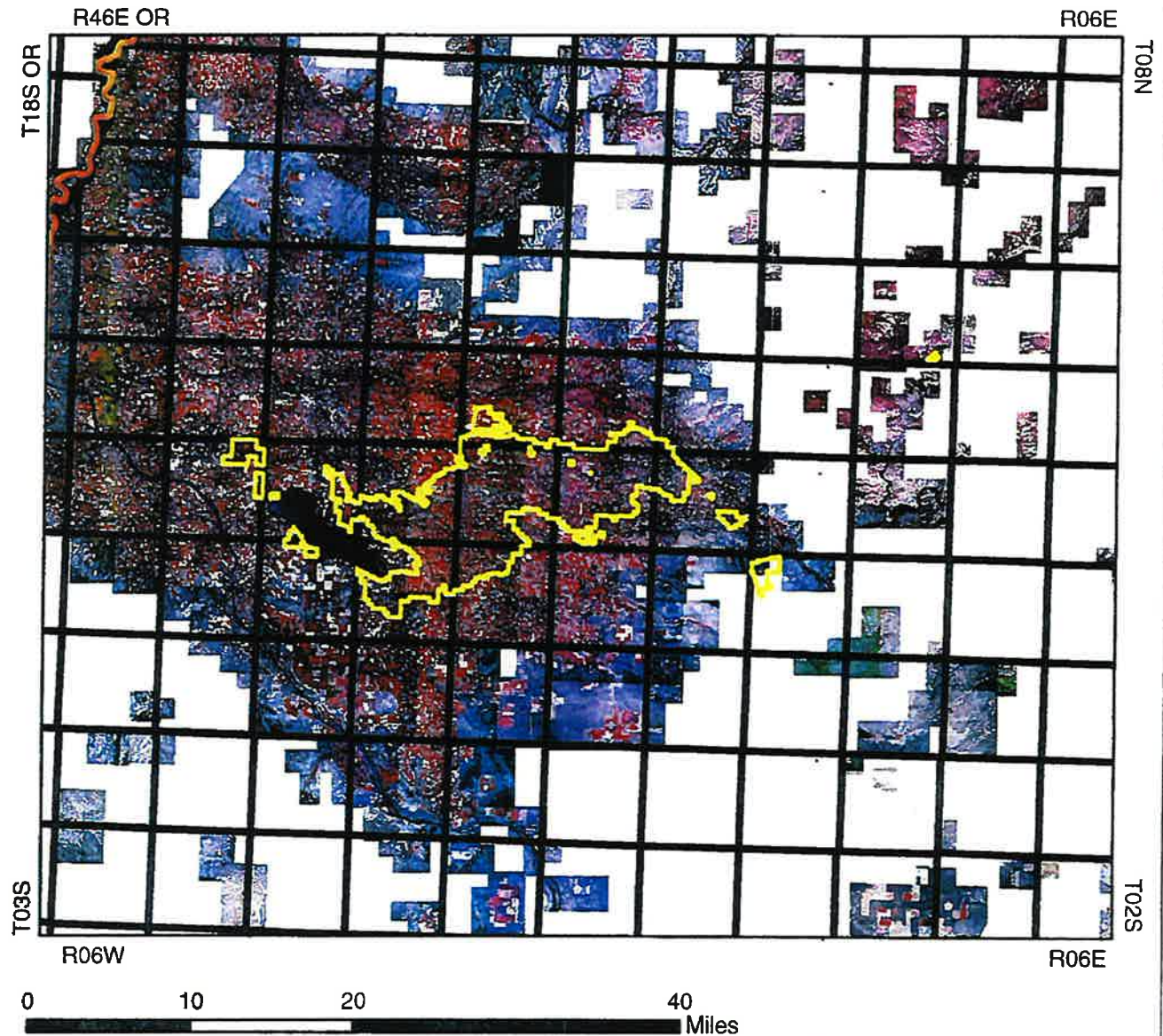
Legend

-  Service Area
-  State Outline
-  Townships



Ada, Boise, Canyon Counties
IDWR Basin 63

Prepared by Danielle Favreau
On May 21, 2010
1987/88 Aerial Photography



Shurte, Jan

From: Bryce Farris [bryce@ringertlaw.com]
Sent: Friday, June 13, 2008 11:13 AM
To: Shurte, Jan; Spencer, Nick; Scott Campbell
Cc: emcgarry@pn.usbr.gov; Dan Steenson
Subject: RE: Settlement for Pioneer's Drain SRBA Claims

Scott, Nick and Jan:

This e-mail is to follow up our conversation earlier this morning regarding the above-referenced matter. Nampa & Meridian Irrigation District and Pioneer Irrigation District have agreed to the following remark to be included in Pioneer's drain claims:

"This water right shall not alter or abrogate any provision of contract executed by the United States or State law regarding Pioneer Irrigation District's or Nampa & Meridian Irrigation District's rights and responsibilities to use and make available water developed in drains within their boundaries."

The water rights to which Nampa & Meridian has filed objections are as follows: 63-02114, 63-02275, 63-02276, 63-02294, 63-02891, 63-05219, 63-05237, 63-05255, 63-21731, 63-21739, 63-32514 and 63-32515.

For those rights that there is no other objection as to quantity, preparation of a SF5 would be appropriate. For those rights that there remains a quantity objection by Pioneer, I have reviewed the examples provided by Nick and I am agreeable to resolving Nampa & Meridian's objections now via a Stipulation to Resolve Objection.

Gail: I believe BOR has filed Responses in these sub-cases. Could you please weigh in on whether BOR has any objection to the resolution and language proposed in this e-mail?

Thanks, Bryce

→ General Remark
63-2114

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, May 27, 2010 2:14 PM
To: Harris, Lori
Cc: Shurte, Jan
Subject: DD#2 & Nampa Meridian SF5s
Attachments: img-527124455.pdf

Hi Lori,

Attached are the changes Bryce and I came up with on Right Nos. 63-2392B, 63-31937 & 63-32480. He wanted the season of use remark off of there because the source is not the Boise River. I said ok and then thought – these are credited back up and diverted out of the Boise River questioning whether to leave it or take it off. Then I looked on all the other rights for these credits back up and none of them have the season of use remark. So, please omit it on all of these rights. (I am writing this so I can put it in the file as to why I removed the remarks). Another change is omission of the digital boundary pou language and putting in the other remark as indicated on 63-32480. I did put in digital right before boundary for each ditch company on the remark to be moved. One last change also on 63-31937 is the addition of the name Little Pioneer Canal. Bryce was worried we would mix it up with the Pioneer Irrigation District. I can see his point there.

The name of their firm is Ringert Law. So, on all the rights we need to take out Clark. That will include 63-198AJ, 63-199B, 63-200B, 63-2968 and 63-30181 for NMID also. For NMID's SF5s I have attached an example of the changes on 63-198AJ that will apply to all of them. Omit Clark in the name and cross out the total acres. It is redundant to the condition below it. These rights are boundary changes only, but we still need to print each one out in SF5 form and send with the special boundary change SF5 cover sheet and a copy of the map. Ray has copies of the maps already and will just need to know about the above cover sheet.

Call if you have any questions. Would you please send me a copy of the SF5s so I can review one last time before we send them to Ray.

Thanks,
Jan

Shurte, Jan

From: Shurte, Jan
Sent: Tuesday, May 25, 2010 4:39 PM
To: Bryce Farris
Cc: Spencer, Nick; Williams, Ray; Harris, Lori
Subject: 63-31937 DD#2, 63-2392B NMID, 63-32480 DD#2, Digital Boundary Map for NMID and Notes on NMID #s 63-198AJ, etc.
Attachments: Drft SF5s DD2 and NMID.pdf; 63-198AJ_sf5.jpg

Bryce,

Attached are Draft SF5s for the above sub cases. Please review these to insure that the items we agreed upon are included.

You had also requested that I look at the points of diversion listed on 63-31937 to be sure all the ditch companies were covered. This right lists 7 points of diversion for 9 canal companies. The reason for this is that the point of diversion in the SENE, S5, T3N, R2E is the main diversion for the Farmers Union Canal Co. which also carries water for the Boise Valley Irrigation Ditch Co., using the same diversion point. Also, the point of diversion listed in the NESE, Lot 1, S.23, T4N, R1E is the main diversion for the New Dry Creek Ditch Co. which also carries water for the New Union Ditch Co. using the same diversion point. All other points of diversion are single points for the remaining ditch companies. In checking the current decreed acres for each ditch company involved in this right, the total acres had changed from that previously recommended. This was due to objections, etc., on these rights and the decreed total for all companies is 31,536.3 acres rather than the previously recommended 29,309.15 acres. This change has been reflected on the attached draft SF5 for 63-31937. Once the SF5 for 63-31937 is signed by all, I will add the explanatory remark concerning the uncuttable delivery of these credited rights to Drainage District No. 4's Right No. 63-31936 as agreed upon.

Concerning the SF5 for DD#2's Right No. 63-32480, you indicated that you wanted me to look at the conditions on 63-31937 and see if any applied to 63-32480. The only changes I made to 63-32480 were to the name in order to make it the same as 63-31937 for future research of these rights. I also crossed out the total acres per new Department preference and because it is redundant with the other acreage conditions on this right. In the end I did not add any conditions from 63-31937. This 50 cfs right is not listed in the Boise River Water Distribution Report for Water District 63 as having ever been credited back to the point of diversion for these ditch companies. We could only find the 100 cfs under 63-31937 as having been credited. So, I treated this right as a regular waste water beneficial use recommendation.

Also attached is a digital boundary map for the Nampa Meridian Irrigation District. This map reflects the addition of the Creason Lateral irrigated lands and the removal of the BLM lands. Since the addition of the Creason land and the removal of the BLM lands were between 3 and 4 acres each, I decided not to change the total number of acres that can be irrigated within NMID's digital boundary.

There will be no changes to the written recommendations for Nampa Meridian Irrigation District's Right Nos. 63-198AJ, 63-199B, 63-200B, 63-2968 and 63-30181. The objections in those sub cases were the addition of the Creason Lateral lands and removal of BLM lands. This has been corrected as shown on the digital boundary map. This map will be submitted with the SF5s for these rights and a special cover page for the signatures bringing attention to the boundary changes.

Please let me know if these are ready to go or if you need to discuss these rights. I have a conflict for the June 2nd meeting and would like to get these on their way asap which I know you definitely want to also.

Sincerely,



S. BRYCE FARRIS (ISB #5636)
RINGERT LAW CHARTERED
455 S. Third Street
P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED _____
2009 NOV 20 AM 10 21

Attorneys for Nampa & Meridian Irrigation District

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	)	
	)	Subcase No. 63-33117
	)	
Case No. 39576	)	
	)	STIPULATION
	)	
	)	
	)	

_____ **COMES NOW** Nampa & Meridian Irrigation District ("NMID"), by and through its counsel of record, Ringert Law Chartered, and Doug Bullock and Heather A. Cunningham ("Claimants") hereby enter into the following Stipulation.

WHEREAS, Claimants have filed a late claim for water right # 63-33117 and at the time of this Stipulation the Idaho Department of Water Resources has not issued a recommendation for said late claim. Since the recommendation has not been issued, neither Claimant or NMID have filed an objection and/or response relating to the late claim.

WHEREAS, NMID has claimed certain water rights which are currently pending the SRBA. Claimants have not filed an objection and/or response to NMID's claimed water rights but Claimants' late claim, water right #63-33117, is a competing claim to a portion of the water rights

claimed by NMID.

WHEREAS, even though the parties have not filed objections and/or responses to the claims of the other party, NMID and Claimants have reached an understanding to resolve their competing claims in the SRBA and NMID and Claimants stipulate and agree to the following:

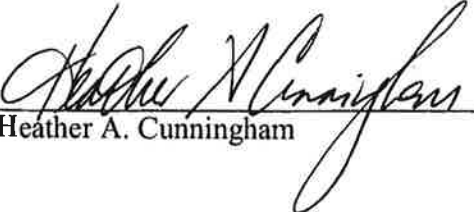
1. NMID will adopt the Resolution attached hereto as Exhibit A, and incorporated herein by this reference, for the purpose of confirming Claimants' continued right to the delivery of water to Claimants' lands pursuant to contracts entered into between NMID and Claimants' predecessors in interest.
2. This Stipulation, including the attached Resolution, will be placed by the Idaho Department of Water Resources in the water right record and file for the following water rights which have been claimed by NMID: water right nos. 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968 and 63-30181.
3. By means of this Stipulation, Claimants hereby agree to the withdrawal of Claimants' late claim for water right no. 63-33117. If necessary, Claimants will take any further action required by the Court or IDWR to ensure that Claimants' late claim for water right no. 63-33117 is withdrawn.
4. Each party agrees to bear its own attorney fees and costs.

DATED this 19 day of ^{November}~~October~~, 2009.

Claimants:

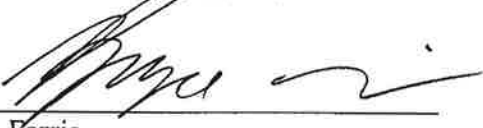


Doug Bullock


Heather A. Cunningham

DATED this 19 day of ~~October~~ ^{November}, 2009.

RINGERT LAW CHARTERED

By: 
S. Bryce Farris
Attorney for Nampa & Meridian Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of ~~October~~ ^{November}, 2009, I served a true and correct copy of the foregoing document by U.S. mail, postage pre-paid to the following:

Director of IDWR
P.O. Box 83720
Boise, Idaho 83720-0098

Heather A. Cunningham
P.O. Box 1583
Boise, ID 83701


S. Bryce Farris

EXHIBIT A

RESOLUTION OF THE NAMPA & MERIDIAN IRRIGATION DISTRICT

WHEREAS, the Nampa & Meridian Irrigation District ("NMID") has certain water right claims which are currently pending in the Snake River Basin Adjudication; and

WHEREAS, Doug Bullock and Heather Cunningham ("Claimants") have filed a competing claim (63-33117) for the portion of the water right delivered by NMID to Claimants' lands, and which is also pending in the Snake River Basin Adjudication; and

WHEREAS, NMID and Claimants desire to settle the issues involving NMID and Claimants' competing claims to a water right; and

WHEREAS, as part of said settlement of the issues with Claimants, NMID recognizes and agrees that Claimants receive water from the water rights of NMID pursuant to contractual rights and are not landowners of the District. More specifically:

(1) Claimants are successors in interest to a portion of the property previously owned by R.S. Rule and Eliza Rule, who contracted with NMID for the delivery of water to their land in 1922 and a true and correct copy of said contract attached hereto as Exhibit A and incorporated herein by this reference. Further, the legal description of Claimants property to which Exhibit A is applicable is attached hereto as Exhibit A-1 and incorporated herein by this reference;

(2) Claimants are successors in interest to a portion of the property previously owned by J.R. Fruit and Eva M. Fruit, who contracted with NMID for the delivery of water to their land in 1922 and a true and correct copy of said contract attached hereto as Exhibit B and incorporated herein by this reference. Further, the legal description of Claimants property to which Exhibit B is applicable is attached hereto as Exhibit B-1 and incorporated herein by this reference; and

(3) Claimants are successors in interest to a portion of the property previously owned by Lorin P. Houmann and Franciska Houmann, who contracted with NMID for the delivery of water to their land in 1922 and a true and correct copy of said contract attached hereto as Exhibit C and incorporated herein by this reference. Further, the legal description of Claimants property to which Exhibit C is applicable is attached hereto as Exhibit C-1 and incorporated herein by this reference

WHEREAS, as part of the said settlement of the issues with Claimants, NMID further recognizes and agrees to continue to deliver water to Claimants, depending on availability, from the water rights of NMID, pursuant to the above referenced contracts so long as those contracts are in full force and effect.

NOW, THEREFORE, upon motion made by Mr. Sisco and seconded by Mr. Pline, the Board of Directors of Nampa & Meridian Irrigation District adopts and approves this Resolution confirming the rights of the Claimants to continue to be delivered water, depending on availability, from the water rights of NMID, pursuant to contracts so long as those contracts remain in full force and effect.

Dated the 17 day of October, 2009.

NAMPA & MERIDIAN IRRIGATION DISTRICT

A handwritten signature in dark ink, appearing to read "Clinton C. Pline", is written over a horizontal line.

Clinton C. Pline, President

ATTEST:

A handwritten signature in dark ink, appearing to read "Daren Coon", is written over a horizontal line.

Daren Coon, Secretary/Treasurer

THIS AGREEMENT, Made this 27th day of March, 1922,
between Nampa & Meridian Irrigation District, first party, and R. S. Rule and his wife,
Eliza Rule,

second parties,

WITNESSETH:

WHEREAS, second parties are the owners of the following land, to-wit: Lot one (1) in block eight (8)
and lot four (4) in block nine (9) Scott's Subdivision,

in Ada County, Idaho, with a water right appurtenant thereto from Boise River through the Ridenbaugh Canal, and first party,
as the owner of said canal, has heretofore maintained and operated the same and delivered the water to which second parties have
a right to them and to their predecessors for an annual maintenance charge paid in advance of the irrigation season; and

WHEREAS, The parties hereto desire to reach an agreement as to the proper method of determining said annual charge to be
paid in future;

NOW, THEREFORE, As a complete settlement of all differences between said parties relating to said charge in the past and
to establish a permanent method for fixing the amount and time of payment in the future, the parties agree as follows:

First party agrees to perform the annual maintenance work on account of said water right of second parties and to deliver the
water perpetually hereafter to which second parties have a right during the irrigation season of each year into the lateral at the
point where second parties and their predecessors have been accustomed to receive the same, and second parties and their successors
in title to said water right agree to pay first party annually for said service a maintenance charge equal to one-half of the general
maintenance rate on Ridenbaugh water rights lawfully levied by first party against lands within the District for the previous year,
under Section 4384, Compiled Statutes of Idaho. Provided, that in no event shall second parties ever be required to pay or to con-
tribute to the payment of the principal or interest of any bonded indebtedness of the first party; nor to contribute in any manner to
its sinking fund or reserve fund; nor to the payment of the construction cost of its irrigation works; nor the construction, or main-
tenance cost of its drainage works, under or pursuant to this contract. The charges for maintenance are to be paid in advance on
or before the first day of April of each year and first party will be under no obligation to make delivery of water until payment has
been made. Provided, That second parties shall be entitled to a copy of the annual statement of the classified expenses of the district
issued in the month of January each year to its land owners and first party will place second parties on its mailing list for
said statements, and if for any reason they do not receive the same, they shall be furnished a copy on application.

It is further agreed that said water right of second parties is from the appropriation diverted from Boise River by the Morris
Canal in the year 1878, the same being the first appropriation of the Ridenbaugh Canal system of first party, and first parties agree
to adopt a resolution classifying said land and water right in said appropriation and in the first class of water rights appropriated by
said canal from Boise River.

It is further agreed that the maintenance charges for said land for 1921 shall be governed by this contract, and in case payment
has been made thereat at a higher rate than herein provided, the excess shall be credited upon the maintenance charge for 1922.
This agreement shall perpetually bind the parties, their heirs, successors and assigns.

IN WITNESS WHEREOF, The President of first party has hereunto affixed the name of said District and his signature in
execution of this agreement, pursuant to a resolution of its board of directors, heretofore duly and regularly adopted, authorizing
and directing him to do, and the Secretary of first party, in like manner authorized and directed, has attested the execution hereof,
and in witness whereof, the second parties have hereunto affixed their signatures the day and year first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT,

By: H. L. Randall, President,
First party.

R. S. Rule
Eliza Rule
Second party.

ATTEST:

[Signature]

Secretary.

STATE OF IDAHO,

COUNTY OF Ada

On this 27th day of March, 1922,

Notary Public in and for said State, personally appeared L. G. Knight,

husband and wife, R. S. Rule, and Eliza Rule,

known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed
the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first
above written.

L. G. Knight
Notary Public for Idaho,
Residence, Boise, Idaho.

STATE OF IDAHO,

COUNTY OF Ada

On this 1st day of May, 1922, before me, Hugh E. McElroy,
a Notary Public, personally appeared H. L. Randall and P. D. Clay, known to me to be the President and Secretary of the corpo-
ration that executed this instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first
above written.

L. G. Knight
Notary Public for Idaho,
Residence, Boise, Idaho.

37 ✓ 85000 467

No. 157-164

CONTRACT

BETWEEN
NAMPA AND MERIDIAN
IRRIGATION DISTRICT
AND

R. S. Rule, et ux

Dated 192

Filed for record at the request of

Nampa & Meridian Irr. Dist.

at 7:43 o'clock A. M., this 10th

day of May 1922

Stephen J. [Signature] Order.

Ada Co. Idaho

By Josephine Smith Deputy.

Fees \$ 1.80

STATE OF IDAHO - PROSTATE & RECORDS - BUREAU 17760

Books 805 Contracts Book 137

EXHIBIT A-1

The legal description for 430 Bethel is:

The west 165 feet of Lot 4 in Block 9 of SCOTT'S SUBDIVISION,
according to the official plat thereof, filed in Book 1 of Plats at Page
34, Official Records of Ada County, Idaho.

EXCEPT THE NORTH 40 FEET THEREOF.

TOGETHER WITH THE EAST HALF OF THAT ALLY
VACATED DECEMBER 8, 1987, AS INSTRUMENT NO.
8767114.

Ab. R. Fruit as Rental Account No. 163-- as of 27 Feb 07

THIS AGREEMENT, Made this 27th day of March, 1922,
between Nampa & Meridian Irrigation District, first party, and
J. R. Fruit and Eva M. Fruit, husband and wife,
second parties,

WITNESSETH

WHEREAS, second parties are the owners of the following land, to-wit:

The east half of the east half of lot three block nine,
Scott's Sub Division,

in Ada County, Idaho, with a water right appurtenant thereto from Boise River through the Ridenbaugh Canal, and first party,
as the owner of said canal, has heretofore maintained and operated the same and delivered the water to which second parties have
a right to them and to their predecessors for an annual maintenance charge paid in advance of the irrigation season; and

WHEREAS, The parties hereto desire to reach an agreement as to the proper method of determining said annual charge to be
paid in future:

NOW, THEREFORE, As a complete settlement of all differences between said parties relating to said charge in the past and
to establish a permanent method for fixing the amount and time of payment in the future, the parties agree as follows:

First party agrees to perform the annual maintenance work on account of said water right of second parties and to deliver the
water perpetually hereafter to which second parties have a right during the irrigation season of each year into the lateral at the
point where second parties and their predecessors have been accustomed to receive the same, and second parties and their successors
in title to said water right agree to pay first party annually for said service a maintenance charge equal to one-half of the general
maintenance rate on Ridenbaugh water rights lawfully levied by first party against lands within the District for the previous year,
under Section 4384, Compiled Statutes of Idaho. Provided, that in no event shall second parties ever be required to pay or to con-
tribute to the payment of the principal or interest of any bonded indebtedness of the first party; nor to contribute in any manner
to its sinking fund or reserve fund; nor to the payment of the construction cost of its irrigation works; nor the construction, or main-
tenance cost of its drainage works, under or pursuant to this contract. The charges for maintenance are to be paid in advance on
or before the first day of April of each year and first party will be under no obligation to make delivery of water until payment has
been made. Provided, That second parties shall be entitled to a copy of the annual statement of the classified expenses of the dis-
trict issued in the month of January each year to its land owners and first party will place second parties on its mailing list for
said statements, and if for any reason they do not receive the same, they shall be furnished a copy on application.

It is further agreed that said water right of second parties is from the appropriation diverted from Boise River by the Morris
Canal in the year 1878, the same being the first appropriation of the Ridenbaugh Canal system of first party, and first parties agree
to adopt a resolution classifying said land and water right in said appropriation and in the first class of water rights appropriated by
said canal from Boise River.

It is further agreed that the maintenance charges for said land for 1921 shall be governed by this contract, and in case payment
has been made thereof at a higher rate than herein provided, the excess shall be credited upon the maintenance charge for 1922.

This agreement shall perpetually bind the parties, their heirs, successors and assigns.

IN WITNESS WHEREOF, The President of first party has hereunto affixed the name of said District and his signature in
execution of this agreement, pursuant to a resolution of its board of directors, heretofore duly and regularly adopted, authorizing
and directing him so to do, and the Secretary of first party, in like manner authorized and directed, has attested the execution hereof,
and in witness whereof, the second parties have hereunto affixed their signatures the day and year first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT,

By H. L. Randall, President,
First party.

J. R. Fruit
Eva M. Fruit

Second party.

ATTEST:

[Signature]

Secretary.

STATE OF IDAHO,

COUNTY OF Ada ss.

On this 27th day of March, 1922

L. G. Knight,

Notary Public in and for said State, personally appeared

J. R. Fruit and Eva M. Fruit, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed
the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

L. G. Knight
Notary Public for Idaho.
Residence, Boise, Idaho.

STATE OF IDAHO,

COUNTY OF ADA

On this 1st day of May, 1922, before me, *L. G. Knight*, a Notary Public, personally appeared *H. L. Randall and P. D. Clay*, known to me to be the President and Secretary of the corporation that executed this instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

L. G. Knight
Notary Public for Idaho.
Residence, Boise, Idaho.

98602

No. *16.7-12*

CONTRACT

BETWEEN

NAMPA AND MERIDIAN
IRRIGATION DISTRICT

AND

J. R. Fruit, et ux

Dated May 1st, 1922

Filed for record at the request of

Nampa & Meridian Irr. Dist.

at 7:42 o'clock A. M., this 16th

day of May, 1922.

Stephen P. Vetter
Recorder.

Ada County, Idaho

By *Josephine Smith*
80 Deputy

Fee, \$ 1.00

Book F. 136

EXHIBIT B-1

The legal description for 4404 Bethel Street is:

The West Half of the East half of the East half of Lot 3 in Block 9 of SCOTT'S SUBDIVISION, according to the official plat thereof, filed in Book 1 of Plats at Page 34, Official Records of Ada County, Idaho.

