

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 63-216C
Date Received: 10/30/1989
Receipt No: W006583
Received By:

AMENDED

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

1. Name of Claimant(s)

WARM SPRINGS DITCH CO Phone: (208) 884-2002

C/O HOFF COMPANIES INC
280 E CORPORATE DR SUITE 200
MERIDIAN ID USA 83642

2. Date of Priority: 06/01/1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	02E	5	SE NE	ADA	
04N	01E	22	6	ADA	

5. Description of diverting works:

HEADGATES, PIPES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.4	

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

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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04N	01E	19	SE	NE		IRRIGATION	28
			NE	NE	1	IRRIGATION	32
						Section Acres	60
04N	01E	20	SW	NE		IRRIGATION	39
			SE	NE		IRRIGATION	35
			NW	NW	5	IRRIGATION	23
			SW	NW		IRRIGATION	35
			SE	NW	6	IRRIGATION	43
			NE	SE		IRRIGATION	33
			NW	SE		IRRIGATION	22
						Section Acres	230
04N	01E	21	SW	NE	7	IRRIGATION	28
			SE	NE	8	IRRIGATION	31
			SW	NW	5	IRRIGATION	36
			SE	NW	6	IRRIGATION	30
			NE	SW		IRRIGATION	15
			NW	SW		IRRIGATION	39
			NW	SE		IRRIGATION	15
						Section Acres	194
						Total Acres	484

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:

14. Remarks:

AUTHORITY AS AGENT FOR WARM SPRINGS DITCH CO. WATER USERS, SEE ATTACHMENT "A"
Address change per claimant request. DB 4/18/2001

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Brian Hoff, President of _____

Warm Springs Ditch Co. Title
Organization, that I have signed the foregoing

document in the space below as President of _____

Warm Springs Ditch Co. Title
Organization and that the statements contained in the

foregoing document are true and correct.

Signature of Authorized Agent [Signature]

President, Warm Springs Ditch Co.
Title and Organization

6/19/03
Date

State of Idaho)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this

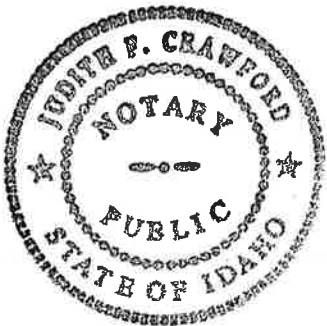
of June 19 2003

Judith F. Crawford

Notary Public

Residing at Boise, Idaho

My commission Expires 12/9/04



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: A63-00216C

Date Received: 10/30/1989

Receipt No: W006583

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: WARM SPRINGS DITCH COMPANY
Address: C/O HOFF COMPANIES INC
SUITE 230
5257 FAIRVIEW AVE
BOISE ID

83706

2. Date of Priority: JUN 1, 1889

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	02E	5		SE	NE		ADA
04N	01E	22				6	ADA

5. Description of diverting works:
HEADGATES, PIPES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		297.00

7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or) 297.00 A.F.A.

8. Total consumptive use is 193.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	21	SW	NW		IRR	27.0
			SE	NW		IRR	28.0

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OCT 02 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	55.0
					Total Acres	55.0

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:

14. Remarks:

AUTHORITY AS AGENT FOR WARM SPRINGS DITCH CO. WATER USERS, SEE ATTACHMENT "A"

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

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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:

Ident. Number

Date Received

Receipt Number

39576

H63-00216C

10-30-89

W006583

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Warm Springs Ditch Company Phone (208) _____
c/o Hoff Companies, Inc.
Mailing Address 5257 Fairview Avenue, Suite 230, Boise, Idaho Zip 83706

2. Date of Priority (Only one (1) per claim) 6/1/1889

3. Source of water supply (a) Boise River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 4N Range 1E Section 22,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, 6 B.M., County of Ada

Additional points of diversion if any: SENE, Sec. 5, T3N, R2E, B.M.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

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

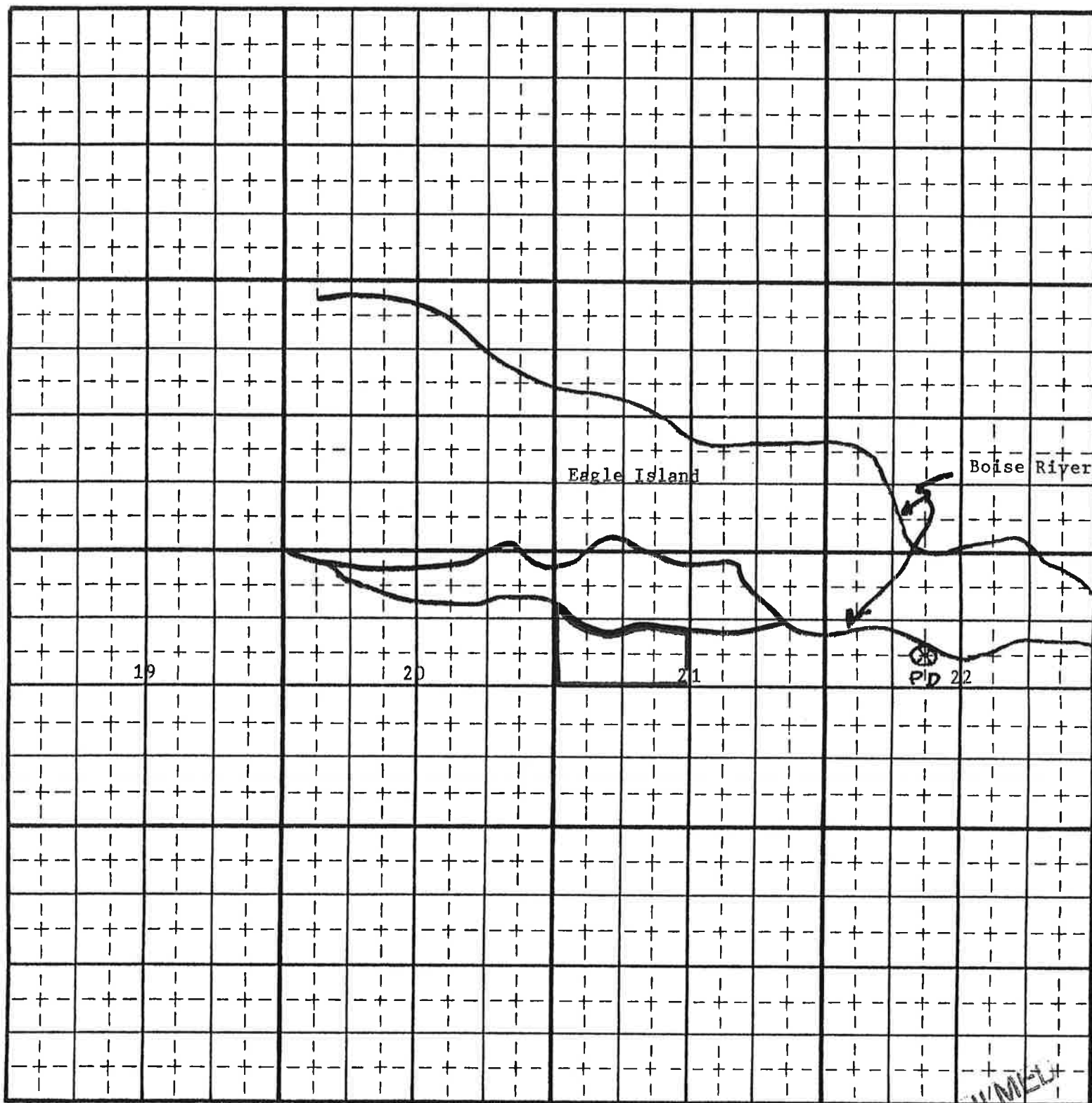
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Headgates, pipes and ditches from

Boise River.

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

Scale: 2 Inches equals 1 mile



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Last Name Warm Springs Ditch Co. Ident No. _____

Copies: White-State, Yellow-Claimant

5. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 1.2 or 297

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.2 (cfs) and/or (b) 297 (acre feet)

8. Total consumptive use claimed is 193 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1E	21							27	28									55

Total number of acres irrigated 55

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

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks:

Authority as agent for Warm Springs Ditch Company water users

SEE ATTACHMENT "A"

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OCT 02 1996

Last Name Warm Springs Ditch Co. Ident No. A63-00216

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 63-0216
Court 7th District Case Number _____ Decree Date 1/18/06
Plaintiff vs Defendant Farmers Co-op Ditch Co. vs. Riverside Irrigation District

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

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

For Organizations: I do solemnly swear or affirm that I am President Title _____
of Warm Springs Ditch Co Organization _____, that I have signed the foregoing
document in the space below as President Title _____ of Warm Springs Ditch Co Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Donna Clark
Title and Organization President, Warm Springs Ditch Co Date 10/30/89

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

Subscribed and sworn (or affirmed) before me this 30 day of Oct 19 89

Notary Public Sheri L. Chapman

Residing at 2889 Cattle Way Meridian Id

My Commission Expires 6/14/94

Please Print Name Sheri L. Chapman

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name Warm Springs Ditch Co Ident. Number _____

Copies White-State, Yellow-Claimant

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OCT 02 1996

ATTACHMENT "A"

This claim is filed on the behalf of the water users of the Warm Springs Ditch in order to assure their various rights to waters transported through the Warm Springs Ditch. The waters have historically been comingled with those of the Thurman Mill Ditch and the point of diversion listed for some of the referenced water rights is the point of diversion for the Thurman Mill ditch as recognized in the Stewart decree.