The East half of the East half of the East half of Lot 3, Block 9, SCOTT'S SUBDIVISION, according to the plat thereof, filed in Book 1 of Plats at page 34, records of Ada County, Idaho.

Also made a final account No 1625-73 of 29 Feb 09
Tennant by the court No 1625-1620

THIS AGREEMENT, Made this 31st day of March, 1922,
Between Nampa & Meridian Irrigation District, first party, and
Lorin P. Houmann and Franciska Houmann, husband and wife,
second parties,

WITNESSETH:

WHEREAS, second parties are the owners of the following land, to-wit:
Lot two excepting therefrom .7 (seven tenths) Acre in the northeast
corner, Block nine, Scott's subdivision.

In Ada County, Idaho, with a water right appurtenant thereto from Boise River through the Ridenbaugh Canal, and first party,
as the owner of said canal, has heretofore maintained and operated the same and delivered the water to which second parties have
a right to them and to their predecessors for an annual maintenance charge paid in advance of the irrigation season; and

WHEREAS, The parties hereto desire to reach an agreement as to the proper method of determining said annual charge to be
paid in future:

NOW, THEREFORE, As a complete settlement of all differences between said parties relating to said charge in the past and
to establish a permanent method for fixing the amount and time of payment in the future, the parties agree as follows:

First party agrees to perform the annual maintenance work on account of said water right of second parties and to deliver the
water perpetually hereafter to which second parties have a right during the irrigation season of each year into the lateral at the
point where second parties and their predecessors have been accustomed to receive the same, and second parties and their successors
in title to said water right agree to pay first party annually for said service a maintenance charge equal to one-half of the general
maintenance rate on Ridenbaugh water rights lawfully levied by first party against lands within the District for the previous year,
under Section 4384, Compiled Statutes of Idaho. Provided, that in no event shall second parties ever be required to pay or to con-
tribute to the payment of the principal or interest of any bonded indebtedness of the first party; nor to contribute in any manner
to its sinking fund or reserve fund; nor to the payment of the construction cost of its irrigation works; nor the construction, or main-
tenance cost of its drainage works, under or pursuant to this contract. The charges for maintenance are to be paid in advance on
or before the first day of April of each year and first party will be under no obligation to make delivery of water until payment has
been made. Provided, That second parties shall be entitled to a copy of the annual statement of the classified expenses of the dis-
trict issued in the month of January each year to its land owners and first party will place second parties on its mailing list for
said statements, and if for any reason they do not receive the same, they shall be furnished a copy on application.

It is further agreed that said water right of second parties is from the appropriation diverted from Boise River by the Morris
Canal in the year 1878, the same being the first appropriation of the Ridenbaugh Canal system of first party, and first parties agree
to adopt a resolution classifying said land and water right in said appropriation and in the first class of water rights appropriated by
said canal from Boise River.

It is further agreed that the maintenance charges for said land for 1921 shall be governed by this contract, and in case payment
has been made thereof at a higher rate than herein provided, the excess shall be credited upon the maintenance charge for 1922.

This agreement shall perpetually bind the parties, their heirs, successors and assigns.

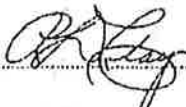
IN WITNESS WHEREOF, The President of first party has hereunto affixed the name of said District and his signature in
execution of this agreement, pursuant to a resolution of its board of directors, heretofore duly and regularly adopted, authorizing
and directing him so to do, and the Secretary of first party, in like manner authorized and directed, has attested the execution hereof,
and in witness whereof, the second parties have hereunto affixed their signatures the day and year first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT,

By L. L. Randall President,
First party.

Lorin P. Houmann
Franciska Houmann
Second party.

ATTEST:



Secretary.

STATE OF IDAHO

COUNTY OF Ada

On this 31st day of March, 1922

L. G. Knight,

Notary Public in and for said State, personally appeared

Lorin P. Houmann and Franciska Houmann, husband and wife,
known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed
the same.

C

IN WITNESS WHEREOF, I e hereunto set my hand and affixed my official seal a day and year in this certificate first above written.

STATE OF IDAHO.

COUNTY OF ADA

On this 14th day of May, 1922, before me, Hugh E. McElroy, a Notary Public, personally appeared E. L. Randall and P. D. Clay, known to me to be the President and Secretary of the corporation that executed this instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Hugh E. McElroy
Notary Public for Idaho.
Residence, Boise, Idaho.

99500
No. 42-103
56
CONTRACT

BETWEEN
NAMPA AND MERIDIAN
IRRIGATION DISTRICT

AND

Laurin P. Hennmann et. ux

Dated 10th day of May 1922

Filed for record at the request of

Nampa & Meridian Irr. Dist.

at 7:30 o'clock P.M., this 10th

day of May 1922

Stephen Vetter

Recorder

Ada County, Idaho
By Josephine Smith
Deputy

Fees, \$1.80

Book of Contracts Page 133.
CORRECTION

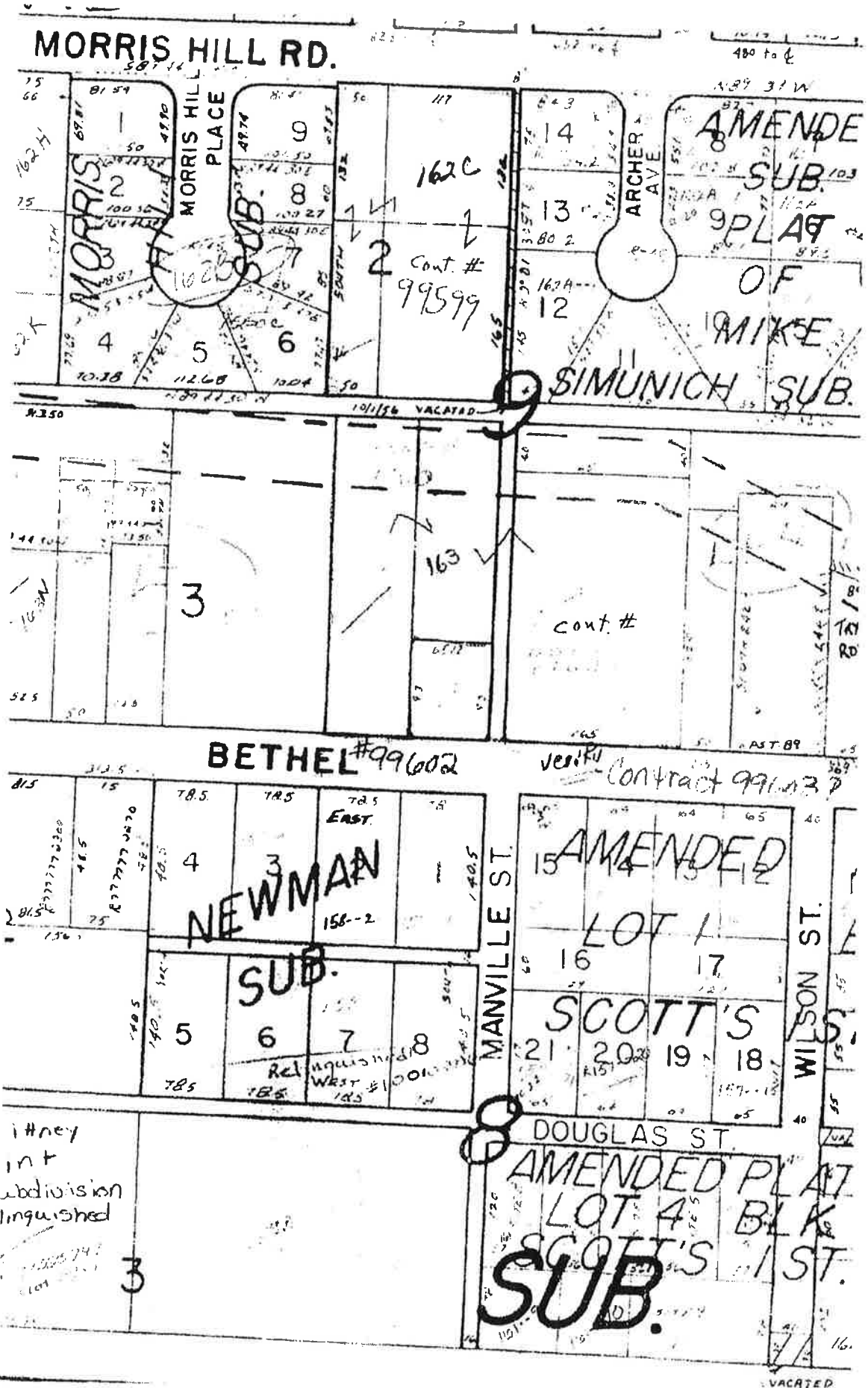
EXHIBIT C-1

A portion of Lot 2 in Block 9 of SCOTT'S SUBDIVISION, according to the plat thereof, recorded in Book 1 of Plats at Page 34, records of Ada County, Idaho.

Beginning at the Northeast corner of said Lot 2 of Block 9 of SCOTT'S SUBDIVISION, the Point of Beginning;
thence running West, along the North boundary line of Lot 2, 167 feet;
thence South 297 feet;
thence East along the South 297 feet;
thence East along the South boundary of Lot 2, 167 feet;
thence North 297 feet to the Point of Beginning.

Together with that portion of the alley adjoining on the East, which attached by operation of law and was vacated by Instrument No. 401045 Recorded October 1, 1956.

Sec 8 3N 2E



STATUS CONFERENCE NOTES:

DATE: 10-13-09

198A,
RIGHT NO. 63-199B, 200B,
63-2392B, 63-2968
63-30181

Issues resolved concerning BLM,
Creason Lateral, & Heather Cunningham
(late claim). Heather Cunningham's
claim needs to be submitted in
the late claims report. Set status
conference for February 23rd, after
the late claim is filed & ~~before the~~
objection period done. Based on
what comes from that, NMID's rights
can go forward or not. Need to
doublecheck their boundaries - BLM
& Creason Lateral.

UPDATE: Heather Cunningham
withdrew her claim 63-33117
which clears the way to do an SFS
on their rights.

Candice M. McHugh, ISB #5908
RACINE OLSON NYE
BUDGE & BAILEY, CHARTERED
101 S. Capitol Blvd., Suite 208
Boise, Idaho 83702
Telephone: (208) 395-0011
Facsimile: (208) 433-0167
cmm@racinelaw.net

Attorneys for Lindsey Lateral

RECEIVED

JUL 28 2009

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

Subcases: 63-198AJ, 63-199B, 63-200B,
63-2392B, 63-2968 and 63-30181

**NOTICE OF WITHDRAWAL OF
RESPONSES TO NAMPA MERIDIAN
IRRIGATION DISTRICT WATER RIGHT
RECOMMENDATIONS**

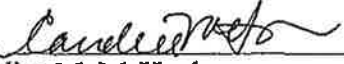
Lindsey Lateral Association, ("LLA") by and through the undersigned counsel, hereby gives notice of withdrawal of its responses to the above-referenced Nampa & Meridian Irrigation District ("NMID") water right recommendations in the SRBA.

This withdrawal is pursuant to an agreement with Nampa & Meridian Irrigation District which has adopted the attached Resolution dated July 21, 2009. As part of the agreement between LLA and NMID, said Resolution is to be recorded by the Idaho Department of Water Resources as part of the water right record and file on the above listed water rights.

A copy of the joint Request to the Idaho Department of Water Resources to Maintain Resolution in Water Right Files and Database is also attached hereto for the Court's reference.

DATED this 23rd day of July, 2009.

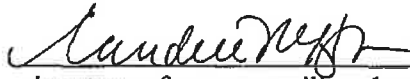
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By: 
Candice M. McHugh
Attorney for Lindsey Lateral Association

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the 23rd day of July, 2009, the above and foregoing document was served in the following manner.

Clerk of the SRBA Court 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☒ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☐ E-mail
Document Repository Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098	☒ U.S. Mail/Postage Prepaid ☐ Facsimile 208-287-6700 ☐ Overnight Mail ☐ Hand Delivery ☐ E-mail
Natural Resources Division Chief State of Idaho Attorney General's Office PO Box 44449 Boise, ID 83711-4449	☒ U.S. Mail/Postage Prepaid ☐ Facsimile 208-878-2548 ☐ Overnight Mail ☐ Hand Delivery
S. Bryce Farris Ringert Clark, Chtd. 455 S. Third Street PO Box 2773 Boise, ID 83701-2773	☒ U.S. Mail/Postage Prepaid ☐ Facsimile 208-878-2548 ☐ Overnight Mail ☐ Hand Delivery
Lynn Tominaga, President Lindsey Lateral Association PO Box 2624 Boise, ID 83701-2624	☒ U.S. Mail/Postage Prepaid ☐ Facsimile 208-878-2548 ☐ Overnight Mail ☐ Hand Delivery



signature of person mailing document(s)

RESOLUTION OF THE NAMPA & MERIDIAN IRRIGATION DISTRICT

WHEREAS, the Nampa & Meridian Irrigation District ("NMID") has certain water right claims which are currently pending in the Snake River Basin Adjudication; and

WHEREAS, the Lindsey Lateral Association ("LLA") has filed objections and/or competing claims to NMID's water rights which are currently pending in the Snake River Basin Adjudication; and

WHEREAS, NMID and members of the LLA desire to settle the issues involving LLA's claims to a water right and its objections to certain water rights held by NMID all of which are pending in the Snake River Basin Adjudication; and

WHEREAS, as part of said settlement of the issues with LLA, NMID recognizes and agrees that the members of the LLA receive water from the water rights of NMID, currently through the Lindsey Lateral, pursuant to contractual rights and are not landowners of the District; and

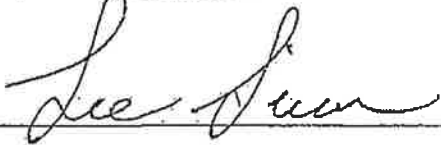
WHEREAS, as part of the said settlement of the issues with LLA, NMID further recognizes and agrees to continue to deliver water to the members of the LLA, depending on availability, from the water rights of NMID, through the Lindsey Lateral, pursuant to contracts so long as those contracts are in full force and effect.

NOW, THEREFORE, upon motion made by Mr. Lee Sisco and seconded by Mr. Monte Janicek, the Board of Directors of Nampa & Meridian Irrigation District adopts and approves this Resolution confirming the rights of the members of the LLA to continue to be delivered water, depending on availability, from the water rights of NMID, which are currently delivered

through the Lindsey Lateral, pursuant to contracts so long as those contracts remain in full force and effect.

Dated the 21 day of July, 2009.

NAMPA & MERIDIAN IRRIGATION DISTRICT

A handwritten signature in cursive script, appearing to read "Lee Sisco", written over a horizontal line.

Lee Sisco, Vice-President

ATTEST:

A handwritten signature in cursive script, appearing to read "Daren R. Coon", written over a horizontal line.

Daren R. Coon, Secretary/Treasurer

Candice M. McHugh, ISB No. 5908
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
101 South Capitol Boulevard, Suite 208
Boise, ID 83702
Telephone: 208-395-0011
Fax: 208-433-0167
cmm@racinelaw.net

Attorneys for Lindsey Lateral Association

RECEIVED

MAR 30 2009

DEPARTMENT OF
WATER RESOURCES

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

In Re: SRBA

Case No. 39576

Subcase Numbers: 63-198AJ, 63-
199B, 63-200B, 63-2392B, 63-2968
and 63-30181

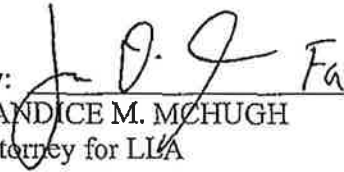
NOTICE OF SERVICE
OF DISCOVERY RESPONSES

COMES NOW, Lindsey Lateral Association ("LLA"), by and through its counsel of record, Racine, Olson, Nye, Budge & Bailey, Chartered, and pursuant to Idaho Rules of Civil Procedure, hereby gives notice that on the 27th day of March, 2009, LLA served its *Responses to Nampa & Meridian Irrigation District's First Set of Discovery Requests* upon Nampa & Meridian Irrigation District, by hand-delivering the original of the foregoing document to the following:

S. Bryce Farris
Ringert Law Chartered
455 S. Third Street
Boise, Idaho 83701-2773

DATED this 27th day of March, 2009.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By:  _____
CANDICE M. MCHUGH
Attorney for LIA

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of March, 2009, the above and foregoing document(s), was served by placing a copy in the U.S. Mail, postage prepaid and addressed to the following:

Clerk of the SRBA Court 253 Third Avenue North PO Box 2707 Twin Falls, ID 83302-2707	Original	
IDWR Repository PO Box 83720 Boise, ID 83720-0098		
United States Department of Justice Environment & Natural Resources Div 550 West Fort Street MSC 033 Boise, ID 83724		


CANDICE M. MCHUGH

*Rec'd from Bryce Farris
on 4/8/09.*

S. BRYCE FARRIS (ISB #5636)
RINGERT LAW CHARTERED
455 S. Third Street
P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Nampa & Meridian Irrigation District

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

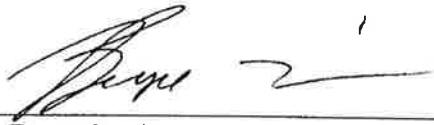
In Re SRBA	)	
	)	Subcase Nos. 63-198AJ, 63-199B,
	)	63-200B, 63-2392B, 63-2968 and 63-30181
Case No. 39576	)	
	)	NOTICE OF SERVICE OF
	)	NAMPA & MERIDIAN IRRIGATION
	)	DISTRICT'S FIRST SET OF DISCOVERY
	)	REQUESTS TO LINDSEY LATERAL
	)	ASSOCIATION

COMES NOW Nampa & Meridian Irrigation District, by and through its counsel of record, Ringert Law Chartered, and pursuant to Idaho Rules of Civil Procedure, hereby gives notice that on the 25th day of February, 2009, Nampa & Meridian Irrigation District's First Set of Discovery Requests to Lindsey Lateral Association, was served by depositing the original of the foregoing document via U.S. mail to the following:

Candice M. McHugh
Racine Olson Nye Budge & Bailey, Chtd.
101 S. Capitol Blvd., Suite 208
Boise, Idaho 83702

DATED this 25th day of February, 2009.

RINGERT LAW CHARTERED

By: 
S. Bryce Farris
Attorney for Nampa & Meridian
Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of February, 2009, I served a true and correct copy of the foregoing document by U.S. mail, postage pre-paid to the following:

Candice M. McHugh
Racine Olson Nye Budge
& Bailey, Chartered
101 S. Capitol Blvd., Suite 208
Boise, ID 83702
Fax: 433-0167

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

United States of America
U.S. Dept. of Justice
Environmental & Natl' Resources
550 West Fort Street, MSC 033
Boise, ID 83724


S. Bryce Farris

S. BRYCE FARRIS (ISB #5636)
RINGERT LAW CHARTERED
455 S. Third Street
P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Nampa & Meridian Irrigation District

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	)	
	)	Subcase Nos. 63-198AJ, 63-199B,
	)	63-200B, 63-2392B, 63-2968 and 63-30181
Case No. 39576	)	
	)	NAMPA & MERIDIAN IRRIGATION
	)	DISTRICT'S FIRST SET OF DISCOVERY
	)	REQUESTS TO LINDSEY LATERAL
	)	ASSOCIATION

INTRODUCTION

This document contains the interrogatories, requests for admissions, and requests for production being submitted to Lindsey Lateral Association for the above-referenced water rights. These interrogatories, requests for admissions, and requests for production are made pursuant to and are governed by Rules 26, 33, 34 and 36 of the Idaho Rules of Civil Procedure.

GENERAL INSTRUCTIONS

1. Unless otherwise indicated, these interrogatories, requests for admissions, and requests for production refer to water right nos. 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968 and 63-30181.
2. These interrogatories, requests for admission, and requests for production are deemed

continuing in nature, and your responses are to be supplemented as additional information and knowledge becomes available or known to you as provided in Rule 26(e) of the Idaho Rules of Civil Procedure.

3. Any reference herein to an individual, partnership, corporation, or other entity, shall include the present and past agents, employees, representatives, and assigns of that individual or entity.

4. If you withhold any information, in whole or in part, which is called for in and interrogatory or request for production on the ground that it is subject to attorney-client privilege or other privilege, identify each person or entity having knowledge of the bases for each claim of privilege or other objection.

5. If, for reasons other than alleged privilege, you do not provide a complete response to any interrogatory or request for production, state with respect to such interrogatory or request for production that a complete response is not provided and state the reason for the incomplete response.

6. Serve the original written answers to these interrogatories, request for admission, and responses to request with a copy of the notice of service on S. Bryce Farris, Ringert Law Chartered, P.O. Box 2773, Boise, Idaho 83701.

INSTRUCTIONS FOR INTERROGATORIES

1. Provide answers to these interrogatories within thirty (30) days of service by fully setting forth each interrogatory followed by an answer or objection to each interrogatory under oath in accordance with I.R.C.P. 33.

INSTRUCTIONS FOR ADMISSIONS

1. Provide answers to these request for admission within thirty (30) days of service by

fully setting forth each request for admission followed by an answer or objection to each request for admission under oath in accordance with I.R.C.P. 36.

INSTRUCTIONS FOR REQUEST FOR PRODUCTION

1. If you will make the original copies of the requested documents available at a subsequent time requested by NMID, upon reasonable notice, then the requests for production of documents may be satisfied by mailing a true, correct, and legible copy of each and every requested document to S. Bryce Farris, Ringert Law Chartered, P.O. Box 2773, Boise, ID 83701 within the prescribed time.

2. Each document requested to be produced shall be provided in a manner which preserves its sequential relationship with other documents being produced and shall include the file folder and folder tabs associated with its file location. If the file location is not apparent on the folder and tabs, the document shall be accompanied by information indicating from where the file was taken and such additional information as is necessary to enable NMID to determine the document's original pre-production location.

3. You are requested to provide a response within thirty (30) days of service in accordance with I.R.C.P. 34.

Definitions:

In answering these interrogatories and requests for production, all terms used retain their normal meaning. The following terms, in addition to their commonly understood definitions, shall have the following meanings:

- A. The term "NMID" refers to the Nampa & Meridian Irrigation District.
- B. The term "you" refers to Lindsey Lateral Association, its members, agents, representatives,

consultants, experts, attorneys or predecessors in interest.

C. The term “document” shall be defined in the broadest possible manner and shall, at a minimum, mean any original or copy of words or information, whether produced in original or copying form by printing, typing, recording, retrieval from electronic storage, manual reproduction, or other process regardless of the form. The term “document” includes, but is not limited to, writings, agreements, communication, correspondence, electronic mail messages, reports, telegrams, memoranda, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, diaries, records, maps, charts, plans, drawings, sketches, photographs, graphs, notes, summaries or records of meetings,, conferences or congressional hearings, summaries or reports of investigations or negotiations, opinions or reports of consultants, drafts of any document, phono-records, printouts from electronic storage or other data compilations from which information can be obtained or translated, if necessary, by the respondent through detection devices into reasonably usable form, marginal comments appearing on any document and all other writing.

D. The term “identify” means:

(1) as to documents, give the date of each such document, the addresser’s name, position, and address, the addressee’s name, position and address, any file, index or other identification number, title and general character of the document, and specify the name, address and position of the person or persons having custody and control thereof. Alternatively, the document may be appended to your answer.

(2) as to a person, or entity, give the full name, business address and telephone number,

home address and telephone number, the person's current employment, position and duties, and the person's educational background.

- (3) as to conversations, including telephone communications, or meetings give:
 - a. the date, place and time such communication occurred;
 - b. the identify of each and every person between whom the communication was transmitted, who was present or who participated in the conversation, and any other person(s) who have knowledge of such communication;
 - c. the place at which such communication occurred, or in the case of telephone conversations, the location of each party; and
 - d. a detailed statement of the substance of what was discussed or what actions were taken.
- (4) as to administrative, judicial, or congressional proceedings, give:
 - a. the caption of the proceeding;
 - b. the administrative or judicial tribunal or the name of the congressional committee or subcommittee, including the business address and phone number; and
 - c. the date(s) a witness provided testimony.

E. The term "relied," when used in a request for all documents relied upon in the preparation of an answer or response, refers not only to documents containing information supporting the answer or response, but also documents reviewed, obtained, or prepared by the Claimant or its employees, agents or contractors in the course of preparing its answer or response.

**INTERROGATORIES, REQUESTS FOR ADMISSION, AND
REQUESTS FOR PRODUCTION**

REQUEST FOR ADMISSION NO. 1: Please admit that Lindsey Lateral Association does not own any land and/or real property to which a water right is appurtenant.

INTERROGATORY NO. 1: If you deny, in whole or in part, Request for Admission No. 1, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 1: If you deny, in whole or in part, Request for Admission No. 1, please produce a true and correct copy of any documents which support your denial.

REQUEST FOR ADMISSION NO. 2: Please admit that Lindsey Lateral Association does not own any water rights.

INTERROGATORY NO. 2: If you deny, in whole or in part, Request for Admission No. 2, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 2: If you deny, in whole or in part, Request for Admission No. 2, please produce a true and correct copy of any documents which support your denial.

REQUEST FOR ADMISSION NO. 3: Please admit that Lindsey Lateral Association has not been assigned, transferred or conveyed any interest in a water right.

INTERROGATORY NO. 3: If you deny, in whole or in part, Request for Admission No. 3, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 3: If you deny, in whole or in part, Request for Admission No. 3, please produce a true and correct copy of any documents which support your

denial.

REQUEST FOR ADMISSION NO. 4: Please admit that the prior decreed water right no. 67 (renumbered to 63-199B) was decreed to NMID.

INTERROGATORY NO. 4: If you deny, in whole or in part, Request for Admission No. 4, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 4: If you deny, in whole or in part, Request for Admission No. 4, please produce a true and correct copy of any documents which support your denial.