WARM SPRINGS DITCH COMPANY WATER USERS

Hoff Companies, Inc.
Boise City
Eldon Clark
Leonard Mace
June Walters
Freda Stout Estate
Robert Moore
George Dillard
Jack Daily
Gunnar Lundgren
Alpha Lambert

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OCT 02 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 1.2 or 297
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.2 (cfs) and/or (b) 297 (acre feet)

8. Total consumptive use claimed is 193 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1E	21							27	28									55

Total number of acres irrigated 55

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

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

14. Remarks: Authority as agent for Warm Springs Ditch Company water users
SEE ATTACHMENT "A"

Last Name Warm Springs Ditch Co. Ident No. A63-00216

Copies: White -State, Yellow-Claimant

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OCT 02 1996

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 63-216C
Date Received: 10/30/89
Receipt No: W006583
Received By:

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

1. Name of Claimant(s): WARM SPRINGS DITCH COMPANY Phone: (208) 884-2002
C/O HOFF COMPANIES INC
280 E CORPORATE DR SUITE 200
MERIDIAN ID USA 83642

2. Date of Priority: 06/01/1889

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	Type
03N	02E	5	SE NE	ADA	
04N	01E	22	6	ADA	

5. Description of diverting works:

HEADGATES, PIPES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.2	297

7. Total Quantity Appropriated is:
1.2 C.F.S. and/or 297 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	21	SW NW		IRRIGATION	27
			SE NW		IRRIGATION	28
					Section Acres	55
					Total Acres	55

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:

14. Remarks:

AUTHORITY AS AGENT FOR WARM SPRINGS DITCH CO. WATER USERS, SEE ATTACHMENT "A"
Address change per claimant request. DB 4/18/2001

15. Basis of Claim: Decreed

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 17 2001
WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number(s):

63-19263-1942563-216 C63-2387 A

[] Claimant Name(s):

WARM SPRINGS DITCH CO.

[] Old Mailing Address:

WARM SPRINGS DITCH CO.C/O HOFF COMPANIES, INC.5257 FAIRVIEW AVE SUITE 230BOISE IDAHO 83706

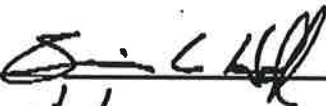
[] New Mailing Address:

WARM SPRINGS DITCH CO.C/O HOFF COMPANIES, INC.280 E. CORPORATE DR. SUITE 200MERIDIAN, IDAHO 83642

Telephone Number:

(208) 884-2002

[] Signature of Claimant(s):

BRIAN C. HOFFPRESIDENT, WARM SPRINGS DITCH CO

Date:

4/17/01



280 E. CORPORATE DRIVE, SUITE #200
MERIDIAN, ID 83642

MISSION STATEMENT

TO BUILD TOGETHER THE WORLD'S MOST PREFERRED
MILLWORK AND FINISH PRODUCTS COMPANY WITH THE
BEST PEOPLE; EACH COMMITTED TO EXCEEDING OUR
CUSTOMER'S EXPECTATIONS EVERY DAY.

Date: 4/17/01

Number of pages including cover sheet: 2

FAX

To: DEWISS

From: BRIAN HOFF

Fax No.: 334-2348

Fax No.: 208-884-1115

Phone: _____

Phone No.: 208-884-2002

REMARKS:

☐

Urgent

☐

For your review

☐

Reply ASAP

☐

Please comment

DEWISS,

THE FOLLOWING IS AN ADDRESS CHANGE FORM
IN REGARDS TO THE WARM SPRINGS BITCH CO
PER SUE BOCK'S INSTRUCTIONS.

THANK YOU!

BRIAN

FOR PROBLEMS WITH THIS FAX TRANSMISSION, PLEASE CALL (208) 884-2002.

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

2007 AUG 1 PM 2 51

Water Right 63-00216C

NAME AND ADDRESS: WARM SPRINGS DITCH CO
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN, ID 83646

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.40 CFS

The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216c and 63-19425 shall not exceed 7.76 cfs, for the irrigation of 449 acres and diversion to aesthetic storage.

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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

RIGHTS 63-192, 63-216C AND 63-19425 AUTHORIZE THE DIVERSION OF AN ANNUAL TOTAL OF 37.8 AF TO BE USED FOR THE REPLACEMENT OF LOSSES CAUSED BY EVAPORATION FROM THE 13.0 ACRE TOTAL SURFACE AREA OF PONDS ESTABLISHED UNDER RIGHT 63-31690.

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION: T03N R02E S05 LOT 11 (NESE) Within Ada County
T04N R01E S22 LOT 6 (SENW)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	0.39 CFS
Aesthetic Storage	01-01 TO 12-31	2.00 AFY
Diversion to Storage	03-01 TO 11-15	0.01 CFS

Diversion for irrigation and aesthetic storage under this 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 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 the Boise River Reservoir 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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PURPOSE AND PERIOD OF USE (continued)

storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

Aesthetic Storage

Within Ada County

T04N R01E S19 LOT 1	(NENE)	
S20 LOT 7	(SWNE)	LOT 8 (SENE)
LOT 5	(NWNW)	SWNW
LOT 6	(SENW)	NESE
	NWSE	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 449 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. The boundary encompassing the irrigation 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.

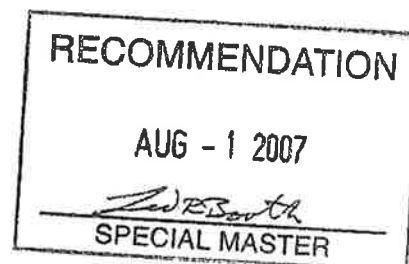
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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

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



DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 AUG 1 PM 2 51

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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-00192,
) 63-00216C, and 63-19425

I. FINDINGS OF FACT

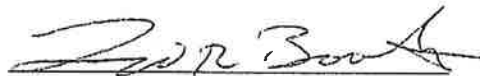
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these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

On April 21, 2006, the United States of America, Department of Interior, Bureau of Reclamation, filed objections to the *Director's Report*, seeking modification of the remark under the season of use element. On the same date, the Boise Project Board of Control filed similar objections. An *Order to Show Cause* was issued upon the claimant's failure to appear at the June 5, 2007, status conference in the subcases. A hearing on the *Order to Show Cause* was held on July 24, 2007, at which the claimant failed to appear.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the terms of the *Order to Show Cause*, IT IS RECOMMENDED that water rights 63-00192, 63-00216C, and 63-19425 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated August 1, 2007



Theodore R. Booth
Special Master
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 AUG 1 PM 2 51

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

In Re SRBA)

Case No. 39576)
_____))

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

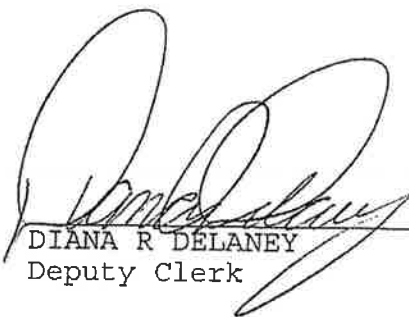
Water Right(s): 63-00192
63-00216C 63-19425

On August 01, 2007, Special Master THEODORE R. BOOTH
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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

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

DATED August 01, 2007.



DIANA R. DELANEY
Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 AUG 1 PM 2 51

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

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 63-00192
63-00216C 63-19425

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 01, 2007, with sufficient first-class postage prepaid to the following:

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

BOISE PROJECT BOARD OF CONTROL

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

CERTIFICATE OF MAILING

PAGE 1
08/01/07

STATE OF IDAHO

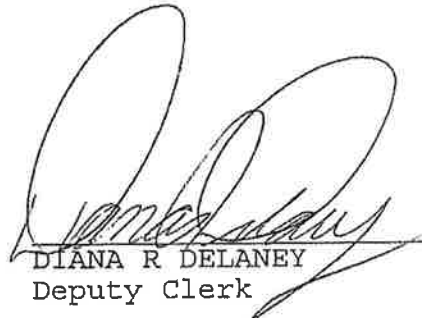
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

USDI BUREAU OF RECLAMATION

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

WARM SPRINGS DITCH CO
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN, ID 83646
Phone: 208-884-2002

WARM SPRINGS DITCH CO
C/O HOFF COMPANIES INC
1840 N LAKES AVE
MERIDIAN, ID 83642
Phone: 208-884-2002



DIANA R DELANEY
Deputy Clerk

12/23/2005

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

RIGHT NUMBER: 63-216C

NAME AND ADDRESS: WARM SPRINGS DITCH CO
C/O HOFF COMPANIES INC
1840 N LAKES AVE
MERIDIAN ID 83642

~~WARM SPRINGS DITCH CO~~
~~C/O HOFF COMPANIES INC~~
~~280 E CORPORATE DR STE 200~~
~~MERIDIAN ID 83642~~

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.400 CFS

The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216c and 63-19425 shall not exceed 7.76 cfs, for the irrigation of 449 acres and diversion to aesthetic storage.

Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface ponds established under Right 63-31690.

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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION:

T03N R02E S5 NESE Lot 11 Within ADA County

T04N R01E S22 SENW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.390 CFS
AESTHETIC STORAGE	01/01 12/31	2.00 AFY
DIVERSION TO STORAGE	03/01 11/15	0.010 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 Reservoir 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: AESTHETIC STORAGE Within ADA County

T04N R01E S19 Lot 1 NENE	T04N R01E S20 Lot 7 SWNE
T04N R01E S20 Lot 8 SENE	T04N R01E S20 Lot 5 NWNW
T04N R01E S20 SWNW	T04N R01E S20 Lot 6 SENW
T04N R01E S20 NESE	T04N R01E S20 NWSE

465.5 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 IS LIMITED TO THE IRRIGATION OF 449 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-192, 63-19425, 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131, 63-31936

The right holder shall accomplish the change authorized by Transfer 70620 within one year of the date of approval.

WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL AND THE WARM SPRINGS CANAL

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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

Failure of the right holder to comply with the conditions of Transfer 70620 is cause for the Director to rescind approval of the transfer.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-192, 63-19425

THIS RIGHT IS DESIGNATED AS NO 116 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

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

In Re SRBA)

Case No. 39576)

Water Rights: 63-192, 63-216C,
63-19425, 63-31728

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

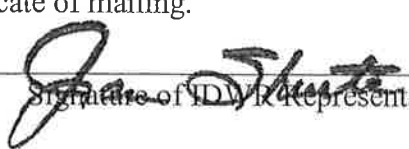
☐ Other

☐ IC § 42-219 license

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

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

DATED: December 27, 2005



Signature of IDWR representative

CERTIFICATE OF MAILING

I certify that on December 27, 2005, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

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

2. Copies to:

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

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

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

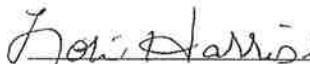
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Warm Springs Ditch Co.
c/o Hoff Companies, Inc.
1840 N. Lakes Ave.
Meridian ID 83642

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

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



Signature of person mailing this document

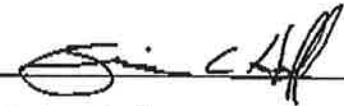
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**CHANGE IN ADDRESS**

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

*Records updated
12-21-05 - ss*

RECEIVED

DEC 21 2005

WATER RESOURCES
WESTERN REGION[] Water Right Number(s): 63-19263-1942563-216C63-31728[] Name(s): WARM SPRINGS DITCH CO.[] Old Mailing Address: WARM SPRINGS DITCH CO.C/O HOFF COMPANIES INC.280 E. CORPORATE DR STE 200
MERIDIAN, ID 83642[] New Mailing Address: WARM SPRINGS DITCH CO.C/O HOFF COMPANIES, INC.1840 N. LAKES AVENUE
MERIDIAN, ID 83642Telephone Number: (208) 884 - 2002[] Signature(s) of Owner(s) BRIAN C. HOFF, PRESIDENT - WARM SPRINGS DITCH CO
(Include your title if on behalf of company or organization)Date: 12/20/05

SCANNED

DEC 20 2005

05/16/2005

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

RIGHT NUMBER: 63-216C

NAME AND ADDRESS: WARM SPRINGS DITCH CO
C/O HOFF COMPANIES INC
280 E CORPORATE DR STE 200
MERIDIAN ID 83642

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.400 CFS

The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216c and 63-19425 shall not exceed 7.76 cfs, for the irrigation of 449 acres and diversion to aesthetic storage.

Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface ponds established under Right 63-31690.

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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION:

T03N R02E S5 NESE Lot 11 Within ADA County

T04N R01E S22 SENW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.390 CFS
AESTHETIC STORAGE	01/01 12/31	2.00 AFY
DIVERSION TO STORAGE	03/01 11/15	0.010 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 Reservoir 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: AESTHETIC STORAGE Within ADA County

T04N R01E S19 Lot 1 NENE	T04N R01E S20 Lot 7 SWNE
T04N R01E S20 Lot 8 SENE	T04N R01E S20 Lot 5 NWNW
T04N R01E S20 SWNW	T04N R01E S20 Lot 6 SENW
T04N R01E S20 NESE	T04N R01E S20 NWSE

465.5 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 IS LIMITED TO THE IRRIGATION OF 449 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-192, 63-19425, 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131, 63-31936

The right holder shall accomplish the change authorized by Transfer 70620 within one year of the date of approval.

WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL AND THE WARM SPRINGS CANAL

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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

Failure of the right holder to comply with the conditions of Transfer 70620 is cause for the Director to rescind approval of the transfer.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-192,
63-19425

THIS RIGHT IS DESIGNATED AS NO 116 IN THE STEWART DECREE AND THE
BOISE RIVER WATER MASTERS RECORDS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-216C V1

WATER RIGHT NUMBER: 63-216C V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARM SPRINGS DITCH CO C/O HOFF COMPANIES INC 280 E CORPORATE DR STE 200 MERIDIAN, ID 83642 (208)884-2002

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.390 CFS	
AESTHETIC STORAGE	01/01 to 12/31		2.00 AF
DIVERSION TO STORAGE	03/01 to 11/15	0.010 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L11 (NE1/4SE1/4)	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		
BOISE RIVER	L6 (SE1/4NW1/4)	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseAESTHETIC STORAGE Within ADA County

T04N R01E S19 Lot 1 NENE	T04N R01E S20 Lot 7 SWNE
T04N R01E S20 Lot 8 SENE	T04N R01E S20 Lot 5 NWNW
T04N R01E S20 SWNW	T04N R01E S20 Lot 6 SENW
T04N R01E S20 NESE	T04N R01E S20 NWSE

Conditions of Approval:

1. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface ponds established under Right 63-31690.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-216C V1

2. 135 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.
3. 155 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. R05 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
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. S45 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 Reservoir 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.
8. T07 The right holder shall accomplish the change authorized by transfer 70620 within <one> year(s) of the date of approval.
9. T08 Failure of the right holder to comply with the conditions of transfer 70620 is cause for the Director to rescind approval of the transfer.
10. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
11. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216c and 63-19425 shall not exceed 7.76 cfs, for the irrigation of 449 acres and diversion to aesthetic storage.

Remarks:

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 116 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS
2. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-192, 63-19425, 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131, 63-31936
3. Explanatory WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL AND THE WARM SPRINGS CANAL

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-216C V1

4. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-192, 63-19425
5. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 449 ACRES WITHIN THE PLACE OF USE
- Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. mcase 7/21/2004 POD

Comment: Correlated PODID 611799 from SpatialDataID 342571 to SpatialDataID 302512

2. mcase 7/21/2004 POD

Comment: Correlated PODID 611798 from SpatialDataID 342578 to SpatialDataID 302643

Water Supply Bank:

Based on Transfer 70620 - see 63-192

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below - include overlapping right for exam
- ☐ Evidence of Priority - if none, talk with claimant

CLAIMANT INFORMATION - verify contact information is completeClaim No(s) 03-216COwner: Warm Springs Ditch Co. Phone No. _____Current Address: See 03-192

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☒ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change - Complete evidence submitted or not necessary
- ☐ Incomplete - Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 6-1-1889 = same as decree

(If priority date, based on your exam, seems questionable, explain below.)

Source: Bonnie River Tributary to Snake River

- ☒ No Change - SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

449

Limited to 465 acres within the Warm Springs Ditch Co. boundary.			NE				NW				SW				SE				Totals	
Place of Use																				
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

Overlap with other water rights: See 63-192

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:
See 63-192

Delivery System Narrative: _____

See 63-192

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Designated as right 116.

This right was split in transfer 2996.

The original claim for this right claimed the entire 1.20 cfs but the claim was amended to comply with transfer 2996. (See attached.)

Based on transfer 70620

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-216C

WATER RIGHT NUMBER: 63-216C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SONORA JOPLIN
Current Owner	, ZZ WARM SPRINGS DITCH CO C/O HOFF COMPANIES INC 280 E CORPORATE DR STE 200 MERIDIAN, ID 83642 (208)884-2002

Priority Date: 06/01/1889

Basis: Decreed

Status: N/A

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.390 CFS	
AESTHETIC STORAGE	01/01 to 12/31		2.00 AF ✓
DIVERSION TO STORAGE	03/01 to 11/15	0.010 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L11 (NE1/4SE1/4)	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		
BOISE RIVER	L6 (SE1/4NW1/4)	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R01E S19 Lot 1 NENE	24.0	T04N R01E S19	SENE	26.0
T04N R01E S20 Lot 7 SWNE	35.0	T04N R01E S20 Lot 8	SENE	32.0
T04N R01E S20 Lot 5 NWNW	22.0	T04N R01E S20	SWNW	39.0
T04N R01E S20 Lot 6 SENW	41.0	T04N R01E S20	NESW	16.0
T04N R01E S20	NWSW 1.5	T04N R01E S20	NESE	33.0
T04N R01E S20	NWSE 24.0	T04N R01E S21 Lot 7	SWNE	24.0
T04N R01E S21 Lot 8	SENE 25.0	T04N R01E S21 Lot 5	SWNW	23.0
T04N R01E S21 Lot 6	SENW 23.0	T04N R01E S21	NESW	20.0
T04N R01E S21	NWSW 39.0	T04N R01E S21	NWSE	18.0

Total Acres: 465.5

AESTHETIC STORAGE Within ADA County

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-216C

T04N R01E S19 Lot 1 NENE	—	T04N R01E S20 Lot 7 SWNE	—
T04N R01E S20 Lot 8 SENE		T04N R01E S20 Lot 5 NWNW	—
T04N R01E S20 SWNW	—	T04N R01E S20 Lot 6 SENW	—
T04N R01E S20 NESE		T04N R01E S20 NWSE	—

Conditions of Approval:

1. Rights 63-192 and 63-19425 are also diverted through the point of diversion described above as Lot 6 (SENW), S22, T04N, R01E.
2. This right is designated as No. 116 in the Stewart Decree and the Boise River Water Masters records.
3. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
4. F01 Water is delivered through the Thurman Mill Canal and the Warm Springs Canal. ✓
5. R05 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. ✓
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. S45 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 Reservoir 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.
8. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval. ✓
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. ✓
10. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster. ✓
12. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage. ✓
13. X36 Rights 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131 and 63-31936 are also diverted through the point of diversion described above as Lot 11 (NESE), S05, T03N, R02E. ✓

Remarks:

LXVII.

That the defendant J. T. BARBER be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon lands lying under said ditch in Sec. 19, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0213
642 80 inches, from June 1, 1882; and hereby designated as Right No. 80.
And be adjudged to pay \$5.60 costs in addition to the costs incurred by him.

LXVIII.

That the defendant SONORA JOPLIN is entitled to the use of the waters of Boise River, diverted from said river at a point in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the NW 1/4 of SW 1/4, and S. 1/2 of S. W. 1/4, and SW 1/4 of SE 1/4 of Sec. 21, T. 4 N. R. 1 E. B.M.

63 0214
4/2 in the following amount from the following date;

170 inches, from June 1, 1882; and hereby designated as Right No. 81.

For use upon the following described tract; commencing at a point 30 feet south of the corral fence, thence south 69 degrees 30 minutes west 500.3 feet, thence south 315 feet to edge of bluff, thence south 76 degrees east 562 feet along the edge of bluff, thence north 29 degrees 30 minutes east 162 feet, thence north 29 degrees 45 minutes west 409 feet to place of beginning, in lot 3 of Sec. 15, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0215
3 inches, from June 1, 1889, and hereby designated as Right No. 115.

For use upon lots 5 and 6, Sec. 21, T. 4 N. R. 1 E. B. M., in the following amount from the following date;

63 0216
60 inches, from June 1, 1889, and hereby designated as Right No. 116.