REQUEST FOR ADMISSION NO. 5: Please admit that your objection and/or claim is based upon the Idaho Supreme Court decision of Scott v. Nampa & Meridian Irrigation District, 55 Idaho 672, 45 P.2d 1062 (1934).

INTERROGATORY NO. 5: If you deny, in whole or in part, Request for Admission No. 5, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 5: If you deny, in whole or in part, Request for Admission No. 5, please produce a true and correct copy of any documents which support your denial.

REQUEST FOR ADMISSION NO. 6: Please admit that attached hereto as Exhibit A is a true and correct copy of the agreement referenced in Scott v. Nampa & Meridian Irrigation District, 55 Idaho 672, 45 P.2d 1062 (1934) between Central Canal and Land Company and S. DeCoedt.

INTERROGATORY NO. 6: If you deny, in whole or in part, Request for Admission No. 6, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 6: If you deny, in whole or in part, Request for Admission No. 6, please produce a true and correct copy of any documents which support your denial.

REQUEST FOR ADMISSION NO. 7: Please admit that attached hereto as Exhibit B is a re-typed copy of the agreement referenced in Scott v. Nampa & Meridian Irrigation District, 55 Idaho 672, 45 P.2d 1062 (1934) between Central Canal and Land Company and S. DeCoedt.

INTERROGATORY NO. 7: If you deny, in whole or in part, Request for Admission No. 7, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 7: If you deny, in whole or in part, Request for Admission No. 7, please produce a true and correct copy of any documents which support your denial.

REQUEST FOR ADMISSION NO. 8: Please admit that paragraph III to Exhibits A and B states that "Said water shall be used only to irrigate the land herein described, to-wit: South ½ NE 1/4 & Lots 1 and 2 SEC. 1 T. 3 N. Range 1 East."

INTERROGATORY NO. 8: If you deny, in whole or in part, Request for Admission No. 8, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 8: If you deny, in whole or in part, Request for Admission No. 8, please produce a true and correct copy of any documents which support your denial.

REQUEST FOR ADMISSION NO. 9: Please admit that neither Lindsey Lateral Association nor any of its members own real property located in South ½ NE 1/4 & Lots 1 and 2

SEC. 1 T. 3 N. Range 1 East.

INTERROGATORY NO. 9: If you deny, in whole or in part, Request for Admission No. 9, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 9: If you deny, in whole or in part, Request for Admission No. 9, please produce a true and correct copy of any documents which support your denial.

REQUEST FOR ADMISSION NO. 10: Please admit that the Indenture/Agreement referenced in Scott v. Nampa & Meridian Irrigation District, 55 Idaho 672, 45 P.2d 1062 (1934) is not applicable claims and/or objections of Lindsey Lateral Association or its members.

INTERROGATORY NO. 10: If you deny, in whole or in part, Request for Admission No. 10, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 10: If you deny, in whole or in part, Request for Admission No. 10, please produce a true and correct copy of any documents which support your denial.

INTERROGATORY NO. 11: Set forth and describe the basis of Lindsey Lateral Association or its members' claim to ownership of decreed water right no. 67 (renumbered 63-199B).

REQUEST FOR PRODUCTION NO. 11: Produce all documents that evidence Lindsey Lateral Association or its members' claim to ownership of decreed water right no. 67 (renumbered 63-199B), including, but not limited to, any prior claims to ownership, applications for permit, licenses or decrees evidencing your ownership of decreed water right no. 67 (renumbered 63-199B).

INTERROGATORY NO. 12: Please identify each and every person whom you expect to call as a fact witness in the trial of this matter and state the substance of the facts upon which the person is expected to testify.

INTERROGATORY NO. 13: Please identify each and every person whom you know has knowledge about decreed water right no. 67 (renumbered 63-199B), your objection or your claim to water right no. 63-32000.

INTERROGATORY NO. 14: Please identify each and every person whom you expect to call as an expert witness in this matter. For each such person identify, please state the subject matter on which the expert is expected to testify, the substance of the opinions to which the expert is expected to testify, and the underlying facts and data upon which the expert opinions are based.

REQUEST FOR PRODUCTION NO. 12: Produce every document or tangible item that you intend to offer as an exhibit in the trial of this matter.

REQUEST FOR PRODUCTION NO. 13: For each person identified in your response to Interrogatory no. 14, please produce: (1) a curriculum vitae or resume, including a list of publications authored by that person, if any, as well as any other information which would demonstrate the person's knowledge or qualifications to state the facts or express the opinions to which the person is expected to testify; and (2) all documents containing or evidencing the underlying facts or data described in your response to Interrogatory No. 14.

INTERROGATORY NO. 15: Identify all persons who assisted in the preparation of the responses to these Interrogatories, Request for Admission and Requests for Production.

DATED this 25th day of February, 2009.

RINGERT LAW CHARTERED

By: 
S. Bryce Farris
Attorney for Nampa & Meridian
Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of February, 2009, I served a true and correct copy of the foregoing document by U.S. mail, postage pre-paid to the following:

Candice M. McHugh
Racine Olson Nye Budge
& Bailey, Chartered
101 S. Capitol Blvd., Suite 208
Boise, ID 83702
Fax: 433-0167

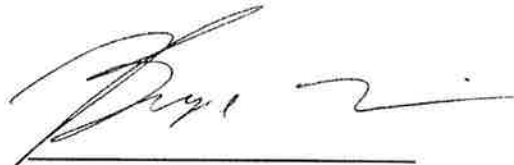

S. Bryce Farris

Exhibit A

Page 504
Book 14 of
Deeds.

... day ... the said ...
... "The Denver and Lead Company"
... the county of Ada; Territory of Idaho, party
... the first party, as a ...
... the second party, ...
... the stipulations herein contained, and the payments to be made as
... the sum of Three Hundred and Eighty
(\$380) Dollars in hand paid by the party of the second part, the
receipt of which is hereby acknowledged by said first party, the said
first party has granted, bargained, sold and conveyed, and by these
presents does hereby grant, bargain, sell, convey and confirm unto the
said second party his heirs or assigns, Two (2) Water Rights to the use
of said ... through the canal of said first party, each water
right ... of water per second of time, to be
conveyed on a weir, or in such other manner as said first
party may from time to time deem best, subject to the following
terms, covenants and stipulations, to all of which the said second
party, do for himself, his heirs, or assigns or administrators and assigns
agree: I. The said first party agrees to keep and
maintain said canal in good order and condition, and in case
of accident to, or breach in, or damage to the same, to repair
the injury occasioned thereby as soon as practicable and expedient.
II. The said second party, his heirs, executors, administrators or
assigns agree to pay said first party its successors or assigns on or
before the first day of May in each year hereafter, the sum of twelve
dollars on each water right covered by and granted by this Indenture
and Agreement, as assessment for the management and
maintenance of said canal, for the ensuing year, and the said
first party agrees to invest the right to establish and enforce
such ... conditions, and to provide and declare such
rules and regulations as it may deem necessary or expedient for
the purpose of maintaining and protecting said assessments, or any
part thereof, including the right under all circumstances to shut
off the water and keep it shut off until such assessment has been

paid. III. Said water shall be used only to irrigate the land herein described, to wit: Section 12 N. 2 E. 1 S. 1 T. 3 N. Range 10 W. containing 137 1/2 acres, and no other land, and for no other purpose, excepting for domestic purposes, during the irrigating season, and under no circumstances shall said water, or any portion thereof, be used for mining, milling, mechanical power, or for any other purpose not directly connected with or incidental to the purposes first herein mentioned. IV. The said second party or his or assigns shall not permit said water or any portion thereof to be furnished as aforesaid, to run to waste, but should any of said water run to waste from any cause whatever, then, and in that case, the party of the first part, shall have a right to go upon the lands as hereinafter provided in Section 4, and construct and maintain such canals or ditches as they may deem necessary to carry such water to any point or points, they may desire, and as soon as an sufficient quantity shall have been used for the purposes aforesaid, the said second party, his heirs or assigns, shall, in such manner as said first party may prescribe, notify the said first party that a portion or all of said water may be shut off, and shall also give said first party timely notice when the same shall be again needed for the purposes aforesaid, but in no case shall the amount of said water be taken or received at any time by said second party, his heirs or assigns exceed the quantity first herein mentioned. V. The said water shall be delivered by said first party into a lateral ditch or subsidiary canal provided by said second party and connected with the said first party's main canal or with a lateral or subsidiary canal of said first party, and the manner of delivery, measuring and regulating the supply to the said second party shall be prescribed by the said first party and shall at all times be under its control.

VI. It is hereby distinctly understood and agreed between the parties hereto that in case the canal of the said first party nearest to the land herein described shall be unable to carry and distribute a volume of water equal to its estimated capacity either from casual or unforeseen or unavoidable accidents, or if the volume of water prove insufficient from drought or other causes beyond the

that the said first party, said first party shall not be liable
for any damage or loss of property or of supply occasioned by
any of the said VII. This further and better the said first party
that, by reason of any damage or loss in the said section II.
supply of water shall be insufficient to furnish an amount equal to
the water demand provided by the said and made by said
first party, then in that case said first party shall have the right
to take such water as may be necessary and to charge said canal property
to be paid to the said first party under any grant or contract from said first
party, or for the purpose of selling, or to the said and to incur such
costs and expenses as it may deem necessary and expedient to
be at the risk of the said second party's property.

VIII. All the said party with the second party for himself and his heirs,
executors, administrators and assigns, agrees in consideration of the
said and said party, and of the premises, to waive,
quit and release, and to deliver with, remit and release any and
all claims or damages or loss or damage by reason of any water
supply or of any damage or loss, or from any reservoirs,
dams or works of the said first party, upon the lands adjacent
to any of the tract of land adjoining to said second party or in which
it is situated, any thing in any statute, law or resolution to the contrary
in that behalf made in consideration of said grant and conveyance
of water and of the premises and any grant, bargain, sell,
conveyance and conveyance, and to release the said first party
in successors and assigns forever, a right of way upon
said lands and over the said tract of land described, and any
and all lands belonging to said second party, for the purpose
of excavating, constructing and maintaining such portions of
the main, lateral and subsidiary canals of said first party,
as it may desire to construct, excavate, and maintain
upon said lands of land or any of them, with the right
at all times to engrave and dig upon said lands, to
construct, excavate, operate and maintain, and
keep in proper repair such canals.

IX. The said first party of the first part shall deliver said water

at said first party's side, the right of said canal and its
 extension to be the most beneficial and the most useful to the
 country and to the people of said water power and canal
 or navigation or existing canal, shall be paid to said
 second party, and it shall be the duty of said second party
 to make, dig, lay, place, and to other or any works thereon with
 its water power, and lands and to make the same for the said
 second party, shall be made and placed in position by said first party,
 but at the cost and expense of the said second party and the
 other parties jointly, who may be receiving water at the same time
 as said second party, and all other receiving water through the
 canal, shall be said canal shall be built in the manner of digging
 the same in good proportion. The said party of the first part shall
 have the right upon the ground of the party of the second part to dig
 with any of the alterations or provisions hereinafter provided, and liability
 or any time to be, such failure or default, to cease and
 to stop any water in the canal and to remove and
 the said party of the second part, his heirs, executors, administrators,
 or assigns consent and agree to and with said first party,
 his executors and assigns that he will convey unto said first
 party all rights and interests having granted and created without
 delay or hindrance, and so that said second party
 his heirs, executors, administrators or assigns may any time to
 comply strictly and literally with the conditions and stipulations
 hereinafter provided and set forth. In Witness whereof, the
 Central Canal and Land Company has caused these presents
 to be signed by its President and attested by its Secretary, and the
 said first party's attorney, and J. L. Coad, the second party
 has also caused these presents to be signed by its attorney and its
 witnesses.

The Central Canal and Land Company

Attest
 J. L. Coad
 Daniel Coad
 H. C. Transmitt

By E. Adams Knight
 President
 J. L. Coad

Exhibit B

EXHIBIT "A"

THIS INDENTURE and agreement made and entered into this second day of September, A. D., 1889, by and between "The Central Canal and Land Company", an Incorporated Company, duly incorporated under the laws of Wyoming, Territory, and doing business in the County of Ada, Territory of Idaho, party of the first part, and S. DeCloedt, of the County of Ada, Territory of Idaho, party of the Second Part, Witnesseth, That, in consideration of the stipulations herein contained, and the payments to be made as hereinafter specified, and of the sum of Twelve Hundred and Eighty (\$1280) Dollars in hand paid by the party of the second part, the receipt of which is hereby acknowledged by said first party, the said first party has granted, bargained, sold and conveyed, and by these presents does hereby grant, bargain, sell, convey and confirm unto the said second party his heirs or assigns, two (2) Water Rights to the use of water flowing through the canal of said first party, each water right representing one cubic foot of water per second of time, to be measured over a weir, or in such other manner as said first party may from time to time deem best, subject to the following terms, conditions and stipulations, to all of which the said second party do for himself and his heirs, executors or administrators and assigns agree: I. The said first party agrees on its part to keep and maintain said canal in good order and condition, and in case of accident to, or breach in, or damage to the same, to repair the injury occasioned thereby as soon as practicable and expedient. II. The said second party, his heirs, executors, administrators or assigns agree to pay said party its successors or assigns on or before the first day of May in each year hereafter, the sum of twelve dollars on each water right covered by and granted by

this Indenture and Agreement, as assessment for the management and maintenance of said canal for the ensuing year, and the said first party reserves to itself the right to establish and enforce such rules, by-laws and regulations, and to provide and declare such penalties and forfeitures as it may deem necessary or expedient for the purpose of enforcing and collecting said assessment, or any part thereof, including the right under all circumstances to shut off the water and keep it shut off until such assessment has been paid. III. Said water shall be used only to irrigate the land herein described, to-wit: South $\frac{1}{2}$ NE $\frac{1}{4}$ & Lots 1 and 2 SEC. 1 T. 3 N. Range 1 East, containing 159 65/100 acres, and no other land, and for no other purpose excepting for domestic purposes, during the irrigating season, and under no circumstances shall said water, or any portion thereof, be used for mining, milling, mechanical power, or for any other purpose not directly connected with or incident to the purposes first herein mentioned. IV. The said party of the second part his heirs or assigns shall not permit said water, nor any portion thereof, to be furnished as aforesaid, to run to waste; but should any of said water run to waste from any cause whatever, then, and in that case, the party of the first part, shall have a right to go upon the land as hereinafter provided in Section 9, and construct and maintain such canals or ditches as they may deem necessary to convey such water to any point or points, they may desire, and as soon as a sufficient quantity shall have been used for the purposes allowed, the said second party, his heirs or assigns, shall, in such manner as said first party may prescribe notify the said first party that a portion or all of said water may be shut off, and shall also give said first party timely notice when the same shall be again needed for the purposes aforesaid, but in no case shall the amount of said water be taken or

received at any time by said second party his heirs or assigns exceed the quantity first herein mentioned. V. The said water shall be delivered by said first party into a lateral ditch or subsidiary canal provided by said second party and connected with the said first party's main canal or with a lateral or subsidiary canal of said first party, and the manner of delivery, measuring and regulating the supply to the said second party shall be proscribed by the said first party and shall at all times be under its control. VI. It is hereby distinctly understood and agreed between the parties hereto that in case the canal of the said first party nearest to the land herein described shall be unable to carry and distribute a volume of water equal to its estimated capacity, either from casual or unforeseen or unavoidable accident, or if the volume of water proves insufficient from drought or other causes beyond the control of said first party, said first party shall not be liable in any way for the shortness or deficiency of supply occasioned by any of said causes. VII. It is further agreed between the parties hereto that if, by reason of any cause referred to in the foregoing Section the supply of water shall be insufficient to furnish an amount equal to all the water covered or included by the rents and grants made by said first party, then in that case said first party shall have the right to distribute such water as may flow into and through said canal pro rata, to all persons entitled thereto under any grant or contract from said first party; and for the purposes of so doing, may establish and enforce such rules and regulations as it may deem necessary and expedient to protect the rights of said second parties equally. VIII. And the said party of the second party for himself and his heirs, executors, administrators and assigns, agrees in consideration of the grant and conveyance of water aforesaid

and of the premises, to waive, remit and release, and do hereby waive remit and release any and all claim and claims for loss or damage by reason of any leakage, seepage or overflow from any canals or ditches, or from any reservoirs, lakes or laterals of the said first party, either upon the lands aforesaid or any other tract of land belonging to said second party or in which he is interested, any thing in any statute, law or resolution to the contrary notwithstanding, and in consideration of said grant or conveyance of water and of the premises does hereby grant, bargain, sell, convey and confirm, unto the said party of the first part, its successors and assigns, forever, a right of way upon and across and over the said tract of land described; and any and all tracts of land belonging to said second party, for the purpose of excavating, constructing and maintaining such portion of the main, lateral and subsidiary canals of said first party, as it may desire to construct, excavate, and maintain, upon said tracts of land, or any of them, with the right at all times to ingress and egress upon said lands, to construct, excavate, operate and maintain, and keep in proper repair such canals. IX. The said party of the first part shall deliver said water at such point or points along the line of said canal as it may determine to be the most practicable and the manner of withdrawing and regulating the supply of said water from said canal or any lateral or subsidiary canal, shall be prescribed by said first party, and it shall at all times be under its control. The headgates, boxes, flumes, weirs or other arrangements through which the water hereby granted and sold shall be drawn from the said canal, shall be made and placed in position by said first party, but at the cost and expenses of the said second party and the other parties jointly, who may be receiving water at the same place

as said second party and all others receiving water through the same outlet in said canal shall be liable for the expense of keeping the same in good repair. X. The said party of the first part shall have the right upon the failure of the party of the second part to comply with any of the stipulations or provisions herein provided, immediately or at any time during said failure or default, to refuse or cease to supply any water under this Indenture and Agreement, and the said party of the second part, his heirs, executors, administrators or assigns that he will surrender unto said first party all rights and interest hereby granted and created without delay or hindrance, and no Court shall relieve said second party, his heirs, executors, administrators or assigns from any failure to comply strictly and literally with the conditions and stipulations herein provided and set forth. In Witness of which The Central Canal and Land Company has caused these presents to be signed by its President and attested by its Secretary, with the seal of the corporation attached, and S. DeCloedt, the second party has also hereunto set his signature on the day and year first above written.

Attest Ed J. Churchill
Asst Secretary

THE CENTRAL CANAL AND LAND COMPANY

By Erasmus Nagle
President.

(SEAL)

S. DECLOEDT

Witness, Samuel Corson
H. C. Branstetter

Territory of Wyoming }
County of Laramie }

Be it remembered that on the 5th day of Sept. A. D. one thousand eight hundred and nine before me the undersigned, Samuel Corson a Notary Public in and for said County came Erasmus Nagle, President of The Central Canal and Land Company, who is personally known to me to be the same person whose name is subscribed to the foregoing deed, and acknowledged the same to be the act of the said The Central Canal and Land Company.

In Witness Whereof, I have hereunto set my hand and Notarial Seal the day and year last above written.

(SEAL)

Recorded at the request of S. DeCloedt Oct. 22nd 1889, at 12M.

Samuel Corson
Notary Public

S. B. Mann
Recorder

Randall C. Budge (ISB #1949)
Candice M. McHugh (ISB #5908)
Scott J. Smith (ISB# 6014)
Thomas J. Budge (ISB # 7465)
RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED
101 South Capitol Boulevard, Suite 208
Boise, ID 83702
Telephone: (208) 395-0011
Facsimile: (208) 433-0167

RECEIVED

JUN 30 2008

DEPARTMENT OF
WATER RESOURCES

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

In Re: SRBA	)	Subcase Nos. 63-198AJ, 63-199B,
	)	63-200B, 63-2392B, 63-2968 and
	)	63-30181
	)	MOTION TO FILE LATE
Case No. 39576	)	RESPONSES
	)	
	)	

COMES NOW Lindsey Lateral Association (hereinafter "LLA"), by and through its undersigned counsel of record, Racine Olson Nye Budge and Bailey, Chartered, and hereby files this Motion to File Late Response(s) to the water rights identified above. This motion is supported by the Affidavit of Candice M. McHugh filed contemporaneously herewith.

BACKGROUND

On June 15, 2007, Lindsey Lateral Association filed an objection to its water right no. 63-32000 without the assistance of counsel. Lindsey Lateral Association hired counsel prior to the initial hearing on its water right. At the initial hearing for subcase number 63-32000, held in Boise on May 31, 2008, it became apparent that there are overlapping technical and legal issues relating to the Lindsey Lateral Association's claimed place of use and the Nampa & Meridian Irrigation District's water right recommendations on the above listed subcases relating to the quantity and place of use elements, among others. The objection period for Basin 63, Part 3

ended on June 20, 2007 and the response period ended on August 20, 2007. Lindsey Lateral Water Users Association did not file any objection or responses to Nampa & Meridian Irrigation District's water rights at that time because it believed filing an objection to its own water right was sufficient.

On or about June 15, 2007, Nampa & Meridian Irrigation District filed objections and responses to the water rights listed above. Thus, these water rights are at issue and are scheduled for initial hearing on June 27, 2008.

ARGUMENT

Due to recently discovered facts, Lindsey Lateral Association seeks an order from the Court granting it leave to file responses in the subcases identified above. In subcases where partial decrees have not been entered by the court, the standard for filing late pleadings in subcases is determined by applying the "good cause" standard. The delay in filing the responses is not willful, will not prejudice the parties and the grounds supporting the filing of the late responses are meritorious.

First, Lindsey Lateral Association timely filed an objection to the disallowal of its water right no. 63-32000 believing that action was sufficient to bring all issues relating to its water right before the Court. However, because Lindsey Lateral Association is seeking a water right that overlaps with water rights owned by the Nampa & Meridian Irrigation District, in order to fully address the issues raised by its objection, it is necessary for Lindsey Lateral Association to participate in the above listed water rights held by Nampa & Meridian Irrigation District because the quantity element under Lindsey Lateral Association's claim may affect the quantity and place of use element under Nampa & Meridian Irrigation District's water rights.

Second, as soon as Lindsey Lateral Association became aware of the Nampa & Meridian Irrigation District objections and common issues at the hearing held May 30, 2008, it moved to

amend its claim which was granted. Lindsey Lateral Association must file its amended claim by June 30, 2008. Lindsey Lateral Association's amended claim will be claiming a portion of prior decreed right no. 67, which is currently recommended to the Nampa & Meridian Irrigation District and renumbered to 63-199B. Keeping in mind judicial economy, it is necessary for all issues relating to these overlapping subcases to be resolved together. There have been no substantive hearings in subcase nos. 63-198AJ, 63-199B, 63-2392B, and 63-2968 and the initial hearings for those subcases are scheduled for June 27, 2008.

Third, historical documents and information and conversations with IDWR personnel indicate that Lindsey Lateral Association or its members may be the owners of a portion of prior decreed water right no. 67 (renumbered to 63-199B) and that claim no. 63-32000 should be recommended to Lindsey Lateral Association.

Finally, Lindsey Lateral Association has started initial discussions with Nampa & Meridian Irrigation District and their counsel to fully investigate the issue but final resolution has not occurred. In order to protect Lindsey Lateral Association's position, it is necessary for them to become a party to Nampa & Meridian District's water rights through these late responses.

CONCLUSION

For the foregoing reasons, Lindsey Lateral Association respectfully requests that the court grant its Motion for Late Responses and accept for filing the response(s) attached hereto as Exhibit A.

DATED this 21st day of June, 2008.

RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED

By: 
CANDICE M. McHUGH

CERTIFICATE OF MAILING

I certify that a true and correct copy of the above **MOTION TO FILE LATE RESPONSE(S)** was served this 21st day of June, 2008, via United States mail with sufficient first-class postage to the following:

Clerk of the SRBA Court 253 Third Avenue North PO Box 2707 Twin Falls, ID 83302-2707	Original	
Natural Resources Division Chief State of Idaho Attorney General's Office.. PO Box 44449 Boise, ID 83711-4449		IDWR Repository PO Box 83720 Boise, ID 83720-0098
United States Department of Justice Environment & Natural Resources Div 550 West Fort Street MSC 033 Boise, ID 83724		S. Bryce Farris Daniel V. Steenson 455 S Third St PO Box 2773 Boise, ID 83701-2773
Lynn Tominaga, President Lindsey Lateral Association PO Box 2624 Boise, ID 83701-2624	<i>courtesy copy</i>	

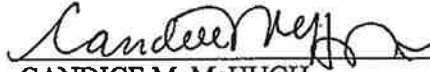

CANDICE M. McHUGH
Attorney

EXHIBIT A

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

In Re SRBA	)	A. Subcase Nos. 63-198AJ, 63-
	)	199B, 63-200B, 63-2392B, 63-
Case No. 39576	)	2968 and 63-30181
	)	(Insert water right number)
	)	
	)	STANDARD FORM 2
	)	RESPONSES TO OBJECTIONS

Please **print** or **type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Lindsey Lateral Association
Address: c/o Lynn Tominaga
President
P.O. Box 2624
Boise, ID 83701-2624

Daytime Phone: (208) 890-4014

Name & Address of Attorney, if any:

Candice M. McHugh
Racine Olson Nye Budge & Bailey, Chtd
101 South Capitol Boulevard, Suite 208
Boise, ID 83702
Telephone: 208-395-0011
Facsimile: 208-433-0167

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Nampa & Meridian Irrigation District
Address: c/o Bryce Farris, 455 S Third St, PO Box 2773,
Boise, ID 83701-2773

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
2. ☐ **Source**
3. ☐ **Quantity**
4. ☐ **Priority Date**
5. ☐ **Point(s) of Diversion**
6. ☐ **Instream Flow Description**
7. ☐ **Purpose(s) of Use**
8. ☐ **Period of Year**
9. ☒ **Place of Use**
11. **Recommendation:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

Lindsey Lateral Association provides water to its members located within the boundaries of the Nampa & Meridian Irrigation District under its own water right. Lindsey Lateral Association believes that a portion of its water right has been recommended to Nampa & Meridian Irrigation District in error. Lindsey Lateral Association has a claim that overlaps the place of use claimed by Nampa & Meridian Irrigation District and the place of use or other elements of Nampa & Meridian Irrigation District's water rights which are likely affected by Lindsey Lateral Association's claim, thus, Lindsey Lateral Association is filing this response to participate in these subcases.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.

County of Ada)

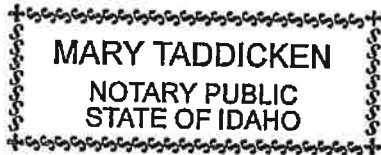
c/o Lindsey Lateral Association
Candice M. Mchugh, Esq., duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)

Candice M. Mchugh
(Attorney signing in representative capacity)
CANDICE M. MCHUGH

Subscribed and sworn to before me on this 27th day of June, 2008



Notary Public for Mary Taddicken
Residing at: Boise
My Commission Expires: 9-12-13

CERTIFICATE OF MAILING

I certify that on June 27, 2008, I mailed the original and copies of this late response, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the party who filed the objection at the following address:

S. Bryce Farris
455 S Third Street
PO Box 2773
Boise, ID 83701-2773

Lindsey Lateral Association
c/o Lynn Tominaga
PO Box 2624
Boise, ID 83701-2624

courtesy copy

3. Copies to:

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

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

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


CANDICE M. MCHUGH

Randall C. Budge (ISB #1949)
Candice M. McHugh (ISB #5908)
RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED
101 South Capitol Boulevard, Suite 208
Boise, ID 83702
Telephone: (208) 395-0011
Facsimile: (208) 433-0167

RECEIVED
JUN 30 2008
DEPARTMENT OF
WATER RESOURCES

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

In Re: SRBA	)	Subcase Nos. 63-198AJ, 63-199B,
	)	
Case No. 39576	)	63-200B, 63-2392B, 63-2968 and
	)	63-30181
	)	
	)	AFFIDAVIT OF CANDICE M MCHUGH
	)	IN SUPPORT OF MOTION TO FILE
	)	LATE RESPONSE(S)
	)	

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Candice M. McHugh, having been duly sworn upon oath, deposes and states as follows:

1. I am one of the attorneys providing legal services to Lindsey Lateral Association (hereinafter "LLA") for subcase number 63-32000.
2. I have knowledge of the facts in this matter and I make this affidavit based upon personal knowledge.
3. I make this affidavit in support of LLA's Motion to File Late Response(s).
4. On or about June 15, 2007, Lynn Tominaga, on behalf of LLA, filed an objection to subcase number 63-32000 since the water right claim had been recommended disallowed.
5. The objection period for Basin 63, Part 3 ended on June 20, 2007 and the response period ended on August 20, 2007.

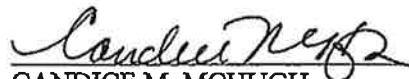
6. On or about May 23, 2008, our firm was consulted by LLA to provide legal representation in the SRBA District Court.

7. I attended the initial hearing in Boise on May 30, 2008 along with Lynn Tominaga for subcase number 63-32000.

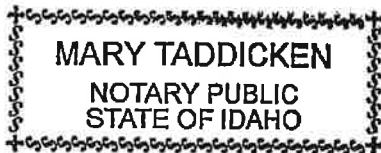
8. At the hearing, it was discussed, among other things, that it would be advantageous for LLA to be involved in Nampa & Meridian Irrigation District's subcases since the claimed place of use for LLA is overlapping with the irrigation district's boundary.

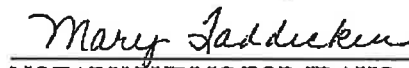
9. I understand that the Nampa & Meridian Irrigation District subcases, which are the subject of the Motion to File Late Response(s) are set for June 27, 2008.

Further your affiant sayeth naught.


CANDICE M. MCHUGH

SUBSCRIBED AND SWORN to before me this 27th day of June, 2008.




NOTARY PUBLIC FOR IDAHO
Residing at Boise, ID
My Commission Expires: 9-12-13

CERTIFICATE OF MAILING

I certify that a true and correct copy of the above **AFFIDAVIT OF CANDICE M. MCHUGH IN SUPPORT OF MOTION TO FILE LATE RESPONSE(S)** was served this day of June, 2008, via United States mail with sufficient first-class postage to the following:

Clerk of the SRBA Court 253 Third Avenue North PO Box 2707 Twin Falls, ID 83302-2707	Original	
Natural Resources Division Chief State of Idaho Attorney General's Office PO Box 44449 Boise, ID 83711-4449		IDWR Repository PO Box 83720 Boise, ID 83720-0098
United States Department of Justice Environment & Natural Resources Div 550 West Fort Street MSC 033 Boise, ID 83724		S. Bryce Farris Daniel V. Steenson 455 S Third St PO Box 2773 Boise, ID 83701-2773
Lynn Tominaga, President Lindsey Lateral Association PO Box 2624 Boise, ID 83701-2624	<i>courtesy copy</i>	


CANDICE M. McHUGH
Attorney

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 04:44
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____	)	SUBCASE NOS: 63-00198AJ 63-00199B
		63-00200B 63-02392B 63-02968
		63-30181

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

FRIDAY, JUNE 27, 2008 at 01:00 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

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

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

Settlement documents must be filed with the court by
JUNE 23, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

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

CERTIFICATE OF MAILING

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

NAMPA & MERIDIAN IRRIGATION
NAMPA & MERIDIAN IRRIGATION DI
DISTRICT
C/O RINGERT CLARK CHTD
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

NAMPA & MERIDIAN IRR DIST
Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

NAMPA & MERIDIAN IRRIGATION
Represented by:
S. BRYCE FARRIS
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

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

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

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

In Re SRBA) A. Subcase 63-198AJ
) (Insert water right no.)
Case No. 39576)
)
) **STANDARD FORM 1**
) **OBJECTION**
)

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NAMPA & MERIDIAN IRRIGATION DISTRICT
Address: 1503 First Street South
Nampa, Idaho 83651
Daytime Phone: 208-466-7861

Name & Address of Attorney, if any:
Daniel V. Steenson
S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

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

Name: Nampa & Meridian Irrigation District
Address: 1503 First Street South
Nampa, Idaho 83651

COPY

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See below.
10. ☐ **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION (S): The place of use as described in the digital boundary does not include, but should include, certain lands located in Section 30 of Township 4 North, Range 1 West, B.M.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

S. Bryce Farris, duly sworn, upon oath, deposes and says:

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

S. Bryce Farris

Subscribed and sworn to before me on:

June 14, 2017



Notary Public for

Residing at:

My Commission Expires: _____

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on ^{June}~~May~~ 14, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Nampa & Meridian Irrigation District

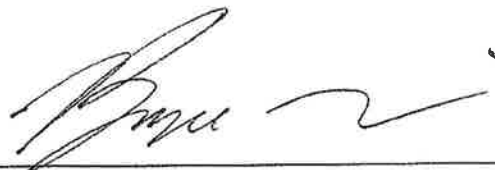
Address: 1503 First Street South
Nampa, Idaho 83651

3. Copies to:

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



Signature of Objector or attorney
mailing on Objector's behalf



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

October 31, 2006

NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK CHTD
ATTN DAN STEENSON
PO BOX 273
BOISE ID 83701-2773

Re: Snake River Basin Adjudication (SRBA)
Preliminary Recommendations #63-198AJ, 63-199B, 63-200B and 63-30181

Dear Mr. Steenson,

The points you made in your letter dated September 28, 2006, and in the subsequent Notice of Error for each of the above referenced water right recommendations have been addressed. I want to thank you, Dan, for the careful review you made for the value added that contributed to the quality of the IDWR report to the Court later this year.

You will notice at the outset on the enclosures many of the remarks or conditions formerly in Explanatory Material have been moved and associated with elements of the water right recommendations. Your attention to the Explanatory Material was well spent considering the revised descriptions of the recommendations.

The triangular parcel Darren Coon identified has been added to the boundary for NMID. The volume quantity for the Green Ranch diversion has been modified consistent with the condition in the Transfer 69594. You will notice the Total Acres for NMID has been adjusted by 28 acres to 69, 495 acres in each of the recommendations enclosed. You can expect to see the same Total Acres in each of the NMID water rights that will be recommended to the Court in December.

The recommendation for 63-30181 was modified consistent with Transfer 69594 to have a consistent statement regarding the authorized rate of flow for the Surprise Valley diversion.

I think you will find the order of the remarks consistent among the revised recommendations.

SCANNED

OCT 31 2006

Nampa & Meridian Irrigation District
October 31, 2006
Page 2 of 2

IDWR will go forward in the recommendations with respect to the Surprise Valley place of use remark consistent with the conditions of the amended transfer taking notice of your thoughts with respect to I.C. § 43-335. The conditions in the amended transfer issued December 21, 2005, were the result of extensive review and input from NMID and are appropriate in their entirety in the recommendations to the Court.

I have enclosed the Preliminary Recommendations you received earlier with highlighting to denote the changed items noted above. The revised recommendations are correspondingly highlighted for those changes with the objective to speed the review for you and save you time.

As always, Dan, working with you results to the benefit of your client and the State for administering water rights. Thank you for doing no small part.

Sincerely,



Donald V. Shaff, MPA
Adjudication Bureau Chief

Enclosures

SCANNED

OCT 31 2006

10/26/2006

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

RIGHT NUMBER: 63-198AJ

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK CHTD
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773

SOURCE: BOISE RIVER
MORES CREEK

TRIBUTARY: SNAKE RIVER
TRIBUTARY: BOISE RIVER

QUANTITY: 0.400 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion and the Green Ranch diversion must also be reduced by an equivalent proportion.

The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.

The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Surprise Valley Diversion shall not exceed a combined total of 20.34 cfs.

The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those 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 purposes. This condition shall not be the field headgate for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

PRIORITY DATE: 06/01/1877

Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and its tributaries.

10/26/2006

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

POINT OF DIVERSION:

T02N R03E S4 NWNE Lot 6 Within ADA County
T03N R03E S29 NWSW Lot 6 Within ADA County
T05N R04E S35 SWNE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.400 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE:

69495 ACRES TOTAL

This right when combined with Right Nos. 63-199B, 63-200B, 63-2392B, 63-2968 and 63-30181 can be used to irrigate up to 69,467 acres within the boundary of the Nampa Meridian Irrigation District.

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

The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and groundwater recharge purposes divided by 0.0156 cfs/acre.

This right is limited to the irrigation of 40 acres within the authorized place of use.

10/26/2006

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

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.

The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch diversion on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.

Prior to March 15 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and groundwater recharge purposes at the Surprise Valley diversion. Use of water under those rights each year shall not exceed the reported amounts.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.

Prior to diversion of water under transfer approval 5273 and 69594, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.

The right holder shall accomplish the change authorized by transfer 69594 within one (1) year of the date of approval.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

This right is designated as No. 65 in the Stewart Decree and the Boise Water Distribution Report.

Meeting w/ Nampa Meridian ID
2/3/05

John Anderson, Darren Coon, Charlie Hansinger,
Nick Spencer, Becky Harvey, Melanie Vining, Dave Tuttle

1. Discussed Linsy Water Users claim
NMID will amend boundary to cover those lands
2. Discussed need for acreage count
NMID knows they need to determine acreage

TOWNSHIP	RANGE	SECTION	ACRES	RENTAL ROLL ACRES	ACRES ANNEXED INTO TAX ROLL	COMMENTS
2N	1W	2	80.00			
2N	1W	3	480.84			
2N	1W	4	639.56			
2N	1W	5	618.42			(0.7-7.3-2.7-4.6-6.1-1.2)=railroad
2N	1W	6	599.72			
2N	1W	7	621.94			
2N	1W	8	575.90			
2N	1W	9	394.11			
2N	1W	10	75.00			
2N	1W	17	47.50			
2N	1W	18	313.60			
2N	2W	1	654.46			
2N	2W	2	556.62			
2N	2W	3	510.00			
2N	2W	4	136.16			
2N	2W	5	7.80			
2N	2W	6	0.80			
2N	2W	7	68.46			Question BoR--land under Lake Lowell irrigated(586.08a) transferred to NY Canal
2N	2W	8	12.20			
2N	2W	9	80.00			
2N	2W	10	285.10			
2N	2W	11	561.89			
2N	2W	12	565.20			
2N	2W	13	307.40			boundary change over time
2N	2W	14	559.50			
2N	2W	15	615.20			
2N	2W	16	469.80			
2N	2W	17	301.80			
2N	2W	18	333.00			
2N	2W	19	200.00			
2N	2W	20	631.50			
2N	2W	21	546.10			
2N	2W	22	200.00			
2N	2W	23	227.80			
2N	2W	28	237.00			
2N	2W	29	40.00			
2N	3W	1	32.10			
2N	3W	2	2.50			
2N	3W	3	155.03			

TOWNSHIP	RANGE	SECTION	ACRES	RENTAL ROLL ACRES	ACRES ANNEXED INTO TAX ROLL	COMMENTS
2N	3W	4	263.84			
2N	3W	5	151.62			
2N	3W	12	3.00			
3N	1E	1	480.00	160.00		
3N	1E	2	636.44			
3N	1E	3	640.00			
3N	1E	4	320.00	320.00		Rental
3N	1E	5	640.00			
3N	1E	6	600.00			
3N	1E	7	640.00			
3N	1E	8	615.60			
3N	1E	9	295.98	320.00		
3N	1E	10	622.14			
3N	1E	11	631.00			
3N	1E	12	617.79			
3N	1E	13	119.40			
3N	1E	14	535.00			
3N	1E	15	640.00			
3N	1E	16	640.00			
3N	1E	17	480.00			
3N	1E	18	614.20			
3N	1E	19	514.34			
3N	1E	20	622.30			
3N	1E	21	640.00			
3N	1E	22	640.00			
3N	1E	23	472.50			1952 transfer of water
3N	1E	24	80.00			
3N	1E	27	40.00			
3N	1E	28	212.40			
3N	1E	29	634.90			
3N	1E	30	394.55			
3N	1E	32	179.60			
3N	1E	33	140.00			
3N	1W	1	642.50			
3N	1W	2	563.52			
3N	1W	3	645.44			
3N	1W	4	646.60			
3N	1W	5	523.60			boundary change over time, SWNE now in
3N	1W	6	629.49			

TOWNSHIP	RANGE	SECTION	ACRES	RENTAL ROLL ACRES	ACRES ANNEXED INTO TAX ROLL	COMMENTS
3N	1W	7	546.68			
3N	1W	8	609.37			
3N	1W	9	612.38			
3N	1W	10	605.00			
3N	1W	11	614.10			
3N	1W	12	640.00			
3N	1W	13	639.10			
3N	1W	14	640.00			
3N	1W	15	613.60			
3N	1W	16	611.00			
3N	1W	17	613.20			
3N	1W	18	632.02			
3N	1W	19	625.92			
3N	1W	20	487.60			
3N	1W	21	609.90			
3N	1W	22	566.50			
3N	1W	23	611.60			
3N	1W	24	629.50			
3N	1W	25	80.00			
3N	1W	27	160.00			
3N	1W	28	632.40			
3N	1W	29	640.00			
3N	1W	30	624.62			
3N	1W	31	606.34			
3N	1W	32	640.00			
3N	1W	33	640.00			
3N	1W	34	573.50			
3N	1W	35	120.00			
3N	2E	5	119.62			
3N	2E	6	624.03			
3N	2E	7	640.00			
3N	2E	8	0.00	640.00		Rental
3N	2E	9	108.24	67.13	8.00	
3N	2E	15	0.00	28.71		
3N	2E	16	0.00	11.12		
3N	2E	17	203.64	436.36		Rental
3N	2E	18	335.00			
3N	2E	22	0.00	37.50		
3N	2E	23	0.00	333.00		

TOWNSHIP	RANGE	SECTION	ACRES	RENTAL ROLL ACRES	ACRES ANNEXED INTO TAX ROLL	COMMENTS
3N	2E	24	0.00	112.80		
3N	2E	25	0.00			
3N	2E	26	0.00	128.00	10.48	
3N	2W	1	0.00	40.00		
3N	2W	11	37.40			
3N	2W	12	261.13			
3N	2W	13	462.10			
3N	2W	14	534.10			
3N	2W	15	54.00			
3N	2W	19	382.96			
3N	2W	20	380.00			
3N	2W	21	505.00			
3N	2W	22	38.68			
3N	2W	23	614.00			
3N	2W	24	640.00			
3N	2W	25	624.00			
3N	2W	26	625.30			
3N	2W	28	630.00			10 not in district
3N	2W	29	640.00			major roads?
3N	2W	30	535.00			
3N	2W	31	62.50			
3N	2W	32	529.40			(3.3-2.6-1.4-.1-1.8-2.8)= canal
3N	2W	33	620.00			
3N	2W	34	632.20			
3N	2W	35	640.00			
3N	2W	36	606.80			
3N	3W	10	80.00			
3N	3W	11	40.00			
3N	3W	13	25.00			
3N	3W	14	455.00			
3N	3W	19	42.00			
3N	3W	20	0.00			
3N	3W	21	0.00			
3N	3W	23	348.90			
3N	3W	24	303.25			
3N	3W	25	545.60			
3N	3W	26	183.50			
3N	3W	29	160.00			
3N	3W	32	73.70			

TOWNSHIP	RANGE	SECTION	ACRES	RENTAL ROLL ACRES	ACRES ANNEXED INTO TAX ROLL	COMMENTS
3N	3W	33	138.00			
3N	3W	34	0.00			
3N	3W	35	0.00			640-120 NMID records?
3N	3W	36	65.69			
3N	4W	1	477.91			
3N	4W	10	159.30			
3N	4W	11	313.43			
3N	4W	12	160.00			
3N	4W	13	311.30			
3N	4W	24	155.00			
4N	1E	25	67.88			
4N	1E	26	266.00			
4N	1E	31	160.00			
4N	1E	34	510.00			
4N	1E	35	480.00	160.00		
4N	1E	36	600.00			
4N	1W	19	0.00	15.94		
4N	1W	20	0.00	68.35		
4N	1W	28	0.00	320.00		
4N	1W	29	0.00	640.00		
4N	1W	30	0.00	155.37		
4N	1W	31	385.90	47.80		
4N	1W	32	425.00	40.00		
4N	1W	33	379.00	63.55		
4N	1W	34	332.50			
4N	1W	35	240.00			
4N	1W	36	200.00			
4N	2E	31	200.96			

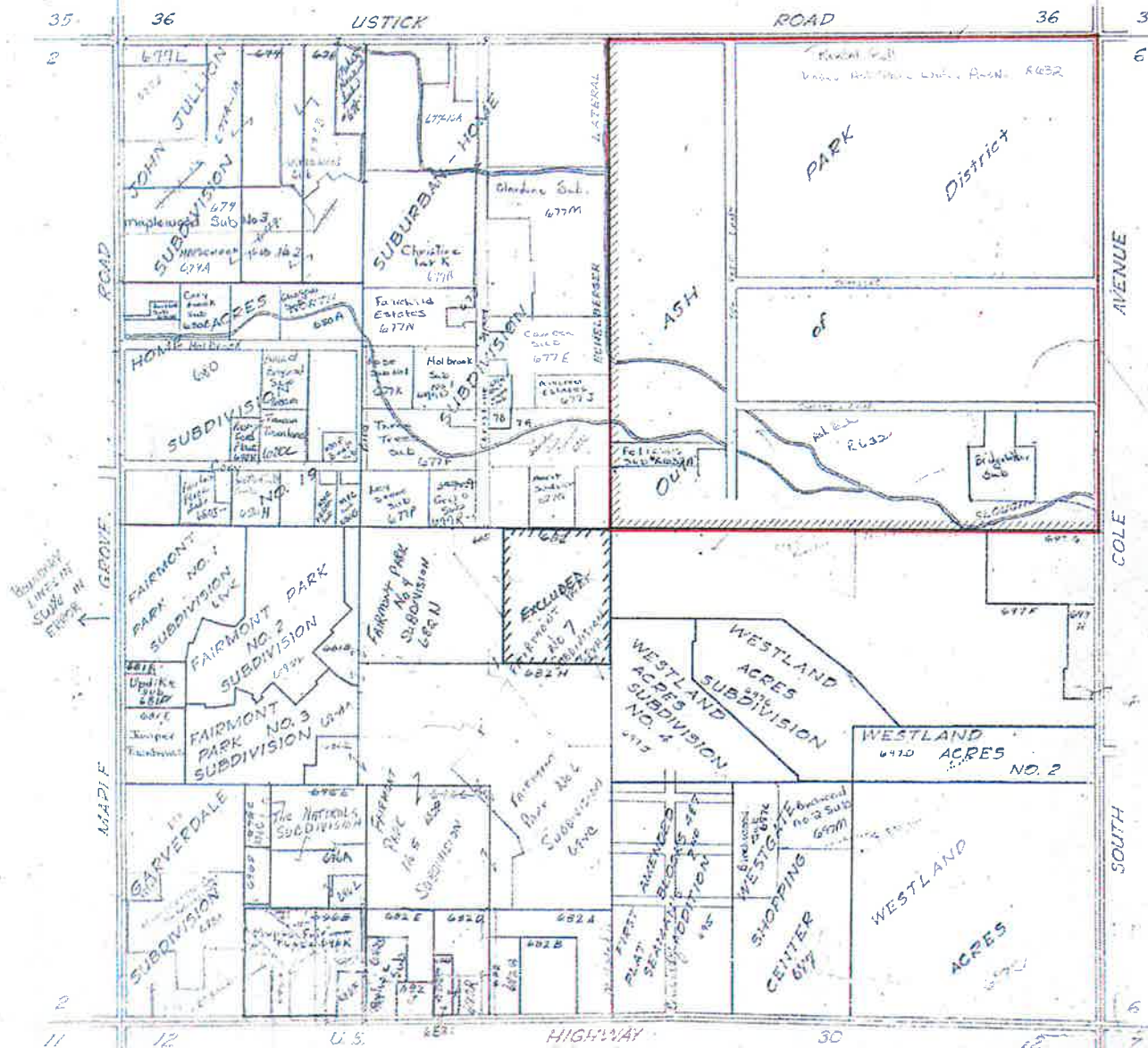
Total Acres			67146.01	4145.63	18.48	Take Ridenbaugh Canal out
						Take major roads out (30 ft buffer would be 960 acres)
						Show water delivered by 1987

4127.15	FINAL RENTAL ROLL ACRES
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SECTION 1, T.3N., R.1E.

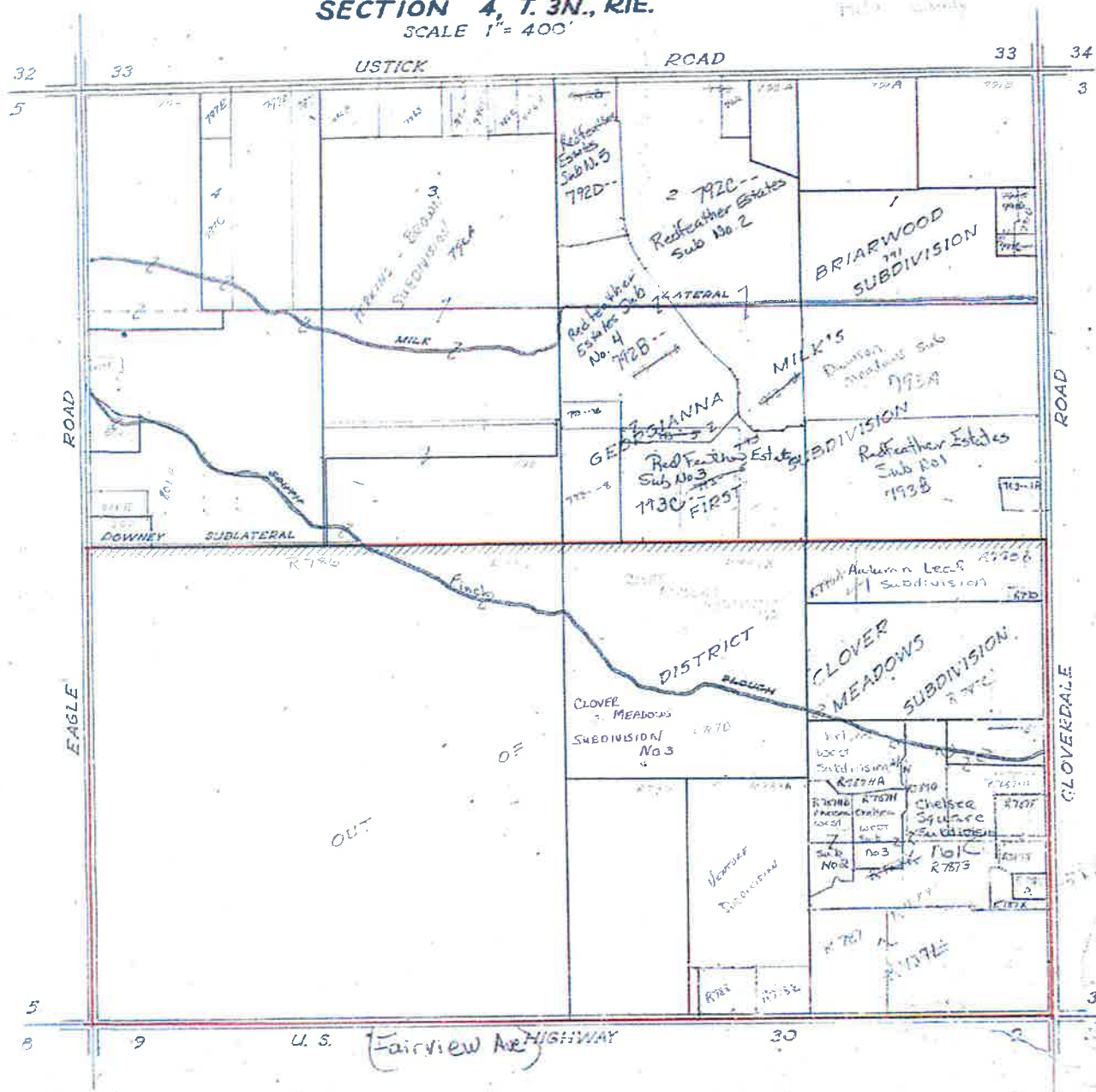
SCALE 1" = 400'