And be adjudged to pay \$16.31 costs in addition to the costs incurred by her.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-216

WATER RIGHT NUMBER: 63-216

Owner Type Name and Address

Priority Date:

Basis:

Status: See Remarks

SourceTributaryBeneficial Use From To Diversion Rate Annual VolumeTotal Diversion:Location of Point(s) of DiversionPlace of UseConditions of Approval:Remarks:

1. General SPLIT INTO 63-0216A & 63-0216B BY TRANS. 2996.

Comments:Dates and Other Information:

Licensed Date:

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-216A

WATER RIGHT NUMBER: 63-216A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEONARD C MACE RT 3 BOX 800 EAGLE, ID 83616
Original Owner	SONORA JOPLIN

, ZZ

Priority Date: 06/01/1889
 Basis: Decreed
 Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

BOISE RIVER	SW1/4NW1/4	Sec. 16, Twp 04N, Rge 01E, B.M.
ADA County		
BOISE RIVER	SE1/4NE1/4	Sec. 17, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R01E S21	SWNW	20.0	T04N R01E S21	SENW	20.0
Total Acres: 40					

Conditions of Approval:Remarks:

1. General TRANS. 2996.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-216B

WATER RIGHT NUMBER: 63-216B

Owner Type Name and Address
Current Owner SONORA JOPLIN
 , ZZ

Priority Date: 06/01/1889

Basis:

Status: Not Claimed

Source Tributary
BOISE RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

BOISE RIVER SE1/4NE1/4 Sec. 5, Twp 03N, Rge 02E, B.M.
 ADA County

Place of UseIRRIGATION Within ADA County

T04N R01E S21 Lot 5 SWNW T04N R01E S21 Lot 6 SENW

Conditions of Approval:Remarks:

1. General THIS CLAIM WAS FOUND ON THE HOST TEMP AND APPEARS AT THIS TIME TO BE UNCLAIMED. NO ADDRESS IS ASSOCIATED WITH THE RECORD. THE STATUS OF THIS RECORD WILL BE CHANGED TO "N".

Comments:Dates and Other Information:

*Claimed as
A03-216C
N/O Warm Springs Ditch*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-216C

WATER RIGHT NUMBER: 63-216C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARM SPRINGS DITCH CO C/O HOFF COMPANIES INC 280 E CORPORATE DR STE 200 MERIDIAN, ID 83642 (208)884-2002

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

BOISE RIVER	SE1/4NE1/4	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		
BOISE RIVER	L6 ()	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	19	32.0 L 1			28.0													60.0
04N	01E	20			39.0	35.0		23.0	35.0	43.0 L 5					33.0	22.0			230.0
04N	01E	21			28.0 L 7	31.0 L 8			36.0 L 5	30.0 L 6	15.0	39.0				15.0			194.0

Total Acres: 55

Conditions of Approval:Remarks:

1.

AUTHORITY AS AGENT FOR WARM SPRINGS DITCH CO. WATER USERS, SEE ATTACHMENT "A"
Address change per claimant request. DB 4/18/2001

Split tree - 63-216

63-216 as decreed = 1.20 cfs

63-216 $\rightarrow$ A = .80 cfs

T2996 $\rightarrow$ B = .40 cfs

216A = .80 cfs = OK.

(Mace) 216B = Not claimed

216C = 1.20 cfs

(Warm Springs Ditch)

216C = .40 cfs - Amended

(Warm Springs Ditch)

- see T2996 & WR 216B

Transfer No. 2996Water Right No. 63-0216

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVEDName of applicant Leonard C. Mace Phone 939-6346Post Office address Rt. 3 Box 800 Eagle, ID 83616**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. 63-0216 Decreed to Sonora Joplin
(Name)
in case of Farmers Co-operation Ditch Co. Riverside Irrigation District
dated in 1/18/1906 in 7th county of Ada v Canyon
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Boise River tributary to Snake River4. Date of priority June 1, 1889 Rt. # 116

5. Water is used for the following purposes:

amount 1.2 cfs for Irrigation purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.2 cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is SE 1/4 of NE 1/4 of Section 5
Township 3N Range 2E, B.M. in ADA County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	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	
4N	1E	21							X	X									6.0

Total number of acres to be irrigated 6.0

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? no If yes, describe in Item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 0.80 cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion QSE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5 Township 3N
Range 2E, B.M., ADA County _____
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>4N</u>	<u>1E</u>	<u>21</u>							<u>20</u>	<u>20</u>									<u>40</u>

Total number of acres to be irrigated 40

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - a. Amount of water to be diverted 0.80 c.f.s. &/or _____ acre feet
 - b. Description of diverting works Mace & Mace diversion ditch
 - c. Describe the reasons for the proposed changes This land doesn't have any water rights.
2. Change in point of diversion

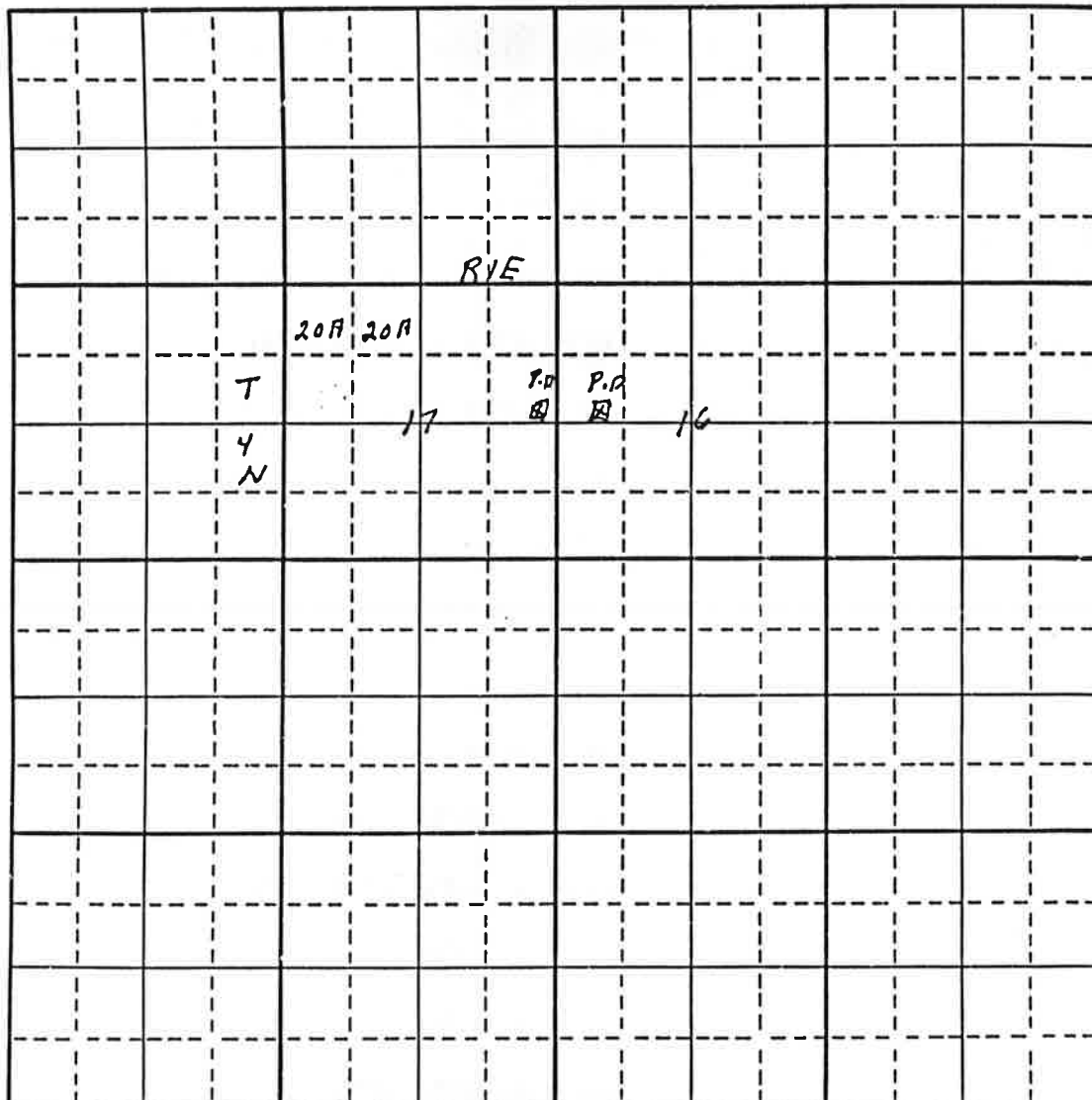
Point of diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16 Township 4N
Range 1E, B.M., _____ County _____
Additional points SENE Sec 17 T4N R1E
3. Change in place of use
 - a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
 - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
LAND HAS OTHER WATER RIGHTS - THIS WATER WAS USED ONLY WHEN THERE WAS LOW WATER - SEE LETTER OF 4/26/83.

c. Describe the lands place of use to which the right will be transferred:

TWP.	RANGE	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	
4N	1E	17					20	20											40

Total number of acres to be irrigated 40

4. Describe any other water rights used for the same purpose as described above. none
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

D. REMARKS

.4 CFS was not transferred from original
P.D. SENE 845 T3N R3E

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 willfull misrepresentations made in this application may result in voiding its approval.

Levard C. Mose
(Signature of Applicant)

Subscribed and sworn to before me this 28 day of April, 19 83

Nancy M. Hawthorn
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-0216B and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 63, Boise River.