1



SECTION 4, T. 3N., R. 1E.
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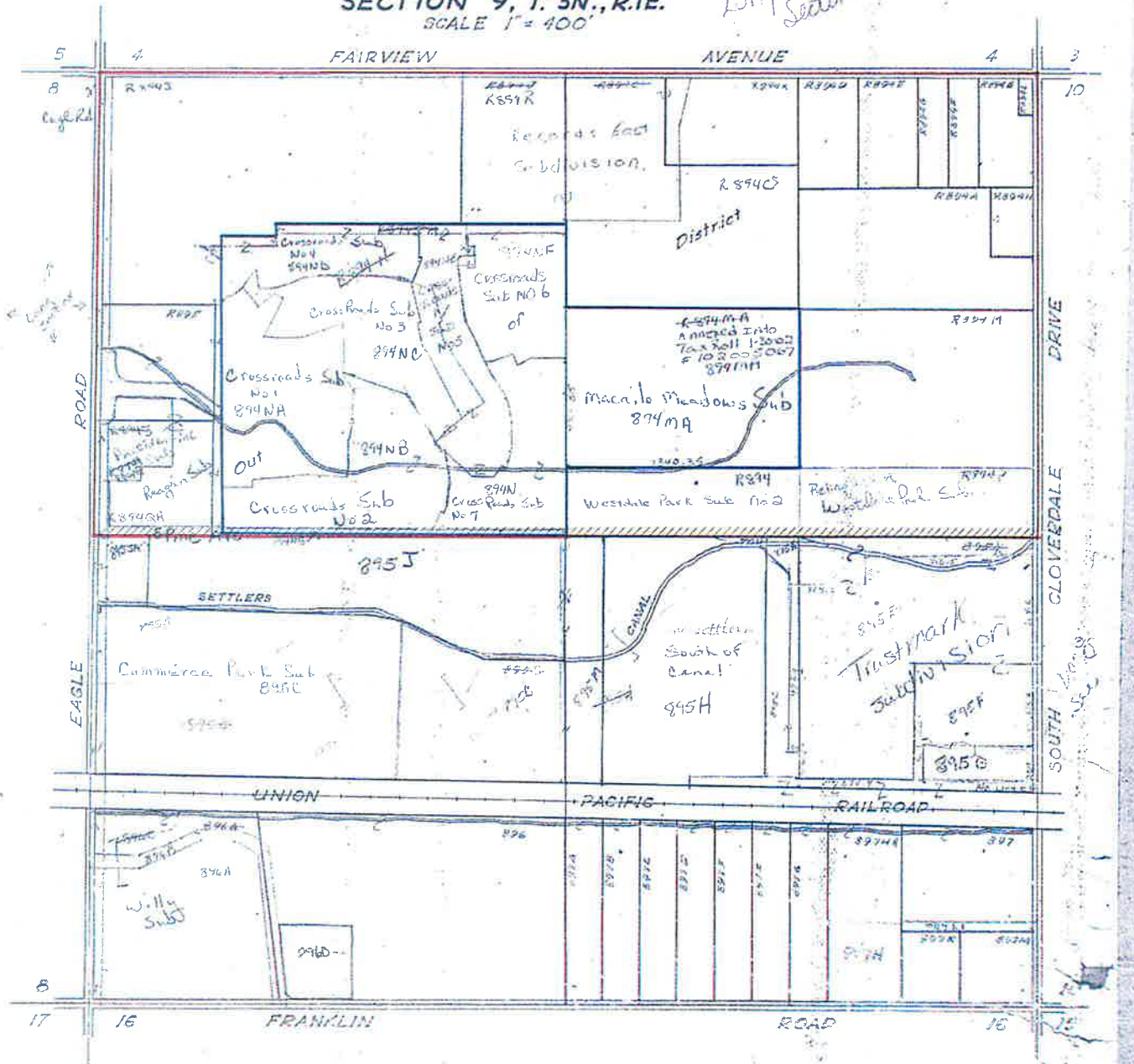


SECTION 9, T. 3N., R. 1E.

SCALE 1" = 400'

Long Section

3



4

Red Army

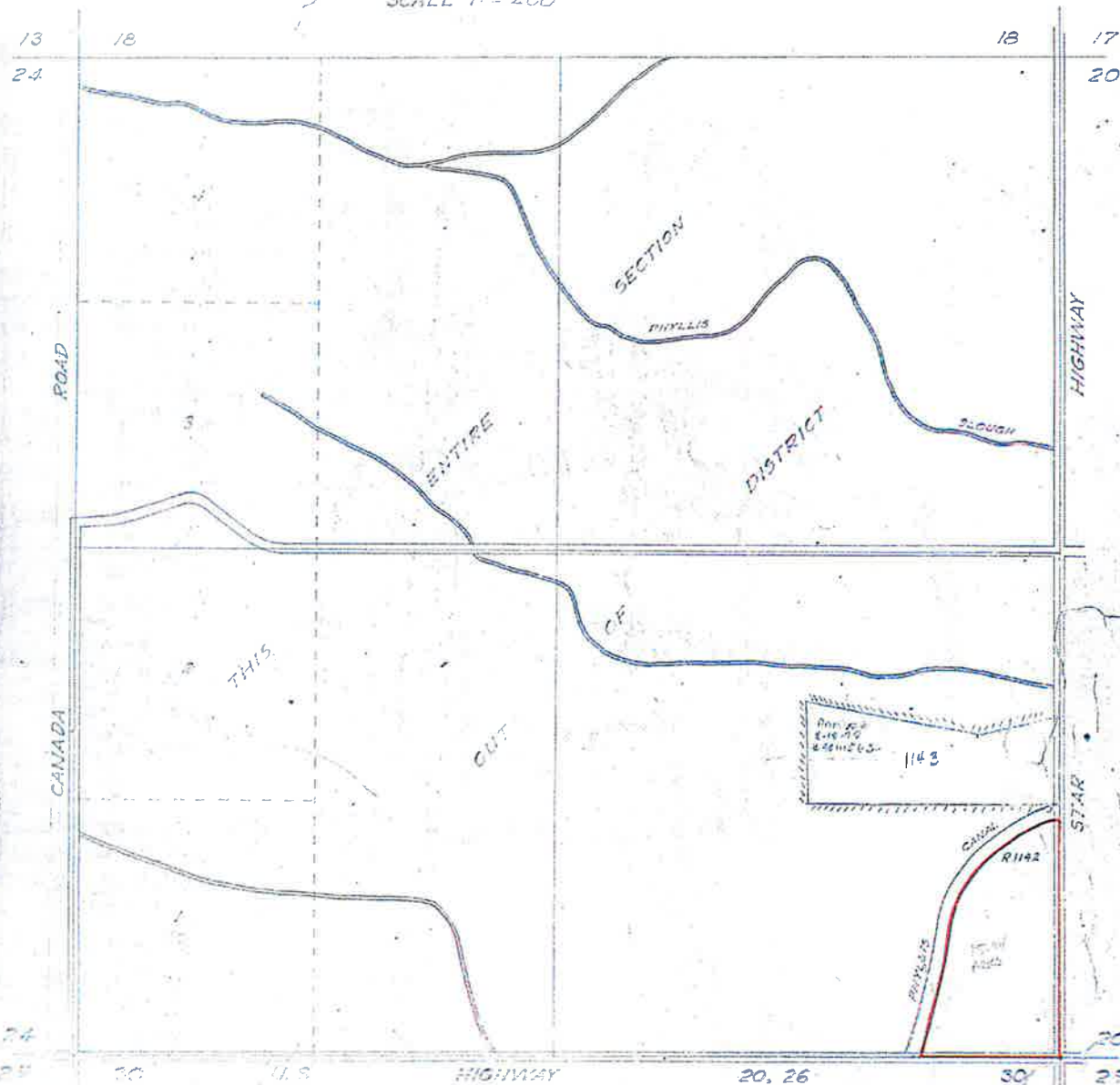


SECTION 19, T.4N., R.1W.

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Ada County

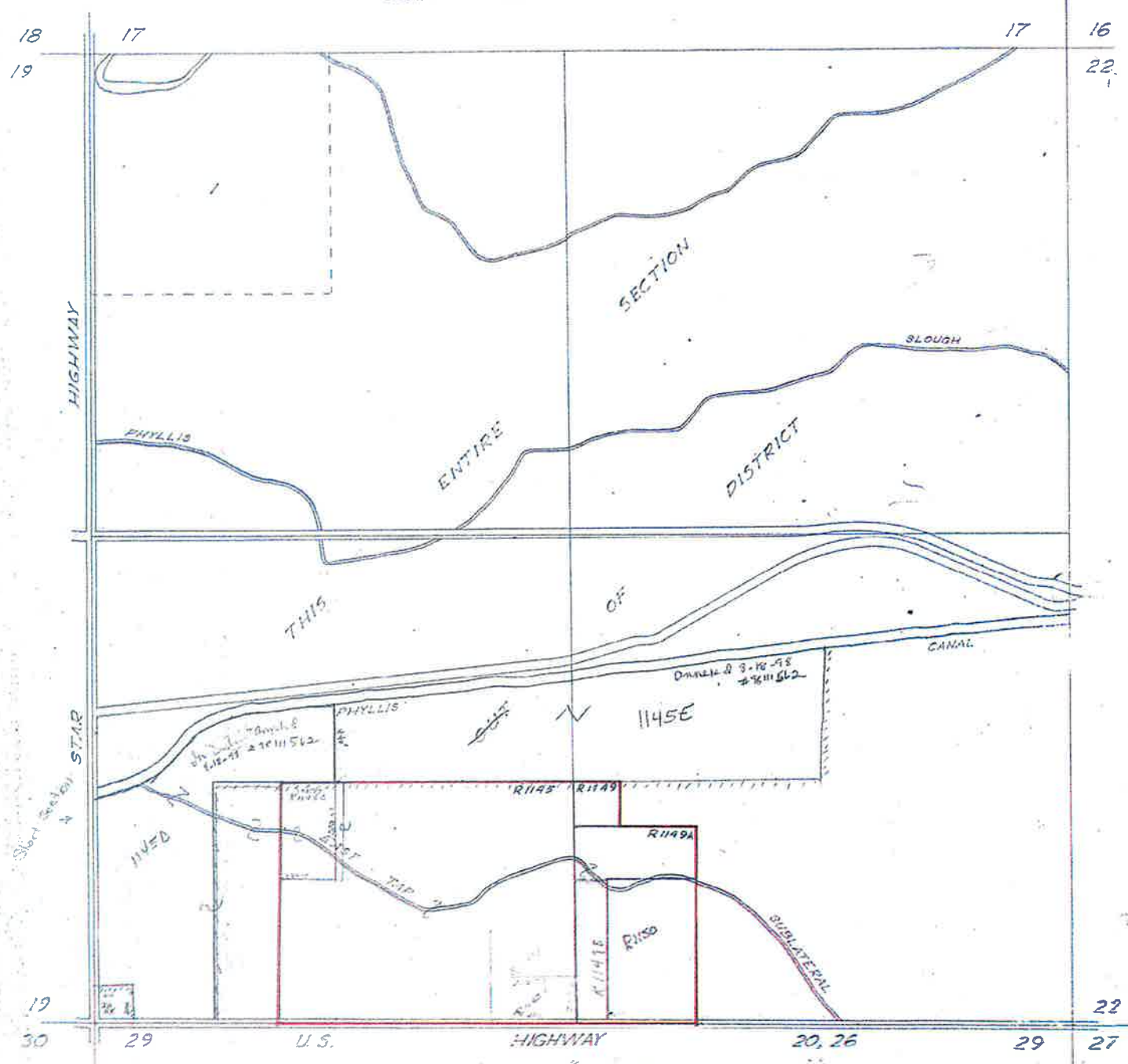
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SECTION 20, T.4N., R.1W.
SCALE 1" = 400'

HONOLULU COUNTY

6

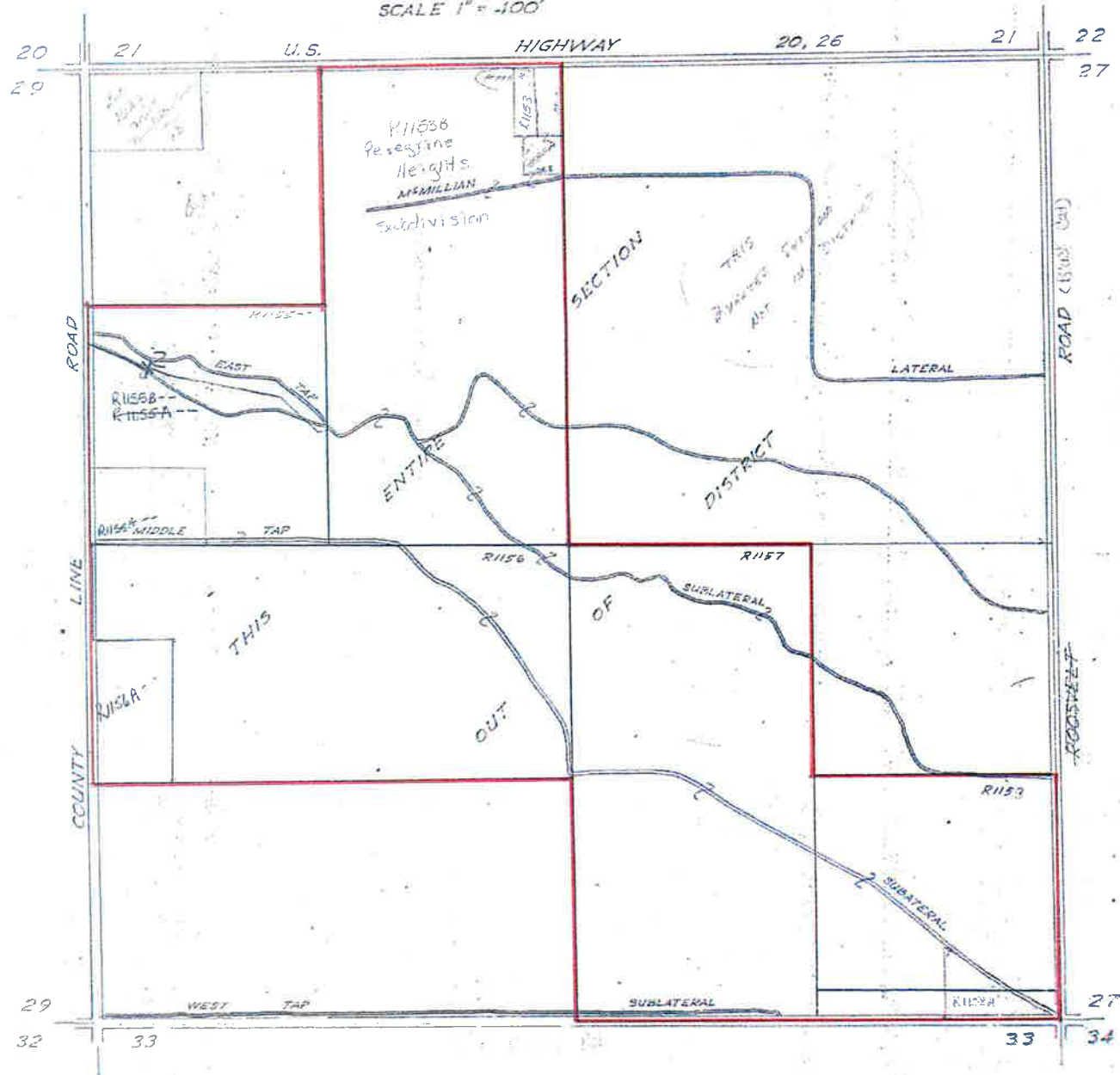


Only 2000 ft. Across

1145E
1145D
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1145AS
1145AT
1145AU
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1145AW
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1145CI
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1145CP
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1145FB
1145FC
1145FD
1145FE
1145FF
1145FG
1145FH
1145FI
1145FJ
1145FK
1145FL
1145FM
1145FN
1145FO
1145FP
1145FQ
1145FR
1145FS
1145FT
1145FU
1145FV
1145FW
1145FX
1145FY
1145FZ
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1145IA
1145IB
1145IC
1145ID
1145IE
1145IF
1145IG
1145IH
1145II
1145IJ
1145IK
1145IL
1145IM
1145IN
1145IO
1145IP
1145IQ
1145IR
1145IS
1145IT
1145IU
1145IV
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1145JN
1145

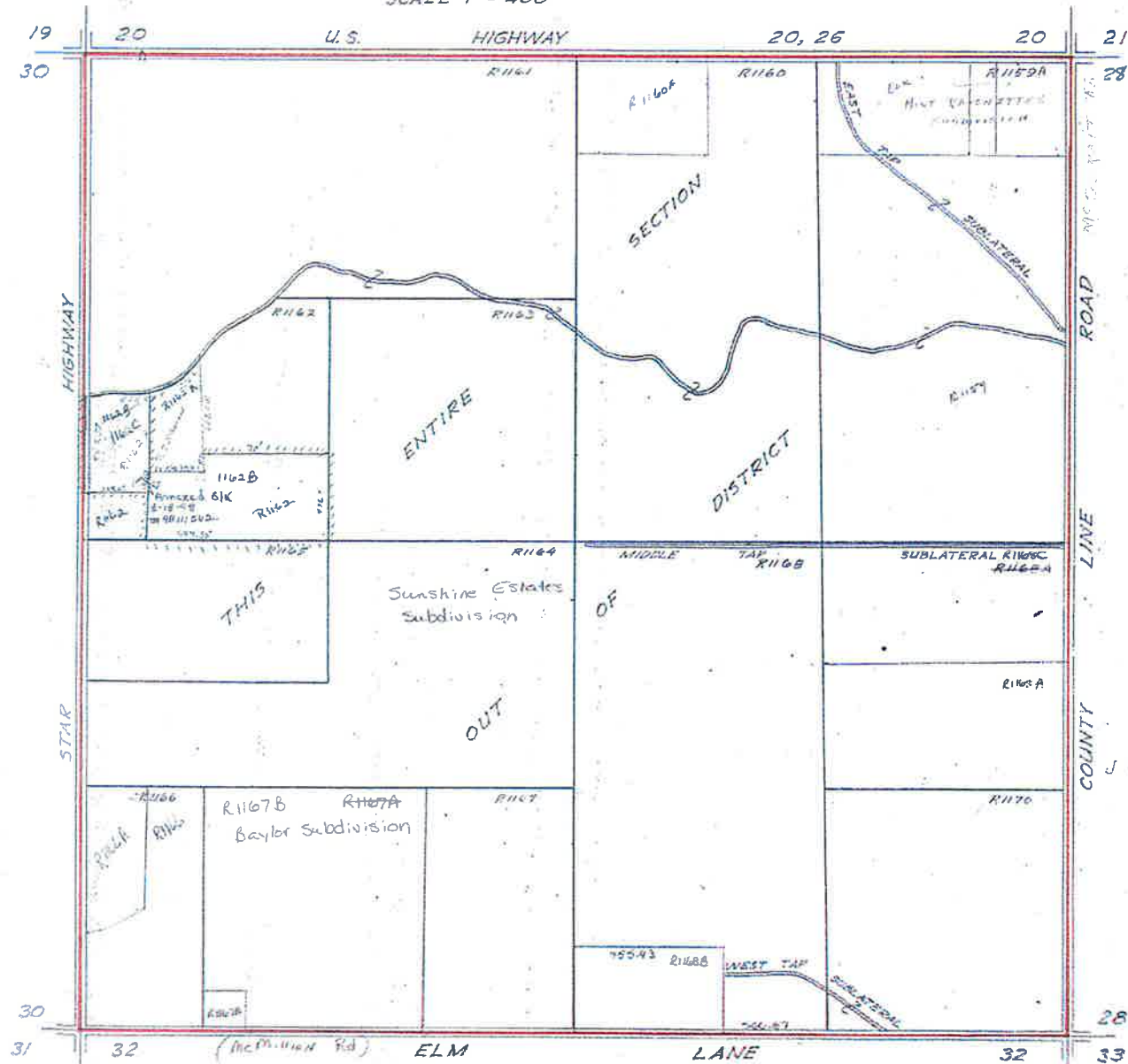
107

7



Red County

SCALE 1" = 400'

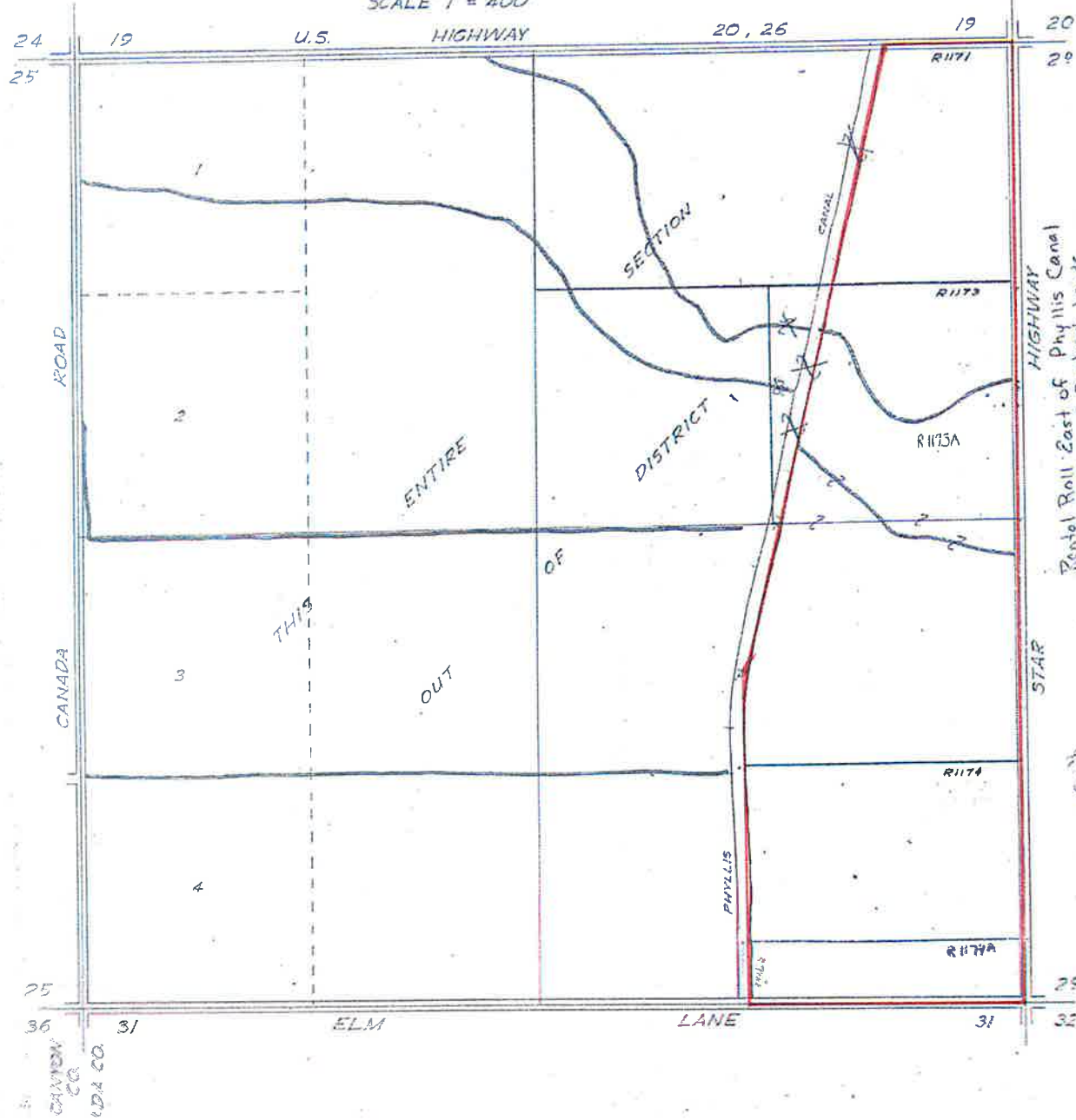


SECTION 30, T.4N., R.1W.