Witness my hand this 8th day of May, 19 84

A. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

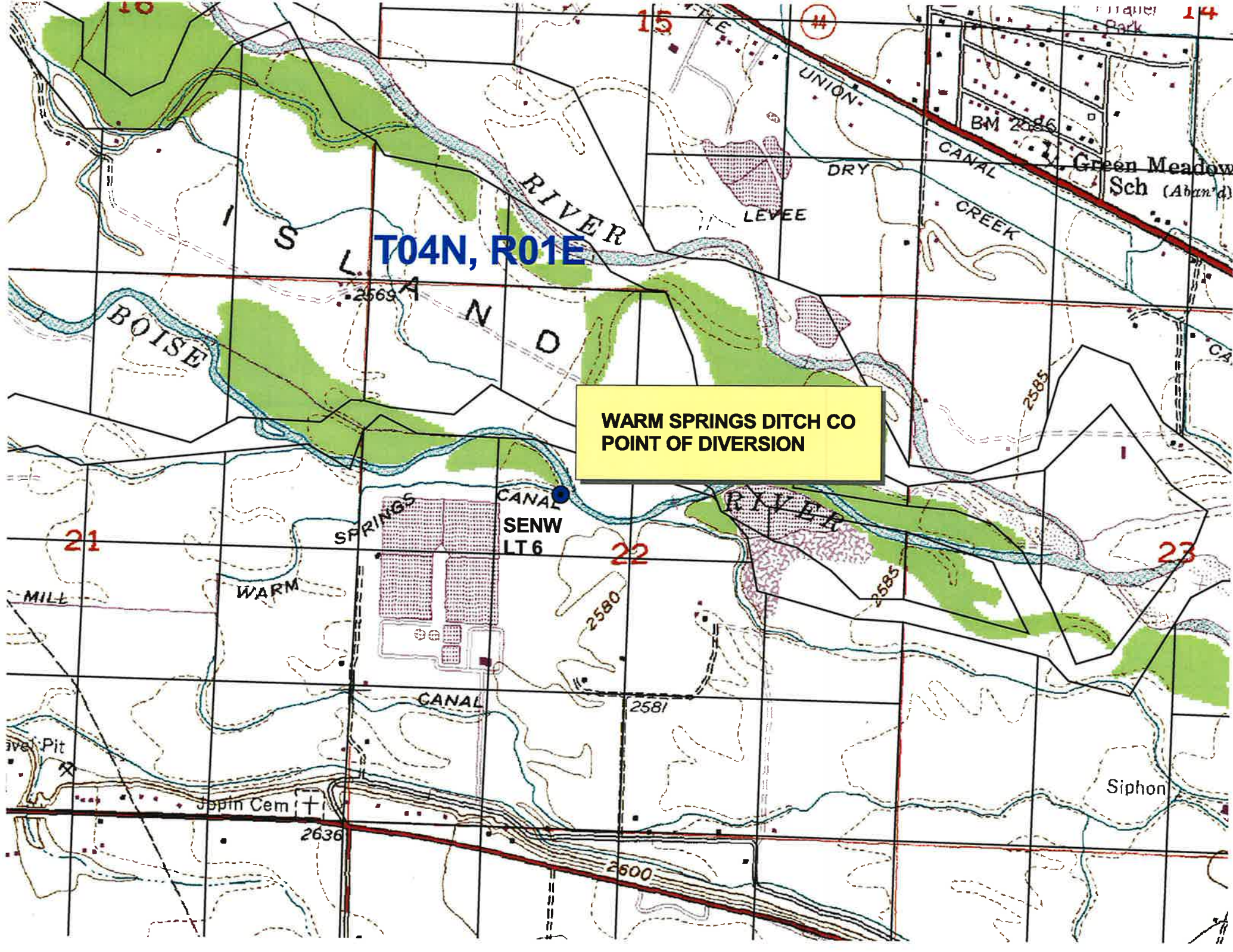
Received by JKN Date 4/28/83 Protest filed by _____

Prelim. check by J Fee 50.00 \$ 77946

Received by JP Date 4/28/83

Published in The Idaho Statesman Copies of protest forwarded by _____

Pub. dates 5/12/83 5/19/83 5/26/83 6/2/83 6/9/83 6/16/83 6/23/83 6/30/83 7/7/83 7/14/83 7/21/83 7/28/83 8/4/83 8/11/83 8/18/83 8/25/83 9/1/83 9/8/83 9/15/83 9/22/83 9/29/83 10/6/83 10/13/83 10/20/83 10/27/83 11/3/83 11/10/83 11/17/83 11/24/83 12/1/83 12/8/83 12/15/83 12/22/83 12/29/83 1/5/84 1/12/84 1/19/84 1/26/84 2/2/84 2/9/84 2/16/84 2/23/84 2/29/84 3/6/84 3/13/84 3/20/84 3/27/84 4/3/84 4/10/84 4/17/84 4/24/84 4/30/84 5/7/84 5/14/84 5/21/84 5/28/84 6/4/84 6/11/84 6/18/84 6/25/84 7/2/84 7/9/84 7/16/84 7/23/84 7/30/84 8/6/84 8/13/84 8/20/84 8/27/84 9/3/84 9/10/84 9/17/84 9/24/84 9/30/84 10/7/84 10/14/84 10/21/84 10/28/84 11/4/84 11/11/84 11/18/84 11/25/84 12/2/84 12/9/84 12/16/84 12/23/84 12/30/84 1/6/85 1/13/85 1/20/85 1/27/85 2/3/85 2/10/85 2/17/85 2/24/85 3/2/85 3/9/85 3/16/85 3/23/85 3/30/85 4/6/85 4/13/85 4/20/85 4/27/85 5/4/85 5/11/85 5/18/85 5/25/85 6/1/85 6/8/85 6/15/85 6/22/85 6/29/85 7/6/85 7/13/85 7/20/85 7/27/85 8/3/85 8/10/85 8/17/85 8/24/85 8/31/85 9/7/85 9/14/85 9/21/85 9/28/85 10/5/85 10/12/85 10/19/85 10/26/85 11/2/85 11/9/85 11/16/85 11/23/85 11/30/85 12/7/85 12/14/85 12/21/85 12/28/85 1/4/86 1/11/86 1/18/86 1/25/86 2/1/86 2/8/86 2/15/86 2/22/86 2/29/86 3/6/86 3/13/86 3/20/86 3/27/86 4/3/86 4/10/86 4/17/86 4/24/86 4/30/86 5/7/86 5/14/86 5/21/86 5/28/86 6/4/86 6/11/86 6/18/86 6/25/86 7/2/86 7/9/86 7/16/86 7/23/86 7/30/86 8/6/86 8/13/86 8/20/86 8/27/86 9/3/86 9/10/86 9/17/86 9/24/86 9/30/86 10/7/86 10/14/86 10/21/86 10/28/86 11/4/86 11/11/86 11/18/86 11/25/86 12/2/86 12/9/86 12/16/86 12/23/86 12/30/86 1/6/87 1/13/87 1/20/87 1/27/87 2/3/87 2/10/87 2/17/87 2/24/87 3/2/87 3/9/87 3/16/87 3/23/87 3/30/87 4/6/87 4/13/87 4/20/87 4/27/87 5/4/87 5/11/87 5/18/87 5/25/87 6/1/87 6/8/87 6/15/87 6/22/87 6/29/87 7/6/87 7/13/87 7/20/87 7/27/87 8/3/87 8/10/87 8/17/87 8/24/87 8/31/87 9/7/87 9/14/87 9/21/87 9/28/87 10/5/87 10/12/87 10/19/87 10/26/87 11/2/87 11/9/87 11/16/87 11/23/87 11/30/87 12/7/87 12/14/87 12/21/87 12/28/87 1/4/88 1/11/88 1/18/88 1/25/88 2/1/88 2/8/88 2/15/88 2/22/88 2/29/88 3/6/88 3/13/88 3/20/88 3/27/88 4/3/88 4/10/88 4/17/88 4/24/88 4/30/88 5/7/88 5/14/88 5/21/88 5/28/88 6/4/88 6/11/88 6/18/88 6/25/88 7/2/88 7/9/88 7/16/88 7/23/88 7/30/88 8/6/88 8/13/88 8/20/88 8/27/88 9/3/88 9/10/88 9/17/88 9/24/88 9/30/88 10/7/88 10/14/88 10/21/88 10/28/88 11/4/88 11/11/88 11/18/88 11/25/88 12/2/88 12/9/88 12/16/88 12/23/88 12/30/88 1/6/89 1/13/89 1/20/89 1/27/89 2/3/89 2/10/89 2/17/89 2/24/89 3/2/89 3/9/89 3/16/89 3/23/89 3/30/89 4/6/89 4/13/89 4/20/89 4/27/89 5/4/89 5/11/89 5/18/89 5/25/89 6/1/89 6/8/89 6/15/89 6/22/89 6/29/89 7/6/89 7/13/89 7/20/89 7/27/89 8/3/89 8/10/89 8/17/89 8/24/89 8/31/89 9/7/89 9/14/89 9/21/89 9/28/89 10/5/89 10/12/89 10/19/89 10/26/89 11/2/89 11/9/89 11/16/89 11/23/89 11/30/89 12/7/89 12/14/89 12/21/89 12/28/89 1/4/90 1/11/90 1/18/90 1/25/90 2/1/90 2/8/90 2/15/90 2/22/90 2/29/90 3/6/90 3/13/90 3/20/90 3/27/90 4/3/90 4/10/90 4/17/90 4/24/90 4/30/90 5/7/90 5/14/90 5/21/90 5/28/90 6/4/90 6/11/90 6/18/90 6/25/90 7/2/90 7/9/90 7/16/90 7/23/90 7/30/90 8/6/90 8/13/90 8/20/90 8/27/90 9/3/90 9/10/90 9/17/90 9/24/90 9/30/90 10/7/90 10/14/90 10/21/90 10/28/90 11/4/90 11/11/90 11/18/90 11/25/90 12/2/90 12/9/90 12/16/90 12/23/90 12/30/90 1/6/91 1/13/91 1/20/91 1/27/91 2/3/91 2/10/91 2/17/91 2/24/91 3/2/91 3/9/91 3/16/91 3/23/91 3/30/91 4/6/91 4/13/91 4/20/91 4/27/91 5/4/91 5/11/91 5/18/91 5/25/91 6/1/91 6/8/91 6/15/91 6/22/91 6/29/91 7/6/91 7/13/91 7/20/91 7/27/91 8/3/91 8/10/91 8/17/91 8/24/91 8/31/91 9/7/91 9/14/91 9/21/91 9/28/91 10/5/91 10/12/91 10/19/91 10/26/91 11/2/91 11/9/91 11/16/91 11/23/91 11/30/91 12/7/91 12/14/91 12/21/91 12/28/91 1/4/92 1/11/92 1/18/92 1/25/92 2/1/92 2/8/92 2/15/92 2/22/92 2/29/92 3/6/92 3/13/92 3/20/92 3/27/92 4/3/92 4/10/92 4/17/92 4/24/92 4/30/92 5/7/92 5/14/92 5/21/92 5/28/92 6/4/92 6/11/92 6/18/92 6/25/92 7/2/92 7/9/92 7/16/92 7/23/92 7/30/92 8/6/92 8/13/92 8/20/92 8/27/92 9/3/92 9/10/92 9/17/92 9/24/92 9/30/92 10/7/92 10/14/92 10/21/92 10/28/92 11/4/92 11/11/92 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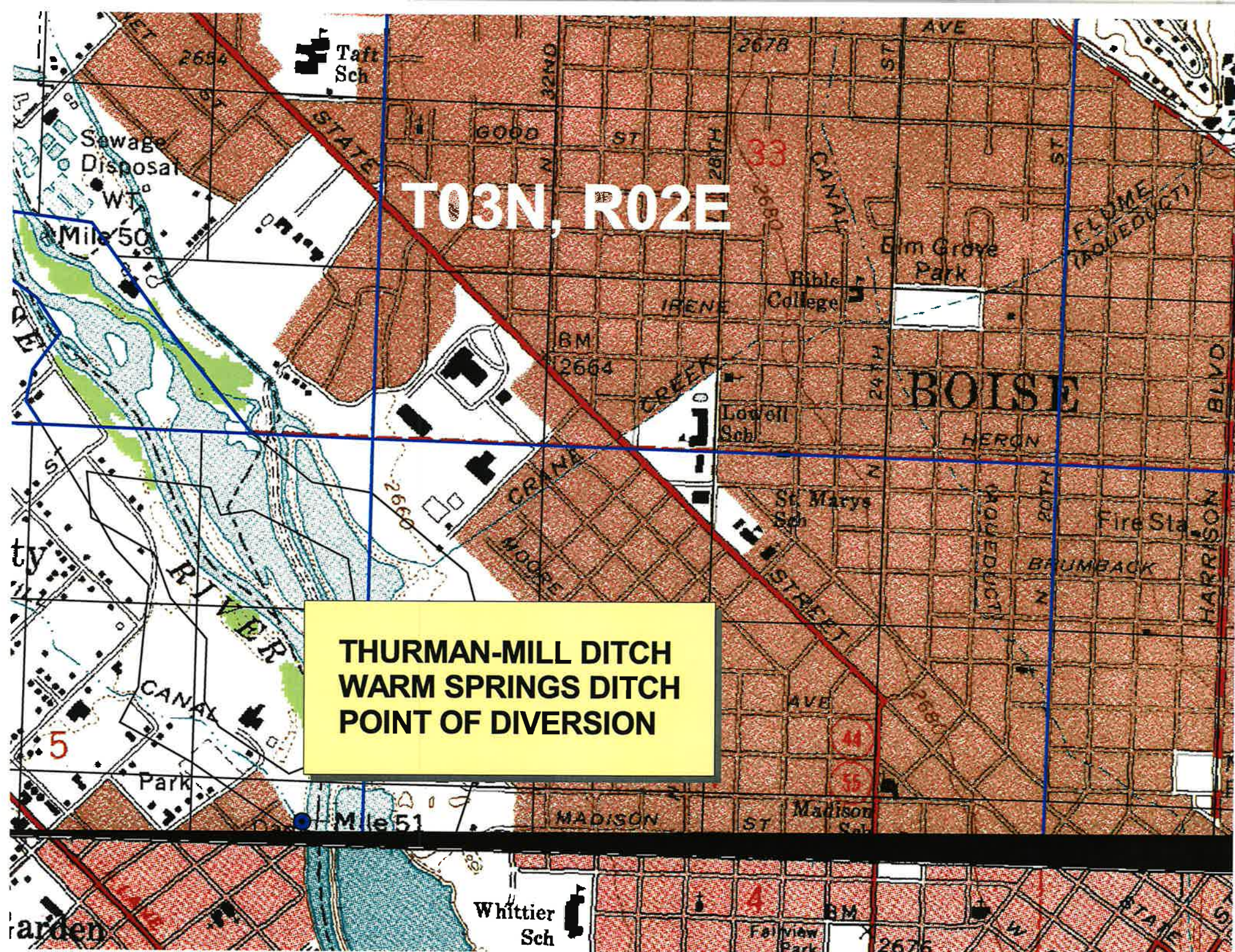