SCALE 1" = 400'

Eda County

9



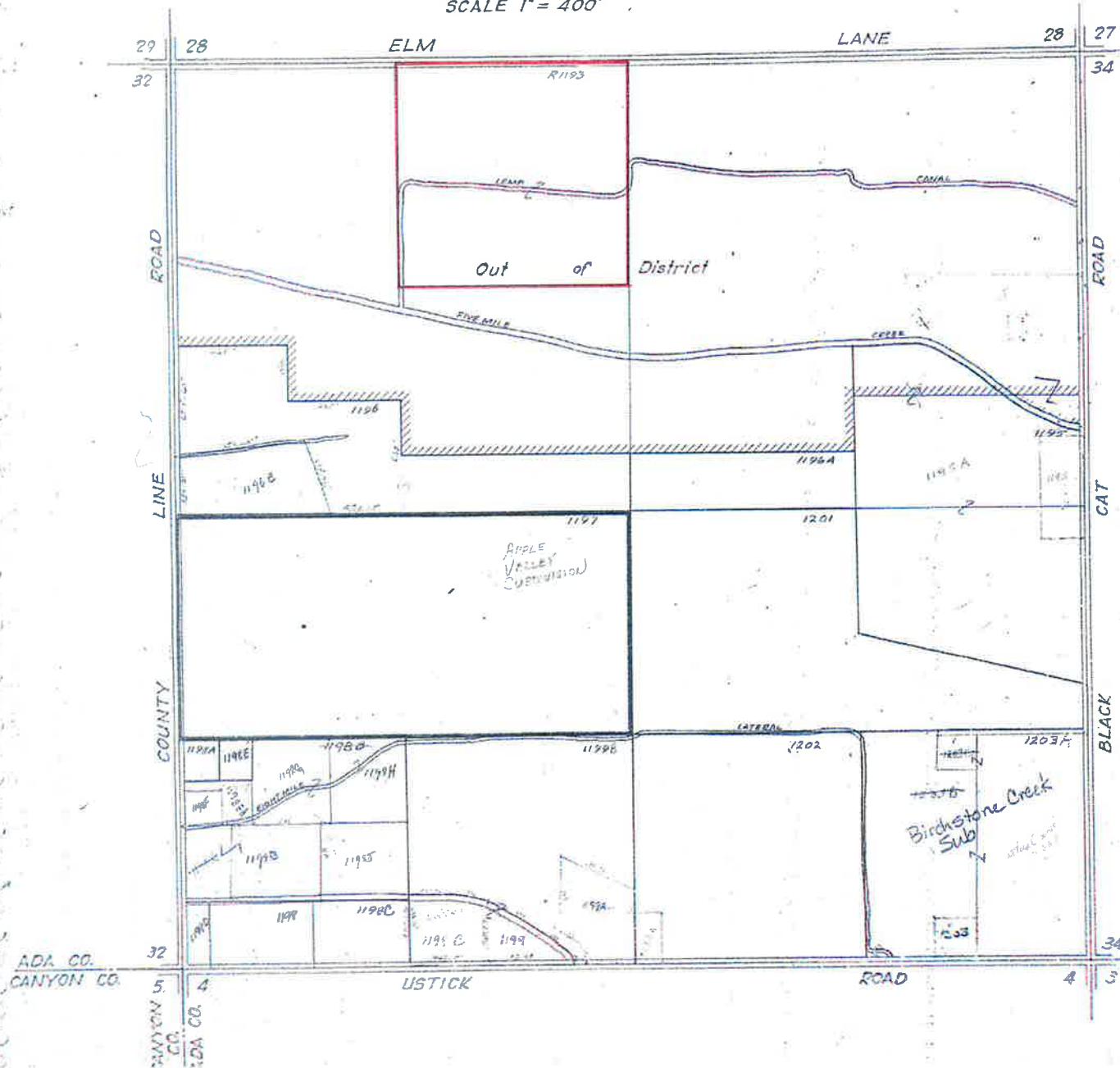
10

CANYON
CO.

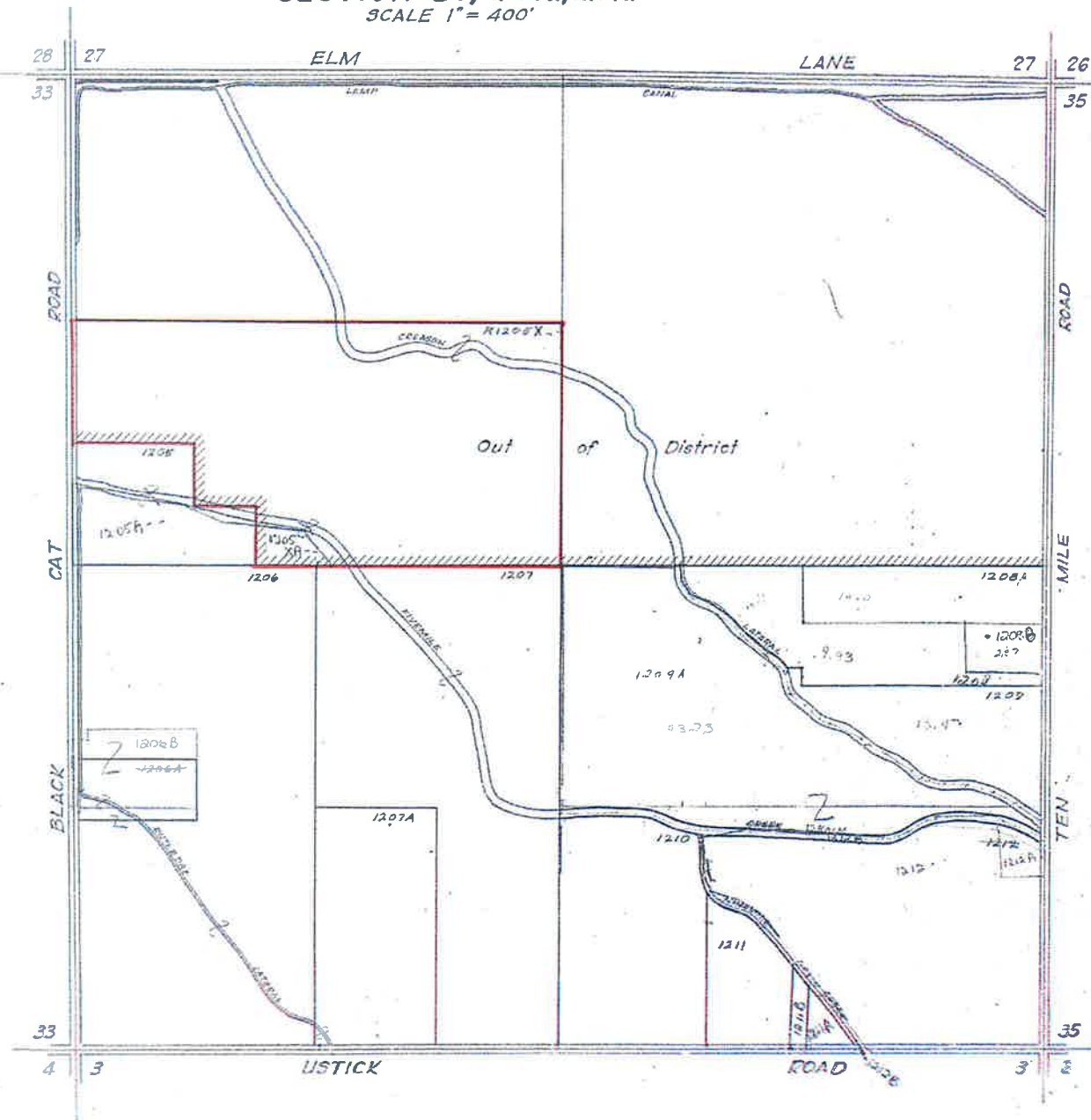


Ada

SCALE 1" = 400'

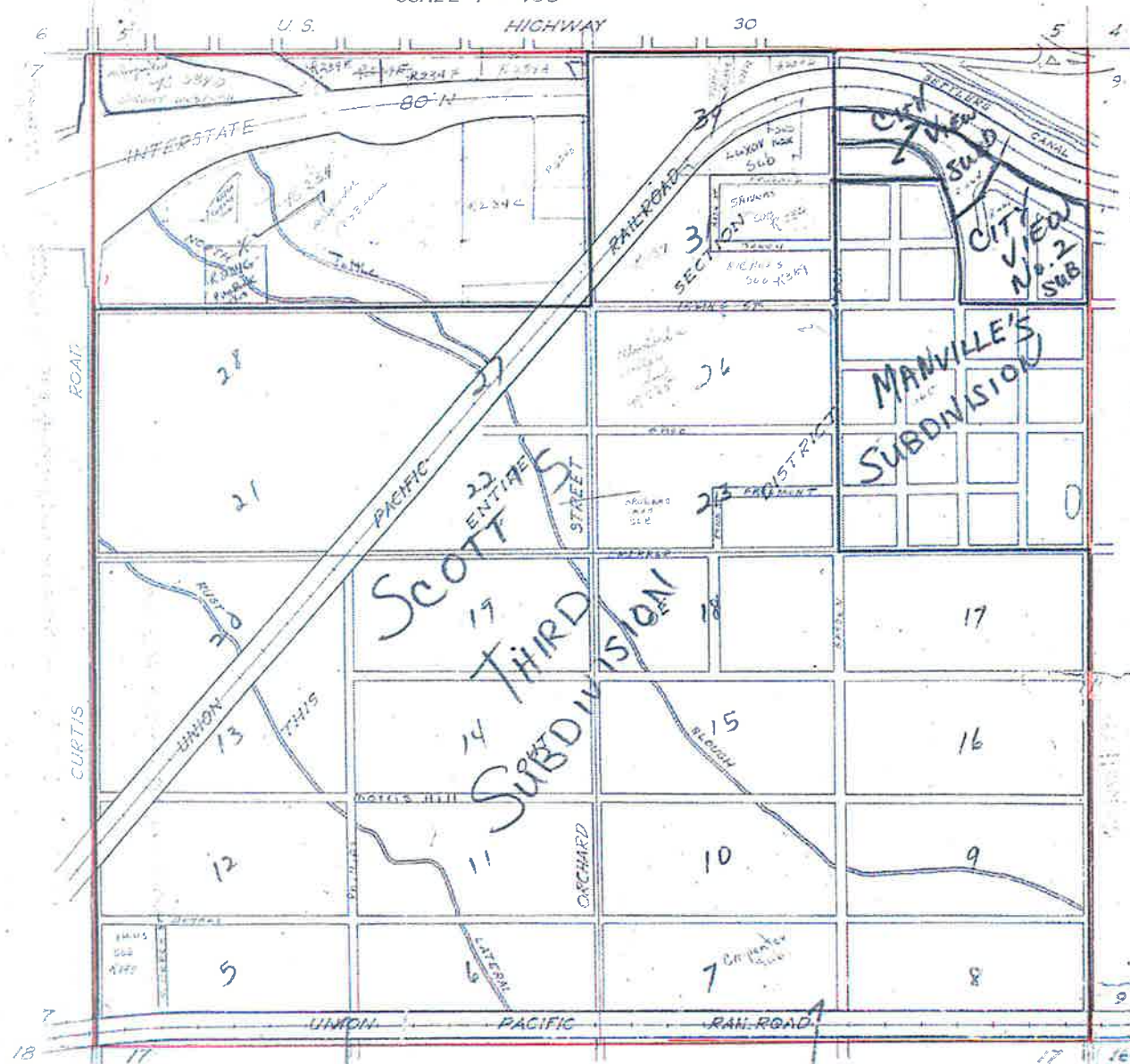
11

12



Not Learning

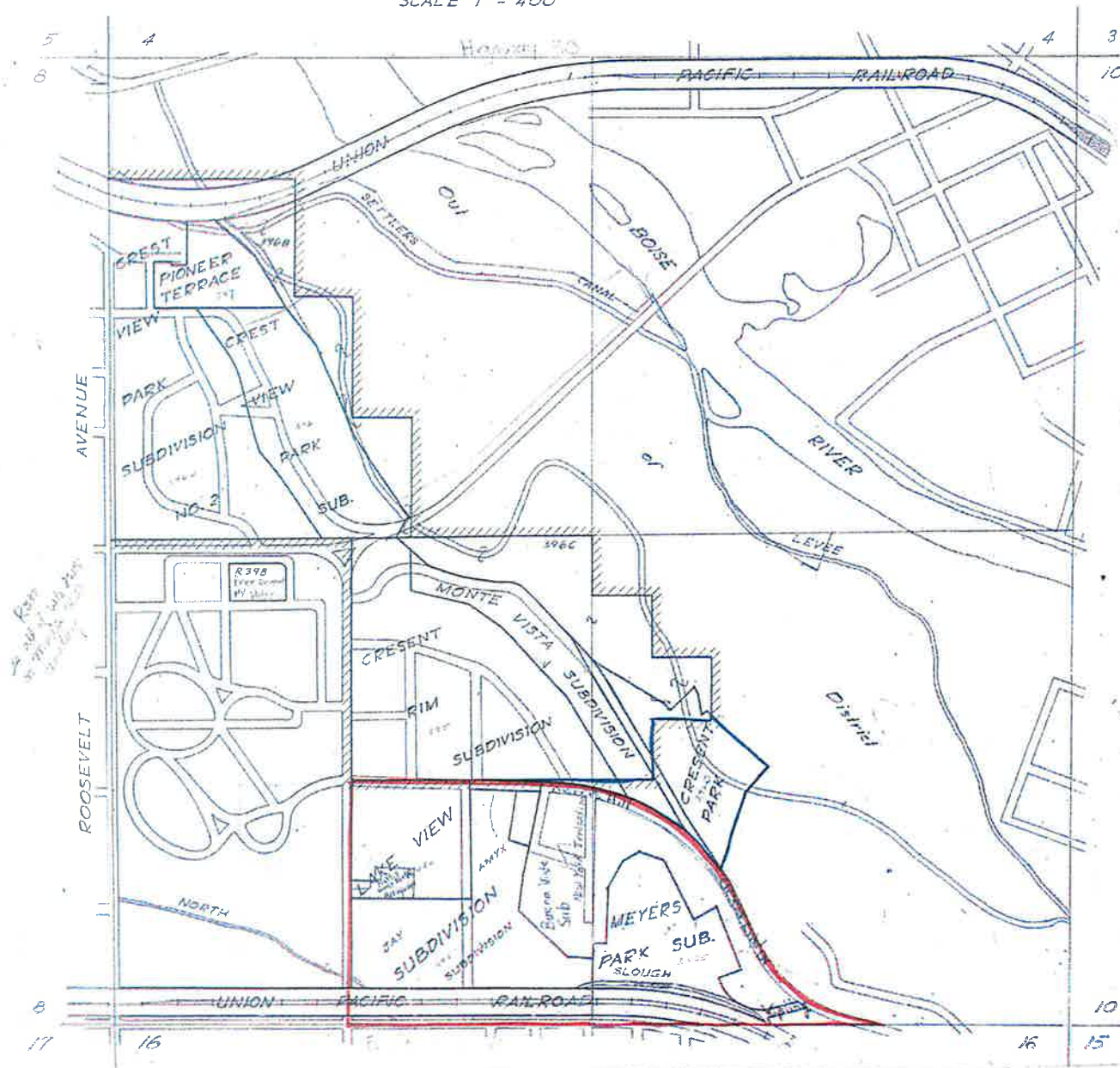
13



SCALE 1" = 400'

SCALE 1" = 400'

14



Amount paid \$8.00
RR 10/7/13

400 Scale

28.71
acres

74a

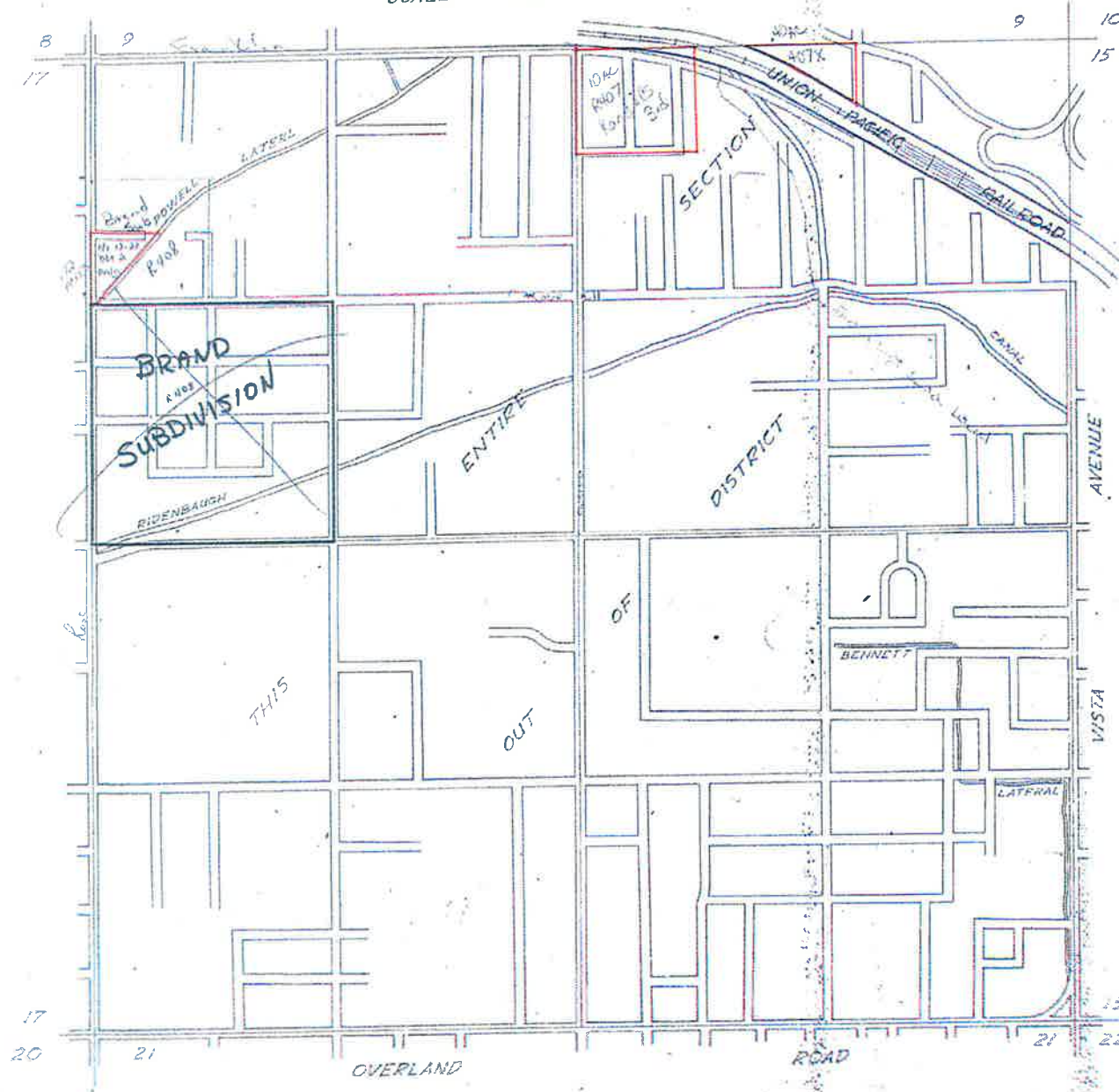
SW
74 Cor

S. 14 col.

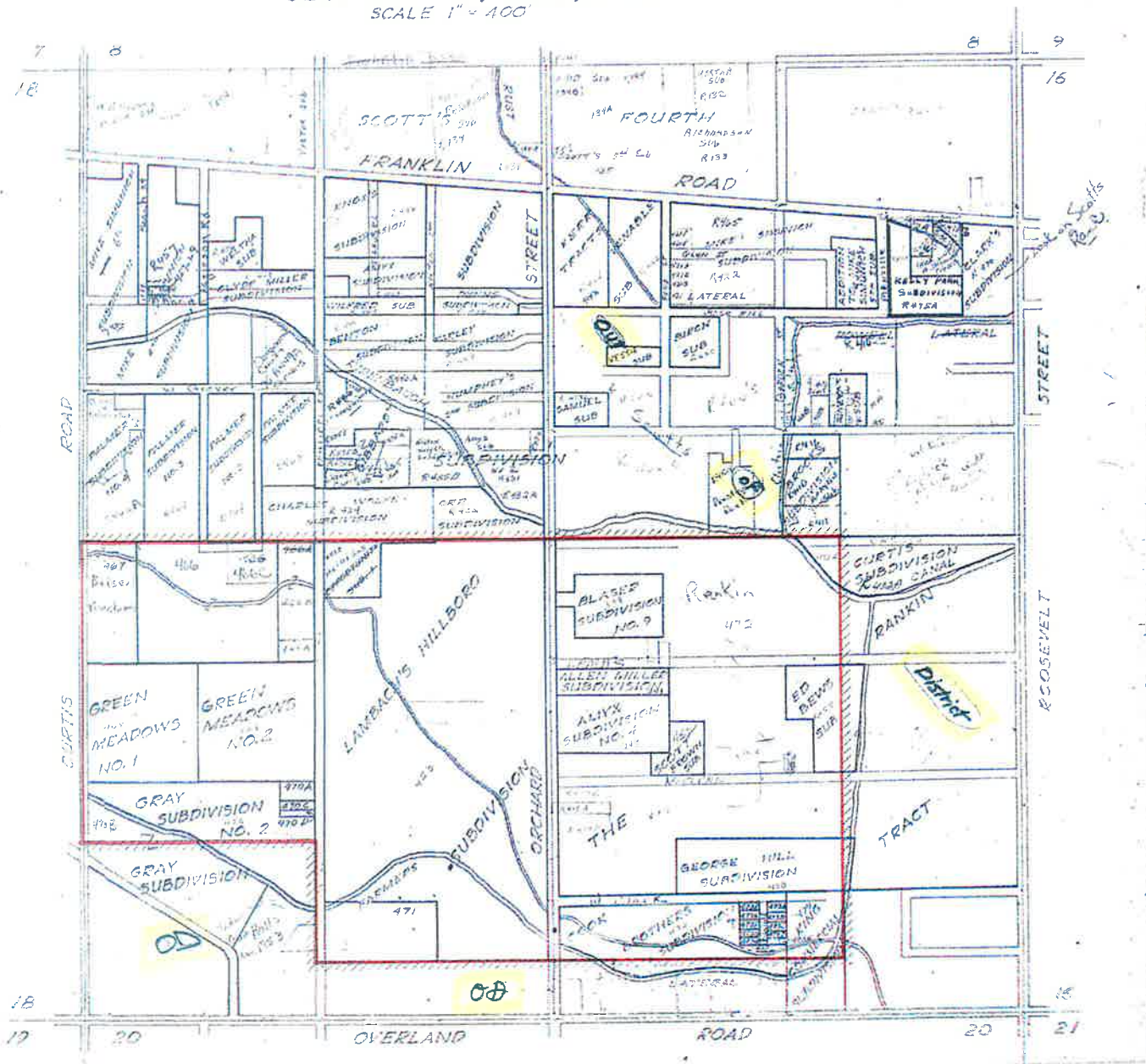
SECTION 16, T.3N., R.2E.
SCALE 1" = 400'

Ada County

15



16



17

SCALE 1" = 400'

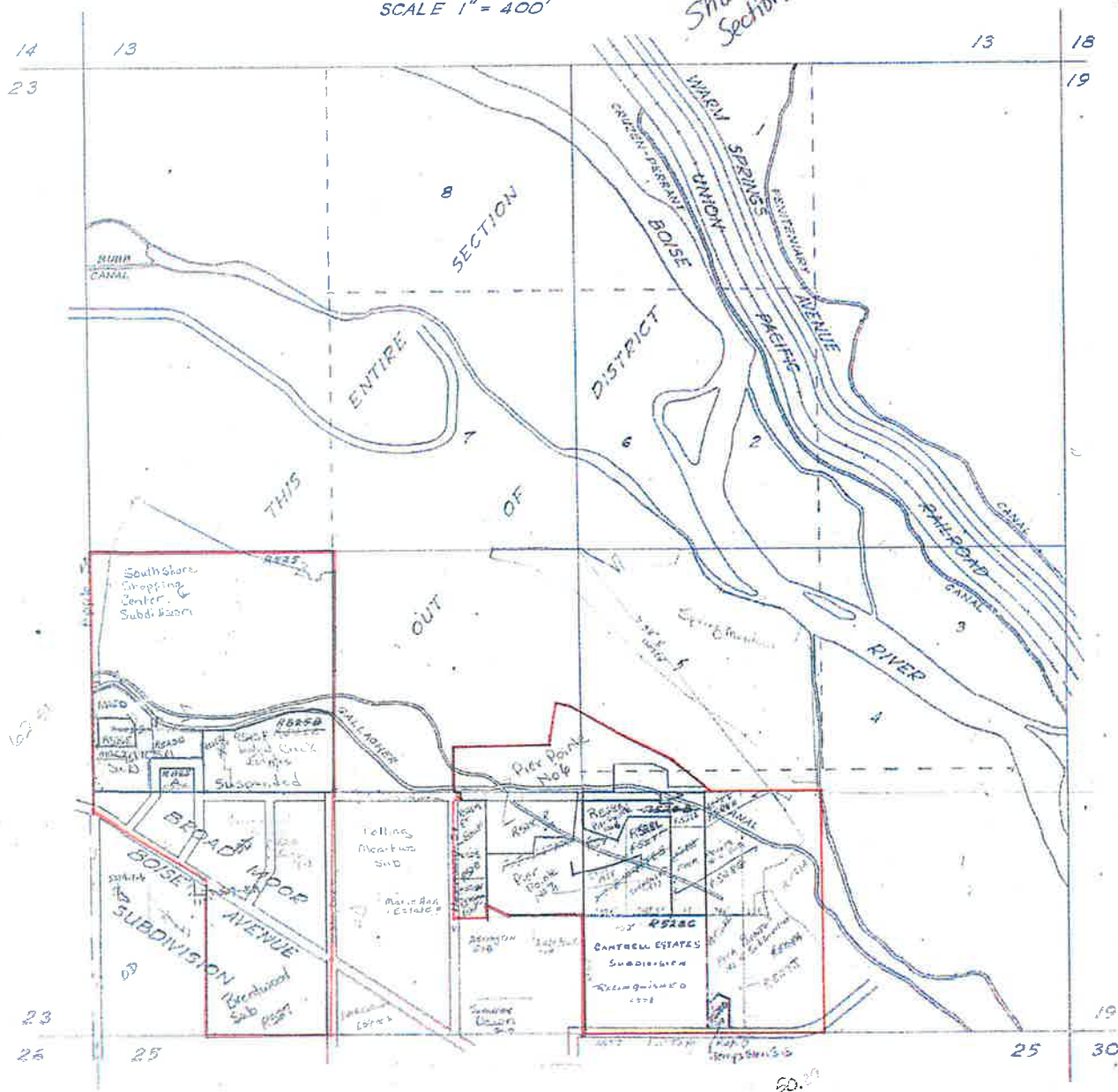


37.5
NOTES

SECTION 24, T.3N., R.2E.