T04N, R01E

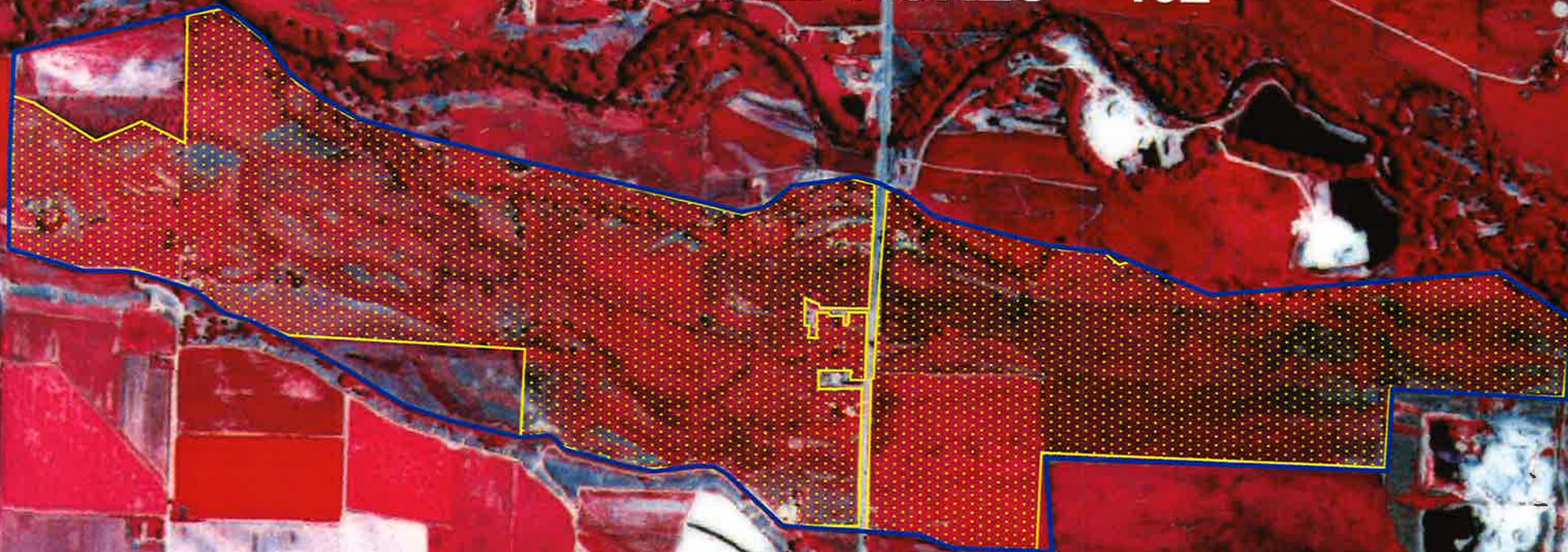
WARM SPRINGS DITCH CO
POINT OF DIVERSION

T03N, R02E

THURMAN-MILL DITCH
WARM SPRINGS DITCH
POINT OF DIVERSION



**WARM SPRINGS DITCH CO
PLACE OF USE & BOUNDARY
DIGITIZED ACRES = 462**



RECEIVED

MAY 11 2006

DEPARTMENT OF

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

A. Subcase 63-216C

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

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

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Warm Springs Ditch Company C/O Hoff Companies Inc.

Address: 1840 N. Lakes Avenue

Meridian, ID 83642

Daytime Phone: 884-2002

Name & Address of Attorney, if any:

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

Name: BOISE PROJECT BOARD OF CONTROL

Address: 2465 OVERLAND ROAD

BOISE, ID 83705

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

The proposed language by the Boise Project Board of Control is acceptable

11. Recommendation

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho
County of Ada)ss.

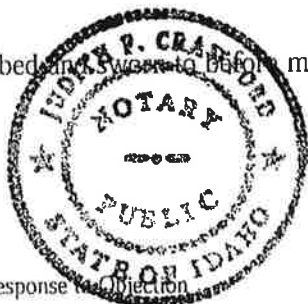
Bruce C. Hogg, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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.

Bruce C. Hogg President, Warm Springs Ditch Co.
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 5/10/06
Judith J. Crawford
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 12/19/2010



INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on May 10th, 2006, I mailed the original and copies of this 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 claimant of the water right at the following address:

Name: Warm Springs Ditch Co, C/O Hoff Companies, Inc.

Address: 1840 N. Lakes Avenue Meridian, ID 83642

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

Name: ALBERT P. BARKER AND PAUL L. ARRINGTON BARKER ROSHOLT & SIMPSON, LLP

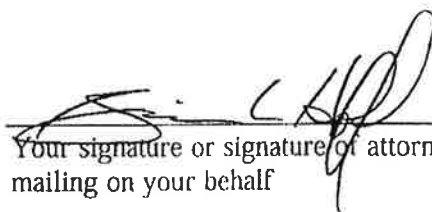
Address: 205 NORTH 10TH STREET, SUITE 520 P.O. BOX 2139
BOISE, ID 83701-2139

4. 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


Your signature or signature of attorney
mailing on your behalf

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

A. Subcase 63-216C
(Insert water right number)

**STANDARD FORM 1
AMENDED OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706-1234
Daytime Phone: (208) 378-5306 E. Gail McGarry

Name & Address of Attorney, if any:
David W. Gehlert (303) 844-1386
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS REPORT

Name: Warm Springs Ditch Company
Address: C/O Hoff Companies Inc.
280 E. Corporate Dr., Ste 200
Meridian, ID 83642

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: Diversion for irrigation and aesthetic storage under this 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 the Boise River Reservoir 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.
9. ☐ **Place of Use**
Should be:
10. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. **REASONS SUPPORTING EACH OBJECTION(S):** The proposed language is intended to preserve the historical practice of allowing Reclamation's reservoirs to fill until April 1 and after October 31 if necessary.

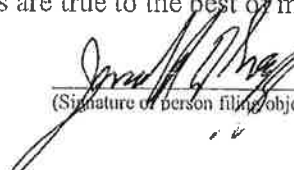
F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

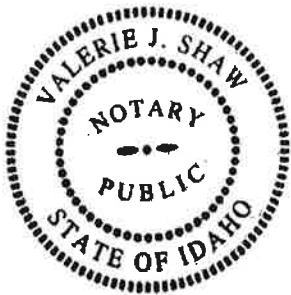
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



9.5.00
Valerie J Shaw
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 6-2-2012

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on SEPT. 8, 2006 I mailed the original and copies of this objection, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Warm Springs Ditch Company
Address: C/O Hoff Companies Inc.
280 E. Corporate Dr., Ste 200
Meridian, ID 83642

3. Copies to:

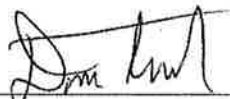
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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

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

Albert P. Barker
Barker Rosholt & Simpson, LLP
PO Box 2139
Boise, ID 83701-2139

Warm Springs Ditch Company C/O Hoff Companies Inc.
1840 N. Lakes Avenue
Meridian, ID 83642



Signature of Objector or attorney
mailing on Objector's behalf

COPY

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: 63-00216C
)
) (Insert water right number
Case No. 39576) From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

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

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: State of Idaho
Address: 700 W. Jefferson, Room 210
P.O. Box 44449
Boise, Idaho 83711-4449
Phone: Work: (208) 334-2400 Home: N/A

Name and Address of Attorney, if any:
Attorney Name: LAWRENCE G. WARDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General
Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400
Idaho State Bar # 2597

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

Name: United States of America acting through the Department of Interior
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd Suite 100
Boise, Idaho 83706-1234

Name & Address of Attorney, if any:
David W. Gehlert
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

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.

E.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

DAVID J. BARBER, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

That the State of Idaho is the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6), that I am a Deputy Attorney General authorized to represent the State of Idaho and that I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

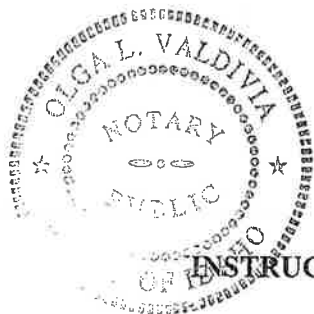
DAVID J. BARBER
Deputy Attorney General



By Attorney signing in representative capacity

Subscribed and sworn to before me on this 23rd day of June, 2006

(Insert Date)



Notary Public for IDAHO

Residing at: BOISE, ID

My commission expires: 2/6/2012

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

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

Claimant Name: Warm Springs Ditch Co. U. S. MAIL
Address: C/O Hoff Companies Inc.
280 E Corporate Dr. Ste 200
Meridian, Idaho 83642

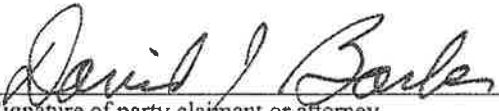
Name: David W. Gehlert U. S. MAIL
Trial Attorney, General Litigation Section
Address: Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

Albert P. Barker
Paul L. Arrington
Barker Rosholt & Simpson
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, ID 83701-2139

Page - 4

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)


Signature of party claimant or attorney

RECEIVED

APR 25 2006

DEPARTMENT OF
THE RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase Number: 63-216C

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise Project Board of Control acting on its own behalf and on behalf of
and for the following individual entities:
New York Irrigation District, Nampa & Meridian Irrigation District, Wilder
Irrigation District, Boise-Kuna Irrigation District, Big Bend Irrigation
District
Address: 2465 Overland Road
Boise, Idaho 83705
Phone: (208) 344-1141

Name & Address of Attorney, if any:

Albert P. Barker, ISB # 2867
Paul L. Arrington, ISB # 7198
Barker Rosholt & Simpson, LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: 208-336-0700
Facsimile: 208-344-6034

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

Name: Warm Springs Ditch Co
Address: C/O Hoff Companies Inc.
280 E Corporate Dr Ste 200
Meridian, ID 83642

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: Diversion for irrigation and **aesthetic storage** under this 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 the Boise River Reservoir 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, as decreed in SRBA Case No. 39576.

9. ☐ **Place of Use**

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S): The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow injury to the objector's water rights and diminution of contract water reliability.

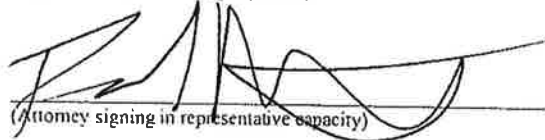
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Twin Falls)

Paul L. Arrington, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 20, 2006.




Sharon Hart Strickland
Notary Public for: Idaho
Residing at: Gooding
My Commission Expires: 12-22-09

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on April 21, 2006, I mailed the original and copies of this objection, 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, ID. 83303-2707

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

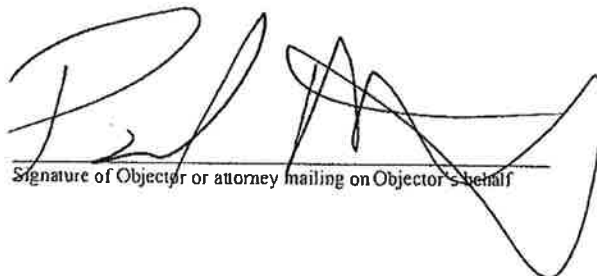
Name: Warm Springs Ditch Co.
Address: c/o Hoff Companies, Inc.
280 E. Corporate Dr. Ste. 200
Meridian, ID 83642

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

RECEIVED

MAY 11 2006

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

A. Subcase 63-216C

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

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

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Warm Springs Ditch Company C/O Hoff Companies Inc.

Address: 1840 N. Lakes Avenue
Meridian, ID 83642

Daytime Phone: 884-2002

Name & Address of Attorney, if any:

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

Name: United States of America acting through the Department of Interior

Address: Bureau of Reclamation , Regional Director PN Code 3100
1150 N. Curtis Rd, Suite 100
Boise, ID 83706-1234

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on 5/9 ²⁰⁰⁶ ~~199~~, I mailed the original and copies of this 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 claimant of the water right at the following address:

Name: Warm Springs Ditch Co, C/O Hoff Companies, Inc.
Address: 1840 N. Lakes Avenue Meridian, ID 83642

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

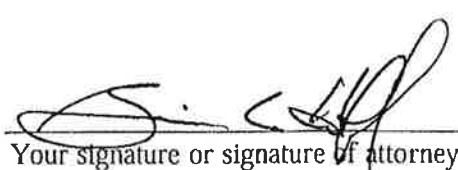
Name: Gail McGarry, US Bureau of reclamation, Regional Director PN Code 3100
Address: 1150 N. Curtis Rd. Suite 100. Boise, ID 83706-1234

4. 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


Your signature or signature of attorney
mailing on your behalf

RECEIVED
APR 25 2005
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)

A. Subcase 63-216C
(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 378-5306 E.Gail McGarry

Name & Address of Attorney, if any:
David W. Gehlert ((303)844-1386)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS REPORT

Name: Warm Springs Ditch Co
Address: C/O Hoff Companies Inc.
280 E Corporate Dr Ste 200
Meridian, ID 83642

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: Diversion for irrigation and aesthetic storage under this 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 the Boise River Reservoir 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, as decreed in SRBA Case No. 39576.

9. ☐ **Place of Use**
Should be:

11. **I object because:**

- ☐ This water right should not exist.
☐ This water right was not recommended, but should be recommended with the elements described.

E. **REASONS SUPPORTING EACH OBJECTION(S):** The proposed language is intended to preserve the historical practice of allowing Reclamation's reservoirs to fill until April 1 and after October 31 if necessary.

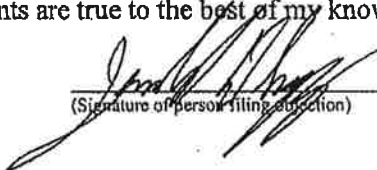
SF. 1 - Objection

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

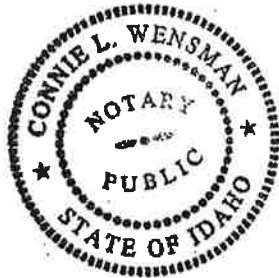
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:





Notary Public for: Idaho
Residing at: MERIDIAN
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on 4-21, 2006 I mailed the original and copies of this objection, 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, ID. 83303-2707

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

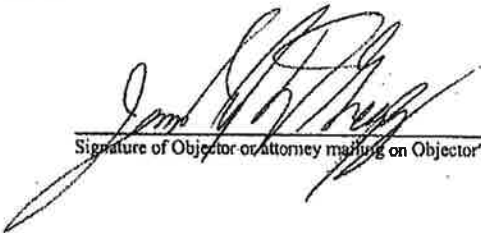
Name: Warm Springs Ditch Co
Address: C/O Hoff Companies Inc.
280 E Corporate Dr Ste 200
Meridian, ID 83642

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724


Signature of Objector or attorney mailing on Objector's behalf

SF. 1 - Objection
Amended 10/16/97

RECEIVED

SEP 12 2006

DEPARTMENT OF
WATER RESOURCES

2006 SEP 13 AM 9:45

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

Case No. 39576

-) Subcase Nos. 63-00146, 63-00183, 63-00192,
-) 63-00198AC, 63-00216C, 63-00230M,
-) 63-00278, 63-00279B, 63-19425, 63-20041,
-) 63-31808, and 63-31832
-)
-) ORDER GRANTING UNITED STATES'
-) MOTION FOR LEAVE TO FILE
-) AMENDED OBJECTIONS

On September 11, 2006, the United States of America, Bureau of Reclamation, filed the *United States' Motion for Leave to File Amended Objections* in the above-captioned subcases. Attached thereto were proposed amended objections, which were lodged with the Court. The proposed amended objections seek to correct an error of omission contained in the original objections filed by the United States on April 21, 2006.

Having reviewed the *Motion*, and good causes appearing, the *Motion* is hereby **granted**. The Clerk of the SRBA Court is instructed to file the previously lodged amended objections, which shall replace and supersede the objections originally filed by the United States.

Dated Sept. 12, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING UNITED STATES' MOTION FOR LEAVE TO FILE AMENDED OBJECTIONS was mailed on September 13, 2006, with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

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

U.S. Department of Justice
Environment & Natural Resources Div.
550 W Fort St., MSC 033
Boise, ID 83724

Middleton Irrigation Association
c/o Sam Rosti
1460 N Pollard Ln
Star, Idaho 83669

Boise Project Board of Control
Albert Barker
P O Box 2139
Boise, Idaho 83701-2139

Settlers Irrigation District
Scott L Campbell
P O Box 829
Boise, Idaho 83701-0829

Ballentyne Ditch Co Ltd
c/o Joe King
170 Sierra Way
Eagle, Idaho 83616

Boise Valley Irrigation Ditch Co
8750 N Bogart Ln
Boise, Idaho 83714

Boise City Canal Co
Bruce M Smith
950 W Bannock Ste 520
Boise, Idaho 83702

Warm Springs Ditch Co
c/o Hoff Companies Inc
1840 N Lakes Ave
Meridian, Idaho 83642

Union Ditch Co Ltd
P O Box 31
Eagle, Idaho 83616

Pioneer Ditch Co Ltd
P O Box 70
Star, Idaho 83669

Riverview Ventures
P O Box 9294
Boise, Idaho 83707


Deputy Clerk



U.S. Department of Justice

Environment and Natural Resources Division

DWG:DAJ

90-6-2-63c

David A. Jarvis
Labat-Anderson, Inc.
1961 Stout Street, 8th Floor
Denver, Colorado 80294

Telephone (303) 844-1485
Facsimile (303) 844-1350
E-mail: David.Jarvis2@usdoj.gov

RECEIVED

September 8, 2006

SEP 12 2006

DEPARTMENT OF
WATER RESOURCES

via FedEx Mail

Diana R. Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

Re: SRBA Case No. 39576
Subcase Nos. 63-00146, 63-00183, 63-00192, 63-00198AC, 63-00216C, 63-00230M, 63-00278, 63-00279B, 63-19425, 63-20041, 63-31808, and 63-31892

Dear Ms. Delaney:

Enclosed for filing is the original document and eleven in the above mentioned subcases:

1. **UNITED STATES' MOTION FOR LEAVE TO FILE AMENDED OBJECTIONS**

enclosed are copies of the twelve Amended Objections (one for each subcase) for which the United States is seeking leave to file.