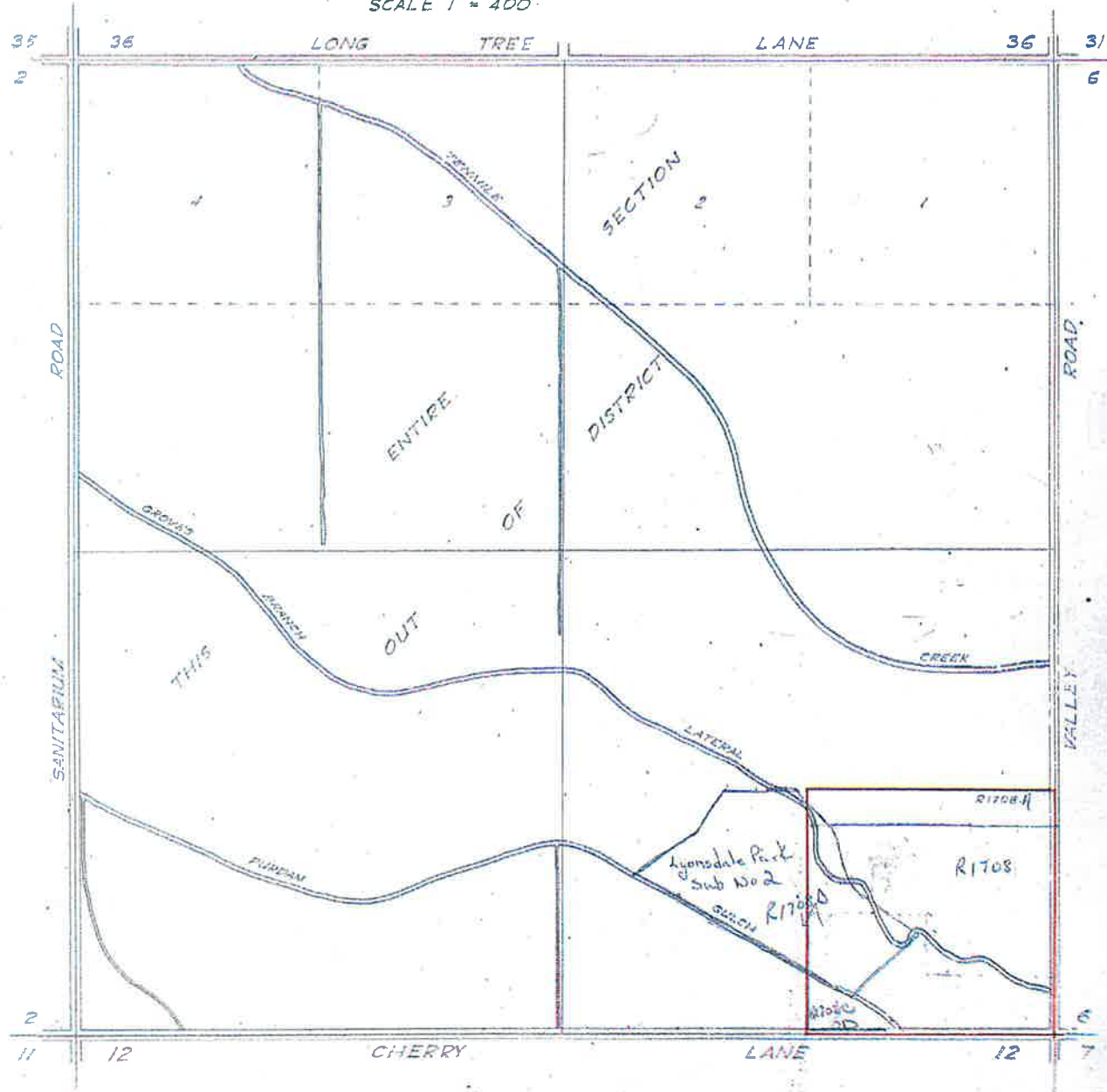
SCALE 1" = 400'

Short
Section



SECTION 1, T.3N., R.2W.
SCALE 1" = 400'

21



08/17/2006

NOTICE OF ERROR
REPLY

RECEIVED

SEP 29 2006

DEPARTMENT OF
WATER RESOURCES

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 29, 2006

Water right number: 63-198AJ

NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK CHTD
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773
Telephone Number: (208)342-4591

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
*① Quantity - 4th paragraph in Green River diversion, 4th line should be 4.5 cfs rather than 3.5 cfs
See attached letter*
2. Describe the changes you wish to make in the proposed recommendation:
*② Place of use should not be limited to 40 acres
See attached letter*
3. Give a brief explanation as to why you disagree with these portions:
See attached letter

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

DATE: 9/29/06

SIGNATURE: Daniel Steenson

Please print your name: Daniel Steenson

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

OCT 03 2006

**RINGERT
CLARK**
CHARTERED
LAWYERS

Laura E. Burn
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson

William F. Ringert, of Counsel
Allyn L. Sweeney, of Counsel
Samuel Kaufman (1921-1986)

September 28, 2006

BY HAND DELIVERY

Donald Shaff
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Bosie, ID 83720-0098

*Review by DWR 10/16/06
Corrections made by Don Shaff*

Re: Preliminary Recommendations for Nampa & Meridian Irrigation District's
(NMID) Water Rights

Dear Don:

✓ As we discussed by phone today, enclosed is a letter from Daren Coon, NMID's Secretary/Treasurer, identifying a parcel of land that should be included in the place of use for NMID's water rights.

Do not change — As we also discussed today, the statement under the quantity element of NMID's water rights related to the Green Ranch diversion should state the amount of water to be used from that diversion as 4.5 afa per acre, rather than 3.5 afa per acre.

1. In transfer
2. Different
geographical
area Water right 63-30181 has the shorter statement regarding the authorized rate of flow for the Surprise Valley diversion, but does not have the language relating to the amount of water to be used from the Surprise Valley diversion that is in 63-198AJ, 63-199B and 63-200B. *Corrected*

If possible, it would be helpful for future reference if the remarks could be in the same order in each of the water rights.

Don has corrected the items that need to be changed. Today you confirmed that the explanatory material is included in the recommendations for internal IDWR record-keeping purposes only, so that, for ease of reference in IDWR's files, transfer conditions are associated with SRBA decrees. The court will not consider the explanatory material, and it will not be included in NMID's decrees. There is, therefore, no opportunity or need for NMID to object to any of the statements in the explanatory material. Any inaccuracies in those statements can be corrected later at an appropriate time. *Corrected by Don*

SCANNED
OCT 03 2006

Donald Shaff
September 28, 2007
page 2

I have, nonetheless, reviewed the statements in the explanatory material sections of each of the recommendations for NMID's water rights. The following statement in the recommendations for water rights 63-199B and 63-200B concerns me: "The place of use for industrial and groundwater recharge purposes under right nos. 63-199B and 63-200B is limited to the lands served by the Surprise Valley diversion." I recognize that the statement is one of the conditions in the water right as a result of the transfer to add the Surprise Valley diversion and lands served by it. I think the statement is correct as to groundwater recharge, but I think it is not entirely accurate with respect to industrial use in light of I.C. § 43-335, which allows an irrigation district to lease water rights for use on industrial lands within its boundaries under certain circumstances:

LEASING OF WATER RIGHTS BY IRRIGATION DISTRICT WITHIN THE DISTRICT BY DISTRICT'S WHERE LANDOWNER CAN RECEIVE WATER THROUGH THE DISTRICT'S IRRIGATION SYSTEM. Any irrigation district which has within its boundaries residential, commercial or industrial lands, or any combination of those lands, and which holds water rights for those lands, shall have the right to lease, to any municipality, municipal provider, public utility, domestic water users organization which furnishes water service to those lands, or to any other entity for the distribution of water to those lands for uses other than culinary purposes, those water rights which are held for any residential, commercial or industrial lands for which the owner has elected not to receive his proportionate share of the irrigation district's water through the irrigation system of the district; provided, however, that no water right under which water is delivered through a community ditch shall be leased without the written consent of the ditch users who do not elect not to receive water from the district. For purposes of this chapter, the terms "municipality" and "municipal provider" shall be defined as provided in section 42-202B, Idaho Code; "culinary purposes" shall mean the use of water for direct human consumption, cooking, sanitary purposes, and other such uses. Nothing in this chapter shall be construed as amending or affecting the laws of Idaho pertaining to the control and regulation of public utilities, municipal providers or water corporations.

Since the statements in the explanatory material are not at issue in the SRBA process, this is really an academic issue at this point. The situation contemplated by the statute is, I believe, the only one in which the referenced statement in the explanatory material and the water right is not entirely accurate.

As we discussed over the phone, we are verifying the 40 acre limitation in water right 63-198AJ. Subject to double-checking, it appears that NMID does not have any other concerns with the preliminary recommendations.

SCANNED
OCT 03 2006

Donald Shaff
September 28, 2007
page 3

I will talk to you tomorrow after you have had an opportunity to review this letter and enclosure.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daniel Steenson", written in a cursive style.

Daniel V. Steenson

Enclosure

cc: Daren Coon
John Anderson

SCANNED
OCT 03 2006

September 28, 2006

BY HAND DELIVERY

Donald Shaff
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Bosie, ID 83720-0098

Re: Preliminary Recommendations for Nampa & Meridian Irrigation District's
(NMID) Water Rights

Dear Don:

As we discussed by phone today, enclosed is a letter from Daren Coon, NMID's Secretary/Treasurer, identifying a parcel of land that should be included in the place of use for NMID's water rights.

As we also discussed today, the statement under the quantity element of NMID's water rights related to the Green Ranch diversion should state the amount of water to be used from that diversion as 4.5 afa per acre, rather than 3.5 afa per acre.

Water right 63-30181 has the shorter statement regarding the authorized rate of flow for the Surprise Valley diversion, but does not have the language relating to the amount of water to be used from the Surprise Valley diversion that is in 63-198AJ, 63-199B and 63-200B.

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Donald Shaff
September 28, 2007
page 2

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Donald Shaff
September 28, 2007
page 3

I will talk to you tomorrow after you have had an opportunity to review this letter and enclosure.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Steenson". The signature is fluid and cursive, with the first name "Daniel" and last name "Steenson" clearly distinguishable.

Daniel V. Steenson

Enclosure

cc: Daren Coon
John Anderson

RECEIVED

SEP 20 2006

DEPARTMENT OF
WATER RESOURCES

Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH

NAMPA, IDAHO 83651-4395

FAX # 208-463-0092

Phones: Area Code 208

OFFICE: Nampa 466-7861

SHOP: Nampa 466-0663

21 September 2006

Daniel V. Steenson
Ringert Clark Chartered
P O Box 2773
Boise, ID 83701

**RE: Snake River Basin Adjunction – Idaho Department Water Resources (IDWR)
Service Area Boundary Map**

Dear Dan:

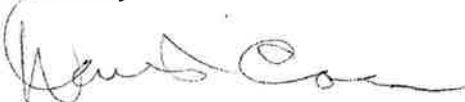
Subsequent to your request of 20 September 2006 for the District to review and compare the Irrigation District map with the service area boundary map provided by IDWR the task was completed. As a result of the comparison, it was determined the Department omitted a parcel of land in Section 15, Township 3 North, Range 2 East, in the Northeast Quarter of the Southwest Quarter (copy of map enclosed).

Per our discussion of today's date, I am providing you a copy of the map for your use in follow-up with IDWR in this matter and any other you deem appropriate to bring to their attention.

Please keep in mind the scale at which the map was prepared by IDWR and the scale of the District map itself may not allow for recognition of very minute variances between the maps; however, generally speaking, the comparison proved accurate between the two.

Should you have any questions concerning this subject, please feel free to call on me.

Sincerely,



Daren R. Coon, Secretary/Treasurer
NAMPA & MERIDIAN IRRIGATION DISTRICT

DRC/smc

pc: File
Each Director
Water Superintendent
enc.

APPROXIMATE IRRIGABLE ACRES

RIVER FLOW RIGHTS - 23,000

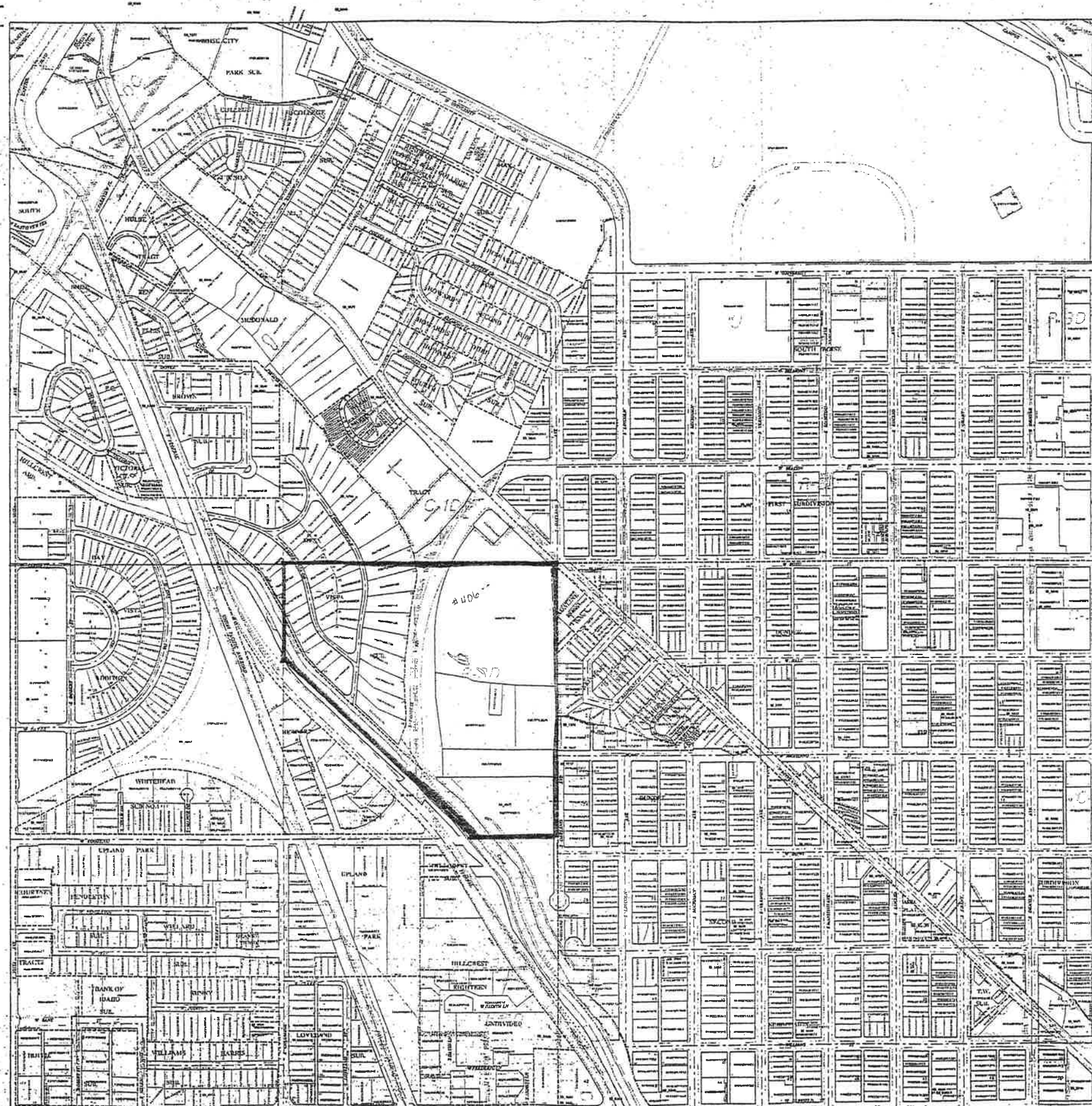
BOISE PROJECT RIGHTS - 40,000



R 406 - - ↑
N
sec 15
3N
2E NESW



SECTION 15, T3N R2E



09/28/2006

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

RIGHT NUMBER: 63-198AJ

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK CHTD
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773

SOURCE: BOISE RIVER
MORES CREEK

TRIBUTARY: SNAKE RIVER
TRIBUTARY: BOISE RIVER

QUANTITY: 0.400 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion and the Green Ranch diversion must also be reduced by an equivalent proportion.

The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.

The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Surprise Valley Diversion shall not exceed a combined total of 20.34 cfs.

The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

PRIORITY DATE: 06/01/1877

Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and its tributaries.

POINT OF DIVERSION:

T02N R03E S4 NWNE Lot 6 Within ADA County
T03N R03E S29 NWSW Lot 6 Within ADA County
T05N R04E S35 SWNE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.400 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE:

69467 ACRES TOTAL

This right when combined with Right Nos. 63-199B, 63-200B, 63-2392B, 63-2968 and 63-30181 can be used to irrigate up to 69,467 acres within the boundary of the Nampa Meridian Irrigation District.

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

The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and groundwater recharge purposes divided by 0.0156 cfs/acre.

This right is limited to the irrigation of 40 acres within the authorized place of use.

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.

The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch diversion on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.

Prior to March 15 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and groundwater recharge purposes at the Surprise Valley diversion. Use of water under those rights each year shall not exceed the reported amounts.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.

Prior to diversion of water under transfer approval 5273 and 69594, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.

The right holder shall accomplish the change authorized by transfer 69594 within one (1) year of the date of approval.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

This right is designated as No. 65 in the Stewart Decree and the Boise Water Distribution Report.

09/28/2006

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

RIGHT NUMBER: 63-199B

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK CHTD
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773

SOURCE: BOISE RIVER
MORES CREEK

TRIBUTARY: SNAKE RIVER
TRIBUTARY: BOISE RIVER

QUANTITY: 169.600 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion and the Green Ranch diversion must also be reduced by an equivalent proportion.

The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Green Ranch Diversion shall not exceed a combined total of .72 cfs.

The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Surprise Valley Diversion shall not exceed a combined total of 20.34 cfs.

The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

Each year the amount of water available for irrigation at the Surprise Valley diversion shall be reduced by the amount of water to be diverted for industrial and groundwater recharge purposes under right nos. 63-199B and 63-200B.

PRIORITY DATE: 05/01/1878

Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and its tributaries.

POINT OF DIVERSION:

T02N R03E S4 NWNE Lot 6 Within ADA County
T03N R03E S29 NWSW Lot 6 Within ADA County
T05N R04E S35 SWNE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	169.600 CFS
GROUND WATER RECHARGE	03/01 11/15	2.560 CFS
INDUSTRIAL	03/15 11/15	0.640 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

Diversion and use of water for industrial purposes under right nos. 63-199B and 63-200B shall not be more consumptive nor more depletive of water flowing in the Boise River than an equivalent diversion and use of water for irrigation purposes under those rights.

PLACE OF USE:

69467 ACRES TOTAL

This right when combined with Right Nos. 63-198AJ, 63-200B, 63-2392B, 63-2968 and 63-30181 can be used to irrigate up to 69,467 acres within the boundary of the Nampa Meridian Irrigation District.

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

The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and groundwater recharge purposes divided by 0.0156 cfs/acre.

The place of use for industrial and groundwater recharge purposes under right nos. 63-199B and 63-200B is limited to the lands served by the Surprise Valley diversion.

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.

The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch diversion on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.

Prior to March 15 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and groundwater recharge purposes at the Surprise Valley diversion. Use of water under those rights each year shall not exceed the reported amounts.

The annual volume of water used for industrial and groundwater recharge purposes under right nos. 63-199B and 63-200B shall be measured using separate totalizing measuring devices and the right holder shall report the totals to the department by Dec. 31 of each year.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.

Prior to diversion of water under transfer approval 5273 and 69594, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.

The right holder shall accomplish the change authorized by transfer 69594 within one (1) year of the date of approval.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

This right is also designated as Right No. 67 in the Boise River Stewart Decree and Boise River Water Distribution Report.

08/17/2006

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

RIGHT NUMBER: 63-198AJ

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK CHTD
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773

SOURCE: BOISE RIVER
MORES CREEK

TRIBUTARY: SNAKE RIVER
TRIBUTARY: BOISE RIVER

QUANTITY: 0.400 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.

The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Surprise Valley Diversion shall not exceed a combined total of 20.34 cfs.

The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

PRIORITY DATE: 06/01/1877

POINT OF DIVERSION:
T02N R03E S4 NWNE Lot 6 Within ADA County
T03N R03E S29 NWSW Lot 6 Within ADA County
T05N R04E S35 SWNE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.400 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

69467 ACRES TOTAL

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

This right when combined with Right Nos. 63-199B, 63-199C, 63-200B, 63-2392B, 63-2968 and 63-30181 can be used to irrigate up to 69,467 acres within the boundary of the Nampa Meridian Irrigation District.

This right is limited to the irrigation of 40 acres within the authorized place of use.

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

The right holder shall accomplish the change authorized by transfer 69594 within one (1) year of the date of approval.

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.

Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and its tributaries.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.

When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion and the Green Ranch diversion must also be reduced by an equivalent proportion.

Prior to diversion of water under transfer approval 5273 and 69594, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch diversion on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.

This right is designated as No. 65 in the Stewart Decree and the Boise Water Distribution Report.

The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and groundwater recharge purposes divided by 0.0156 cfs/acre.

Prior to March 15 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and groundwater recharge purposes at the Surprise Valley diversion. Use of water under those rights each year shall not exceed the reported amounts.

08/11/2006

OK to go

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

RIGHT NUMBER: 63-198AJ

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK CHTD
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773

SOURCE: BOISE RIVER
MORES CREEK

TRIBUTARY: SNAKE RIVER
TRIBUTARY: BOISE RIVER

QUANTITY: 0.400 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

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The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

PRIORITY DATE: 06/01/1877

POINT OF DIVERSION

T02N R03E S4 NWNE Lot 6 Within ADA County
T03N R03E S29 NWSW Lot 6 Within ADA County
T05N R04E S35 SWNE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.400 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

69467 ACRES TOTAL

This right when combined with Right Nos. 63-199B, 63-199C, 63-200B, 63-2392B, 63-2968 and 63-30181 can be used to irrigate up to 69,467 acres within the boundary of the Nampa Meridian Irrigation District.

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

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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.

Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and its tributaries.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.

When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion and the Green Ranch diversion must also be reduced by an equivalent proportion.

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Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch diversion on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.

This right is designated as No. 65 in the Stewart Decree and the Boise Water Distribution Report.

The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and groundwater recharge purposes divided by 0.0156 cfs/acre.

Prior to March 15 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and groundwater recharge purposes at the Surprise Valley diversion. Use of water under those rights each year shall not exceed the reported amounts.

Warntjes, Anita

From: Tuthill, Dave
Sent: Tuesday, March 28, 2006 11:48 AM
To: 'Dan Steenson'; John Anderson; Daren Coon
Cc: Warntjes, Anita; Favreau, Danielle
Subject: NMID Irrigated Acres

Dan, John and Daren,

This am we reviewed where we are at in computing NMID acres. Here is an approach that might fit the unique situation for NMID:

1. We are finding that the irrigation delivery organizations in the Treasure Valley have been able to identify sufficient irrigated acres to justify the acres originally assigned water in their plat books. This target of irrigated acres count has widely been achieved.
2. Lands irrigated under the NMID service area have changed greatly over the years due to urbanization. To the extent that land was not removed from the rolls, the irrigation water right remains.
3. NMID place of use includes both the tax roll and rental roll lands.
4. In some cases NMID water is used on land that was originally platted as too high to receive water. In other cases NMID water is not used on land that was platted to be irrigated with NMID water. It is our understanding that originally unplatted land now receiving NMID water has been added to the rolls on an acre-by-acre basis under the supervision of NMID.
5. Darren advised us at the last meeting in our office that he had counted the acreage in the plat books, but we are not aware of a tabulated copy of this information.
6. To justify the acreage in the original plat books we need a tabulated copy of the information.
7. IDWR has assisted different water delivery organizations in different ways via the SRBA process -- this is not a one-size-fits-all process.
8. IDWR recognizes that there is only one copy of the plat book. Accordingly we would be willing to visit your offices during normal business hours, and tabulate the acres to which water was originally provided by keying into a laptop the number of irrigated acres per tract as described in the plat book. We would be willing to share the resulting spreadsheet with you and ask for a double-check. This listing could be used to back up a count of acres irrigated by the project.

How does this approach sound? Please advise if you would suggest improvements to the approach. Our goal is to create a defensible count of acres -- hopefully one that both NMID and IDWR can support as we make our recommendations to the SRBA Court.

Thanks, Dave

P.S. Anita, would you please place a copy of this email in our NMID file?

3/28/2006

Receipt Details for ID C015817

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/21/1990 3:53:56 PM	3/21/1990	State	\$350.00	Warrant
Payer		NAMPA & MERIDIAN IRR DIST		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
116			
Card Expiration Date	Credit Card Transaction #		

Comment SRBA FLAT FEES (VAR. FEE ON C015816)

Fee Detail:

Amount	Description	PCA	Fund	Detail	Subsidiary	Object
\$350.00	SRBA FLAT FEES (VAR. FEE ON C015816)	410162	9337	00		6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	30181	Z0	\$50.00	Claim
63	198	AJ	\$50.00	Claim
63	199	B	\$50.00	Claim
63	199	C	\$50.00	Claim
63	200	B	\$50.00	Claim
63	200	C	\$50.00	Claim
63	2392	B	\$50.00	Claim

Print Report

Receipt Details for ID C015816

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/21/1990 3:50:46 PM	3/21/1990	State	\$27,142.00	Warrant
Payer		NAMPA & MERIDIAN IRR DIST		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
115			
Card Expiration Date	Credit Card Transaction #		

Comment	VARIABLE SRBA FEE
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Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$27,142.00	VARIABLE SRBA FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
\$100.00	NAMPA & MERIDIAN IRR. DIST.	3/22/1990	

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
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[Print Report](#)

Receipt Details for ID C015816

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[Print Report](#)

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Refund(s):

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Basin Number	Sequence Number	Split Suffix	Amount	Type
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Print Report

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[Print Report](#)

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Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	30181	Z0	\$50.00	Claim
63	198	AJ	\$50.00	Claim
63	199	B	\$50.00	Claim
63	199	C	\$50.00	Claim
63	200	B	\$50.00	Claim
63	200	C	\$50.00	Claim
63	2392	B	\$50.00	Claim

Print Report

Receipt Details for ID C015817

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63	200	B	\$50.00	Claim
63	200	C	\$50.00	Claim
63	2392	B	\$50.00	Claim

Print Report

Warntjes, Anita

From: Tuthill, Dave
Sent: Tuesday, March 28, 2006 11:48 AM
To: 'Dan Steenson'; John Anderson; Daren Coon
Cc: Warntjes, Anita; Favreau, Danielle
Subject: NMID Irrigated Acres

Dan, John and Daren,

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1. We are finding that the irrigation delivery organizations in the Treasure Valley have been able to identify sufficient irrigated acres to justify the acres originally assigned water in their plat books. This target of irrigated acres count has widely been achieved.
2. Lands irrigated under the NMID service area have changed greatly over the years due to urbanization. To the extent that land was not removed from the rolls, the irrigation water right remains.
3. NMID place of use includes both the tax roll and rental roll lands.
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5. Darren advised us at the last meeting in our office that he had counted the acreage in the plat books, but we are not aware of a tabulated copy of this information.
6. To justify the acreage in the original plat books we need a tabulated copy of the information.
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Thanks, Dave

P.S. Anita, would you please place a copy of this email in our NMID file?

3/28/2006

3/1/06

~ 66,000 acres irrigable in Nampa Meridian ID
(does not include high ground acres)

Lee Sisco's report: NMID 67,000+
(Nampa Meridian
+ Ridenbaugh)

Demand early in year - Ridenbaugh
Then water is provided by Natural flow + storage from
Boise Project

As demand increases, ~ 50,000 acres receive commingled
water

13,800 receive water only from New York Canal

Perkins lateral has only Ridenbaugh
Feeders from New York Canal

Locust Grove - 100 cfs - uppermost (10 mile feeder)

Rawson Feeder 10-15 cfs

Mason Cr feeder 110-120 cfs

Lake Lowell feeder

NMID is taking additional acres as exclusive deliveries over
time

Ridenbaugh water ~~was~~ use = $\pm 50k$ acres

* NMID - Needs to provide rental roll places of use to IDWR
(as compared w/ Tax Roll)

* Total No. of acres irrigated by Federal project -
NMID is not aware of this number

~~*~~ Federal water is delivered through the Ridenbaugh Canal -
This needs to be reviewed / This is only storage
Lee

NMID

63-198 A] .40 cfs

199 B 169.6 cfs

200 B 361.94 cfs

30181 .20 cfs

532.14 cfs

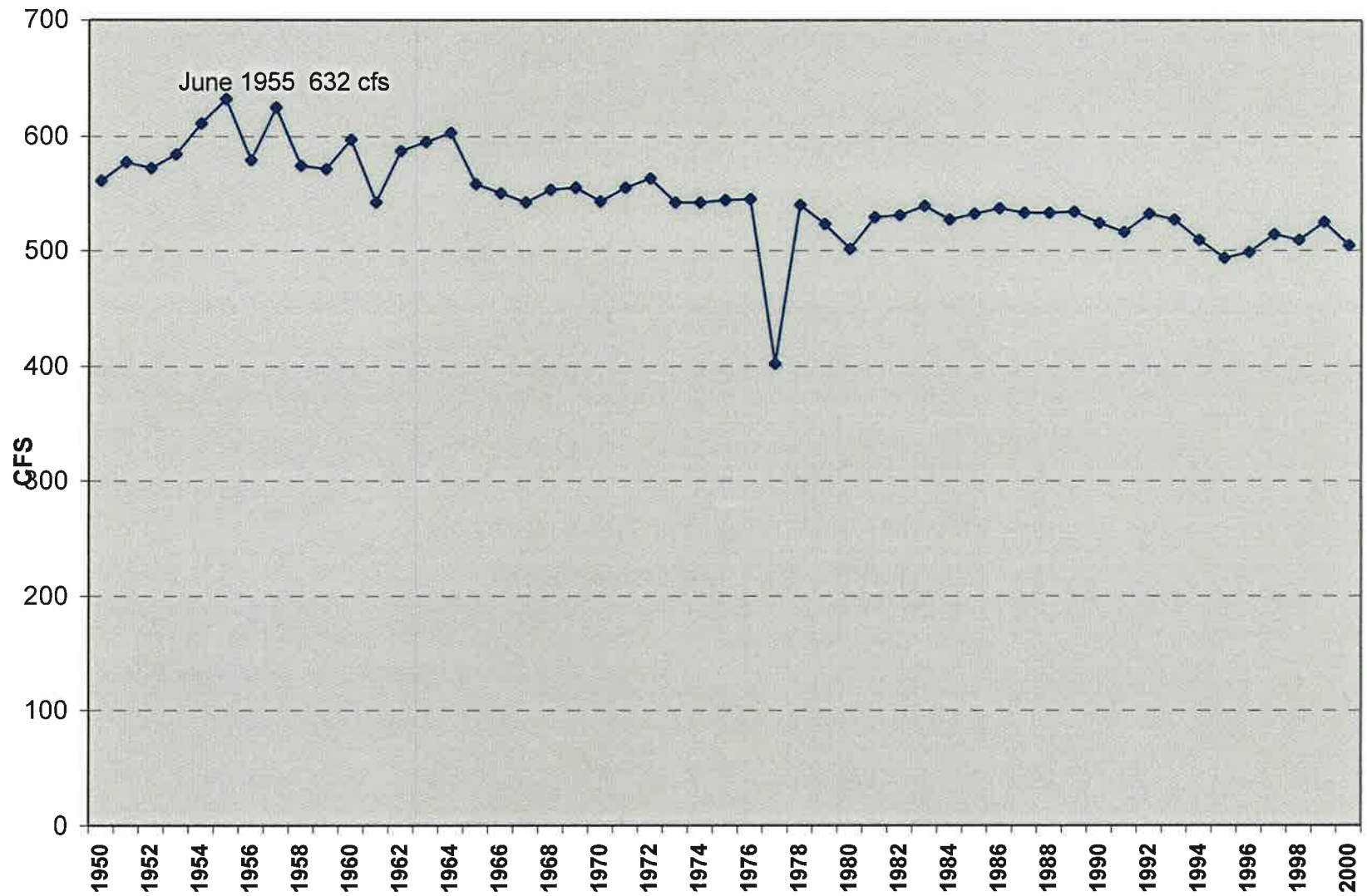
532.14 cfs

Per Trans

69594

MAXIMUM MONTHLY DIVERSION 1950-2000

13203760 RIDENBAUGH CANAL



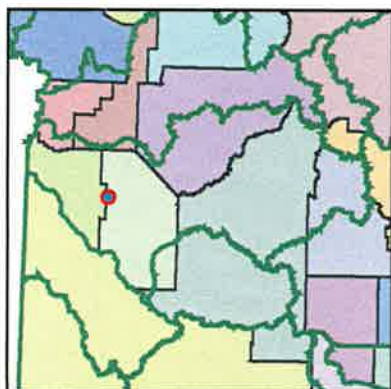


Idaho Department of Water Resources

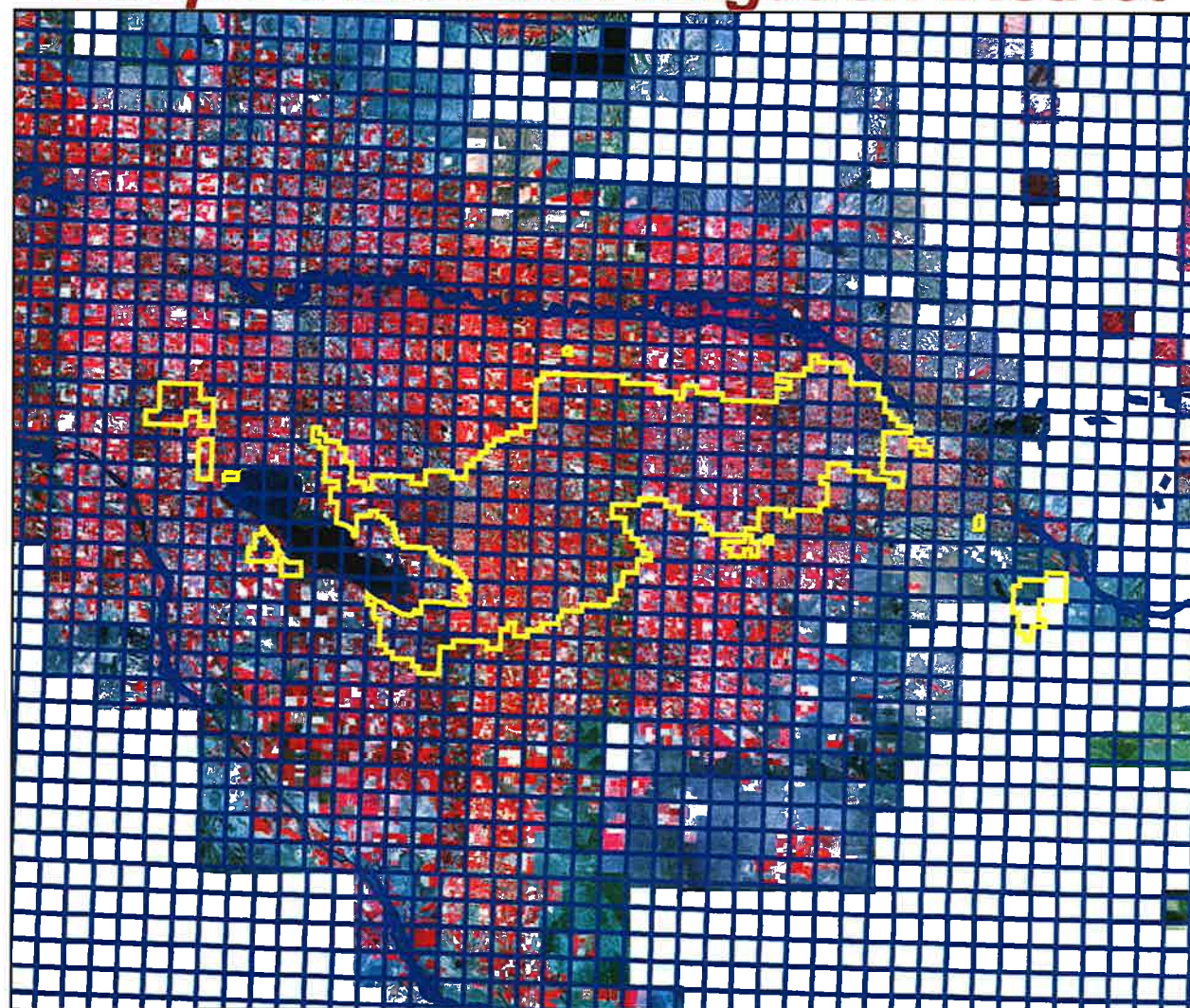
Nampa & Meridian Irrigation District

Legend

-  Service Area
-  PLSS Sections



Ada County
IDWR Basin 63



0 10 20 Miles

A horizontal scale bar with markings for 0, 10, and 20 miles.

Prepared by D. Narsavage
On Tuesday, July 12, 2005
1987/88 Aerial Photography

Nampa Meridian Irrigation District Water Rights in Basin 63

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Volume(cfs)	Source	Water Use(s)	Owner(s)	Source Table
63	198	AJ	Decreed	1877-06-01	0.4		BOISE RIVER , MORES CREEK	IRRIGATION	NAMPA & MERIDIAN IRRIGATION DIST (Current)	wrAdjudicationClaim
63	199	A	Decreed	1878-05-01	0.4		BOISE RIVER	IRRIGATION	FARM CREDIT CORP (Current)	wrAdjudicationClaim
63	199	B	Decreed	1878-05-01	169.6		BOISE RIVER , MORES CREEK	GROUND WATER RECHARGE, IN	NAMPA & MERIDIAN IRRIGATION DIST (Current)	wrAdjudicationClaim
63	199	C	Decreed	1878-05-01	0.4		BOISE RIVER	IRRIGATION	NAMPA & MERIDIAN IRRIGATION DIST (Current)	wrAdjudicationClaim
63	200	B	Decreed	1888-08-20	361.94		BOISE RIVER , MORES CREEK	GROUND WATER RECHARGE, IN	NAMPA & MERIDIAN IRRIGATION DIST (Current)	wrAdjudicationClaim
63	200	C	Decreed	1888-08-20	8.9		BOISE RIVER	IRRIGATION	NAMPA & MERIDIAN IRRIGATION DIST (Current)	wrAdjudicationClaim
63	2392	B	License	9/13/1927	4.63		BOISE RIVER	IRRIGATION	NAMPA & MERIDIAN IRRIGATION DIST (Current)	wrAdjudicationClaim
63	30181		Decreed	1864-06-01	0.2		BOISE RIVER , MORES CREEK	IRRIGATION	NAMPA & MERIDIAN IRRIGATION DIST (Current)	wrAdjudicationClaim
63	198	AJ	Decreed	1877-06-01	0.4		BOISE RIVER , MORES CREEK	IRRIGATION	NAMPA & MERIDIAN IRRIGATION DIST (Current)	wrAdjudicationRecommend
63	199	A	Decreed	1878-05-01	0.4		BOISE RIVER	IRRIGATION	FARM CREDIT CORP (Current)	wrAdjudicationRecommend
63	199	B	Decreed	1878-05-01	169.6		BOISE RIVER , MORES CREEK	GROUND WATER RECHARGE, IN	NAMPA & MERIDIAN IRRIGATION DIST (Current)	wrAdjudicationRecommend
63	200	B	Decreed	1888-08-20	361.94		BOISE RIVER , MORES CREEK	GROUND WATER RECHARGE, IN	NAMPA & MERIDIAN IRRIGATION DIST (Current)	wrAdjudicationRecommend
63	30181		Decreed	1864-06-01	0.2		BOISE RIVER , MORES CREEK	IRRIGATION	NAMPA & MERIDIAN IRRIGATION DIST (Current)	wrAdjudicationRecommend
63	199	A	Decreed	1878-05-01	0.4		BOISE RIVER	IRRIGATION	THOMAS, CECIL A (Current)	wrWaterRight
63	200	A	Decreed	1888-08-20	8.9		BOISE RIVER	DOMESTIC, IRRIGATION	BOISE PROJECT BOARD OF CONTROL (Current)	wrWaterRight
63	2968		License	11/19/1953	0.46	103.5	GROUND WATER	IRRIGATION	NAMPA & MERIDIAN IRRIGATION DIST (Current)	wrWaterRight
63	10345		License	3/7/1986	0.01	0.6	GROUND WATER	DOMESTIC	BIG BEND IRRIGATION DIST (Current); BOISE-KUNA I	wrWaterRight

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

AMENDED**TRANSFER OF WATER RIGHT****AMENDED****TRANSFER NO. 69594**

This is to certify that: NAMPA & MERIDIAN IRRIGATION DIST
1503 FIRST ST S
NAMPA ID 83651-4395
(208)466-7861

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-30181	AJC/Decreed	06/01/1864	0.20 cfs				BOISE RIVER
63-199B	AJC/Decreed	05/01/1878	169.60 cfs				BOISE RIVER
63-200B	AJC/Decreed	08/20/1888	361.94 cfs				BOISE RIVER
63-198AJ	AJC/Decreed	06/01/1877	0.40 cfs		40		BOISE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-30181	NO	NO	NO	YES	NO	NO
63-199B	NO	NO	NO	YES	NO	NO
63-200B	NO	NO	NO	YES	NO	NO
63-198AJ	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>
63-30181	63-30181	0.20 cfs		N/A	N/A
63-199B	63-199B	169.60 cfs		N/A	N/A
63-200B	63-200B	361.94 cfs		N/A	N/A
63-198AJ	63-198AJ	0.40 cfs		40	N/A

COMBINED TOTALS **532.14 cfs**

Detailed Water Right Description(s) attached

Dated this 21st day of December, 20 05



Administrator, Water Management Division

WATER RIGHT NO. 63-30181
As Modified by Transfer No. 69594

In accordance with the approval of Transfer No. 69594, Water Right No. 63-30181 is now described as follows.

Right Holder: NAMPA & MERIDIAN IRRIGATION DIST
1503 FIRST ST S
NAMPA ID 83651-4395

Priority Date: June 01, 1864

Source: BOISE RIVER
MORES CREEK

Tributary: SNAKE RIVER
BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	0.20 CFS
			0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L6 (NWNE) Sec. 4 Twp 02N Rge 03E ADA County Surprise Valley Diversion

BOISE RIVER L6 (NWSW) Sec. 29 Twp 03N Rge 03E ADA County Ridenbaugh Canal

MORES CREEK SWNE Sec. 35 Twp 05N Rge 04E BOISE County Green Ranch Diversion

PLACE OF USE: SEE CONDITIONS OF APPROVAL

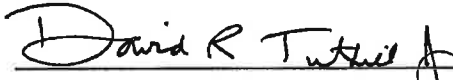
CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
2. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.
3. Prior to March 15 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and groundwater recharge purposes at the Surprise Valley diversion. Use of water under those rights each year shall not exceed the reported amounts.
4. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
5. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and groundwater recharge purposes divided by 0.0156 cfs/acre.

6. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Surprise Valley Diversion shall not exceed a combined total of 20.34 cfs.
7. When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion and the Green Ranch diversion must also be reduced by an equivalent proportion.
8. Prior to diversion of water under transfer approval 5273 and 69594, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
9. The right holder shall accomplish the change authorized by transfer 69594 within one (1) year of the date of approval.
10. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
11. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.
12. The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch diversion on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.
13. Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and its tributaries.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21st day of December, 2005



Administrator, Water Management Division

WATER RIGHT NO. 63-198AJ
As Modified by Transfer No. 69594

In accordance with the approval of Transfer No. 69594, Water Right No. 63-198AJ is now described as follows.

Right Holder: NAMPA & MERIDIAN IRRIGATION DIST
1503 FIRST ST S
NAMPA ID 83651-4395

Priority Date: June 01, 1877

Source: BOISE RIVER
MORES CREEK

Tributary: SNAKE RIVER
BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.40 CFS
			0.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L6 (NWNE) Sec. 4 Twp 02N Rge 03E ADA County Surprise Valley Diversion

BOISE RIVER L6 (NWSW) Sec. 29 Twp 03N Rge 03E ADA County Ridenbaugh Canal

MORES CREEK SWNE Sec. 35 Twp 05N Rge 04E BOISE County Green Ranch Diversion

PLACE OF USE: SEE CONDITIONS OF APPROVAL

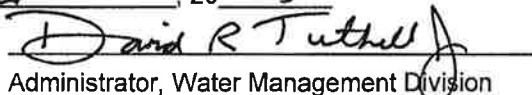
CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
2. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.
3. Right 63-198AJ is limited to the irrigation of 40 acres within the authorized place of use.
4. Prior to March 15 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and groundwater recharge purposes at the Surprise Valley diversion. Use of water under those rights each year shall not exceed the reported amounts.
5. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

6. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and groundwater recharge purposes divided by 0.0156 cfs/acre.
7. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Surprise Valley Diversion shall not exceed a combined total of 20.34 cfs.
8. When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion and the Green Ranch diversion must also be reduced by an equivalent proportion.
9. Prior to diversion of water under transfer approval 5273 and 69594, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
10. The right holder shall accomplish the change authorized by transfer 69594 within one (1) year of the date of approval.
11. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
12. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.
13. The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch diversion on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.
14. Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and its tributaries.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21st day of December, 20 05


Administrator, Water Management Division

WATER RIGHT NO. 63-199B
As Modified by Transfer No. 69594

In accordance with the approval of Transfer No. 69594, Water Right No. 63-199B is now described as follows.

Right Holder: NAMPA & MERIDIAN IRRIGATION DIST
1503 FIRST ST S
NAMPA ID 83651-4395

Priority Date: May 01, 1878

Source: BOISE RIVER
MORES CREEK

Tributary: SNAKE RIVER
BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	169.60 CFS
INDUSTRIAL	03/15 to	11/15	0.64 CFS
GROUND WATER RECHARGE	03/15 to	11/15	2.56 CFS
			169.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L6 (NWNE) Sec. 4 Twp 02N Rge 03E ADA County Surprise Valley Diversion

BOISE RIVER L6 (NWSW) Sec. 29 Twp 03N Rge 03E ADA County Ridenbaugh Canal

MORES CREEK SWNE Sec. 35 Twp 05N Rge 04E BOISE County Green Ranch Diversion

PLACE OF USE: SEE CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

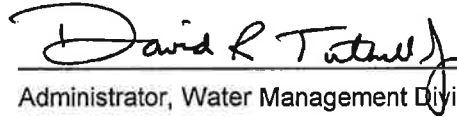
1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
2. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.
3. Prior to March 15 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and groundwater recharge purposes at the Surprise Valley diversion. Use of water under those rights each year shall not exceed the reported amounts.
4. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

5. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and groundwater recharge purposes divided by 0.0156 cfs/acre.
6. Each year the amount of water available for irrigation at the Surprise Valley diversion shall be reduced by the amount of water to be diverted for industrial and groundwater recharge purposes under right nos. 63-199B and 63-200B.
7. Diversion and use of water for industrial purposes under right nos. 63-199B and 63-200B shall not be more consumptive nor more depletive of water flowing in the Boise River than an equivalent diversion and use of water for irrigation purposes under those rights.
8. The place of use for industrial and groundwater recharge purposes under right nos. 63-199B and 63-200B is limited to the lands served by the Surprise Valley diversion.
9. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Surprise Valley Diversion shall not exceed a combined total of 20.34 cfs.
10. The annual volume of water used for industrial and groundwater recharge purposes under right nos. 63-199B and 63-200B shall be measured using separate totalizing measuring devices and the right holder shall report the totals to the department by Dec. 31 of each year.
11. When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion and the Green Ranch diversion must also be reduced by an equivalent proportion.
12. Prior to diversion of water under transfer approval 5273 and 69594, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
13. The right holder shall accomplish the change authorized by transfer 69594 within one (1) year of the date of approval.
14. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
15. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.
16. The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch diversion on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.
17. Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and its tributaries.

18. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
19. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21st day of December, 2005



Administrator, Water Management Division



WATER RIGHT NO. 63-200B
As Modified by Transfer No. 69594

In accordance with the approval of Transfer No. 69594, Water Right No. 63-200B is now described as follows.

Right Holder: NAMPA & MERIDIAN IRRIGATION DIST
1503 FIRST ST S
NAMPA ID 83651-4395

Priority Date: August 20, 1888

Source: BOISE RIVER
MORES CREEK

Tributary: SNAKE RIVER
BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	361.94 CFS
INDUSTRIAL	03/15	to 11/15	1.36 CFS
GROUND WATER RECHARGE	03/15	to 11/15	5.44 CFS
			361.94 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L6 (NWNE) Sec. 4 Twp 02N Rge 03E ADA County Surprise Valley Diversion

BOISE RIVER L6 (NWSW) Sec. 29 Twp 03N Rge 03E ADA County Ridenbaugh Canal

MORES CREEK SWNE Sec. 35 Twp 05N Rge 04E BOISE County Green Ranch Diversion

PLACE OF USE: SEE CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
2. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.
3. Prior to March 15 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and groundwater recharge purposes at the Surprise Valley diversion. Use of water under those rights each year shall not exceed the reported amounts.
4. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

5. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and groundwater recharge purposes divided by 0.0156 cfs/acre.
6. Each year the amount of water available for irrigation at the Surprise Valley diversion shall be reduced by the amount of water to be diverted for industrial and groundwater recharge purposes under right nos. 63-199B and 63-200B.
7. Diversion and use of water for industrial purposes under right nos. 63-199B and 63-200B shall not be more consumptive nor more depletive of water flowing in the Boise River than an equivalent diversion and use of water for irrigation purposes under those rights.
8. The place of use for industrial and groundwater recharge purposes under right nos. 63-199B and 63-200B is limited to the lands served by the Surprise Valley diversion.
9. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Surprise Valley Diversion shall not exceed a combined total of 20.34 cfs.
10. The annual volume of water used for industrial and groundwater recharge purposes under right nos. 63-199B and 63-200B shall be measured using separate totalizing measuring devices and the right holder shall report the totals to the department by Dec. 31 of each year.
11. When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion and the Green Ranch diversion must also be reduced by an equivalent proportion.
12. Prior to diversion of water under transfer approval 5273 and 69594, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
13. The right holder shall accomplish the change authorized by transfer 69594 within one (1) year of the date of approval.
14. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
15. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.
16. The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch diversion on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.
17. Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and its tributaries.

18. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

19. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21st day of December, 20 05

David R Tuttle
Administrator, Water Management Division



That said defendant THOMAS H. AIKENS is also, and he is hereby awarded the use of the waters of said river, diverted at a point near the center of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 019540 inches, from June 1, 1891; and hereby designated as Right No. 123.

And be adjudged to pay \$21.00 costs in addition to the costs incurred by him

LV.

That the defendant W. H. CONWAY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B.M., for use upon lots 5 and 6 and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B. M., in the following amounts and from the following dates;

63 019646 inches, from June 1, 1877; and hereby designated as Right No. 64.

63 0197110 inches, from June 1, 1891; and hereby designated as Right No. 118.

And be adjudged to pay \$10.85 costs in addition to the costs incurred by him.

LVI.

That the defendant the MIDDLETON WATER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12, T. 4 N. R. 1 W. B.M., for use on the lands lying under its canal system, in the following amount and from the following date;

63 01985704 inches, from June 1, 1877; and hereby designated as Right No. 65.

And be adjudged to pay \$399.23 costs in addition to the costs incurred by it.

T-357 430
374 468
375 1864
384 P.D. 57
185 P.D. 25
186 P.D. 84
387
378
395