Thank you for your time and attention in this matter.

Sincerely,

David A. Jarvis
Paralegal

Enclosures

RECEIVED

SEP 12 2006

DEPARTMENT OF
WATER RESOURCES

Names of Parties Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
Environment and Natural Resources Division

DAVID W. GEHLERT
Attorney, Department of Justice
Natural Resources Section
Environment and Natural Resources Division
1961 Stout St., 8th Floor
Denver, CO 80294
(303) 844-1386

**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.: 63-00146, 63-00183, 63-00192,
	)	63-00198AC, 63-00216C, 63-00230M, 63-00278,
Case No. 39576	)	63-00279B, 63-19425, 63-20041, 63-31808 and
	)	63-31832
	)	
	)	UNITED STATES' MOTION FOR LEAVE
	)	TO FILE AMENDED OBJECTIONS
	)	

The United States, on behalf of the Bureau of Reclamation ("BOR") and pursuant to Idaho Rule of Civil Procedure 15(a), hereby petitions this Court for leave to file amended SF-1 Objections in the above listed subcases.

Standard of Review

Once responsive pleadings have been filed, a party may "amend a pleading only

by leave of court or by written consent of the adverse party.” I.R.C.P. 15(a) (2006). However, “leave shall be freely given when justice so requires.” *Id.* Under the liberal approach to pleading employed by the rule,

In the absence of any apparent or declared reason – such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of the allowance of the amendment, futility of amendment, etc. – the leave sought should, as the rules require, “be freely given.”

Clark v. Olsen, 110 Idaho 323, 326, 715 P.2d 993, 996 (1986), citing *Foman v. Davis*, 371 U.S. 178, 182 (1962).

Factual Background

The United States objected to one aspect of the Director’s determination of the “season of use” for the listed subcases. The question of the appropriate season of use was originally broached in Basin 63, Part I, when the United States challenged the extended season. After negotiation between the United States and the Idaho Department of Water Resources (“IDWR”), a settlement was adopted which subordinated the extended season to storage at BOR reservoirs. The subordination language was used to resolve the United States “season of use” objections in Part I. The same language was then applied in the Director’s Report for Basin 63, Part II; however, the Director’s Report erroneously applied the subordination only to irrigation uses and omitted other extended season uses such as aesthetics and recharge.

Consequently, on April 21, 2006 the United States filed Objections to these twelve subcases so that the season of use language could be conformed to the terms of the settlement agreement and the season of use decreed in Basin 63, Part I. However, the United States’ objections inadvertently applied this subordination to only one of the BOR reservoirs – Lucky Peak Reservoir – rather than to all four BOR reservoirs – Lucky Peak Reservoir, Lake

Lowell, Arrowrock Reservoir, and Anderson Ranch Reservoir – listed on the Director’s Report recommendations for period of use.

Argument

Leave to amend is appropriate here because the United States has not engaged in dilatory actions and amendment will not result in prejudice to the other parties to these subcases.

There cannot be delay here because the initial hearings have not yet been set. Nor there is there prejudice to the other parties. In *Smith v. Great Basin Grain Co.*, 98 Idaho 266, 272, 561 P.2d 1299, 1305 (1977), the Idaho Supreme Court held that where the basic facts at issue will remain unaltered by an amendment, granting a motion to amend does not prejudice the opposing party. Here the basic facts remain unaltered. The United States’ proposed amendment does not substantially alter the United States’ position in these subcases, nor does it seek to modify the Director’s recommendations. Rather, the United States is merely seeking to correct an obvious omission to each of the twelve Objections. Moreover, given the resolution of the season of use in Basin 63, Part I, and the Director’s recommendation that the subordination language from Basin 63, Part I, be applied to all four of the BOR Reservoirs at issue in Basin 63, Part II, the United States’ proposed amendment will not come as a surprise to the other parties.

The Idaho Supreme Court’s decision in *Christensen Family Trust v. Christensen*, 133 Idaho 866, 993 P.2d 1197 (1999) makes it obvious that leave to amend is appropriately granted here. First, in contrast to the United States’ prompt action, in *Christensen* the plaintiff waited almost a year before moving to amend its complaint. Despite that long delay, the court found that the circumstances of the case were such that the amendment would not delay

resolution of the matter.¹ *Christensen Family Trust*, 133 Idaho at 872, 993 P.2d at 872. Such is the case here as well. Second, the court recognized that the opposing party was not prejudiced because basic facts giving rise to the claims were already known. *Id.* Again, that is the case here as well.

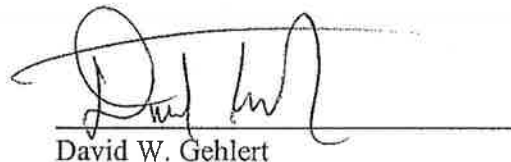
As the Idaho Supreme Court has frequently reminded, “[i]n the interest of justice, district courts should favor liberal grants of leave to amend a complaint.” *Hines v. Hines*, 129 Idaho 847, 853, 934 P.2d 20, 26 (1997). Here, because there is neither prejudice, nor delay nor bad faith, this Court should grant the United States’ motion.

Petition

Thus, the United States now asks the Court’s leave to allow the United States to file amended SF-1 Objections in order to correct its error of omission regarding the desired subordination language in each of these twelve subcases.

Respectfully submitted this 8th day of September, 2006.

Attorney for the United States



David W. Gehlert

¹ The district court had cancelled the original trial setting in favor of a motions hearings. The Idaho Supreme Court found that nothing in the record indicated that considering the allegations in the amended complaint would have delayed the motions hearing. *Christensen Family Trust*, 133 Idaho at 872; 993 P.2d at 872.

CERTIFICATE OF MAILING

I certify that on September 8th, 2006, true and correct copies of the **UNITED STATES' MOTION FOR LEAVE TO FILE AMENDED OBJECTIONS** was served as noted on the following:

By FedEx Mail:

DISTRICT COURT (original + 11 copies)
253 Third Ave., North
Twin Falls, ID 83301
208-736-2121

By First-Class Mail:

New Union Ditch Co., Ltd
P.O. Box 31
Eagle, ID 83616

Pioneer Ditch Co., Ltd.
P.O. Box 70
Star, ID 83669

Warm Springs Ditch Co.
c/o Hoff Companies, Inc.
1840 N. Lakes Avenue
Meridian, ID 83642

Middleton Irrigation Assn., Inc.
c/o Same Rosti
1460 N. Pollard Ln.
Star, ID 83669

Scott L. Campbell
Moffatt Thomas Barrett Rock & Fields
Chtd.
P.O. Box 829
Boise, ID 83701-0829

Riverview Ventures
P.O. Box 9294
Boise, ID 83707

Ballentyne Ditch Co., Ltd.
c/o Joe King
170 N. Sierra Way
Eagle, ID 83616

Boise Valley Irrigation Ditch Co.
8750 N. Bogart Ln.
Boise, ID 83714

Bruce M. Smith
225 N. Ninth Street, Ste. 420
Boise, ID 83702

Albert P. Barker
Barker Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701-2139

David J. Barber
State of Idaho
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

A handwritten signature in black ink, appearing to read 'David W. Gehlert', is written over a horizontal line.

David W. Gehlert

WARM SPRINGS DITCH COMPANY

ADDITIONAL INFORMATION

DATE: September 7, 2004

BY: Mel Schulte

The main contact for Warm Springs Ditch is Brian Hoff, President (884-2002). Steve Hanula, ERO Resources has assisted them in amending their claims and in preparing transfers.

The major issue with Warm Springs Ditch is the co-mingling of water with Thurman Mill Ditch Co and Drainage District No. 4. Warm Springs water is delivered mostly by Thurman Mill's ditch and after water enters the ditch system it is impossible to know whose water is being delivered to the different shareholders of these organizations.

63-31728 was disallowed in favor of Drainage District No. 4 who also claimed the same water on the basis that they create the wastewater in their drain ditch system. This issue is subject to challenge because the drainage district does not apply the water to a beneficial use for irrigation.

The number of acres to limit the rights to is an issue. Their decreed rights at an inch to the acre would equal 388 acres, they claimed 484 acres, the digitized acres total 462 acres and the water master's records indicate a place of use of 494 acres. The place of use is bottom land which could indicate 1.1" to the acre or a total of 353 acres based on 388 inches of water.

MTS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-192 V1

WATER RIGHT NUMBER: 63-192 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARM SPRINGS DITCH CO C/O HOFF COMPANIES INC 280 E CORPORATE DR STE 200 MERIDIAN, ID 83642 (208)884-2002

Original Owner	MARY CLARK
----------------	------------

	, ID
Original Owner	EDWARD CLARK

, ID

Priority Date: 06/01/1876

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	2.300 CFS	

add →

Total Diversion: 2.300 CFS

Location of Point(s) of Diversion

BOISE RIVER	L11 (NE1/4SE1/4)	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		

BOISE RIVER	L6 (SE1/4NW1/4)	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseConditions of Approval:

add → aesthetic storage

ok 1. 135 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.

add - 155

ok 2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

W

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-192 V1

3. S45 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 Reservoir 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.

Remarks:

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 61 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS
2. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-216C, 63-19425, 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131, 63-31936 *Set 11*
3. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. *not more than 4/5*
4. Explanatory WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL AND THE WARM SPRINGS CANAL
5. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-216C, 63-19425 *Set 6 449.*
6. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 462 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. mcase 7/21/2004 POD
Comment: Correlated PODID 610836 from SpatialDataID 342571 to SpatialDataID 302512
2. mcase 7/21/2004 POD
Comment: Correlated PODID 610836 from SpatialDataID 342571 to SpatialDataID 302512
3. mcase 7/21/2004 POD
Comment: Correlated PODID 610836 from SpatialDataID 342571 to SpatialDataID 302512
4. mcase 7/21/2004 POD
Comment: Correlated PODID 610835 from SpatialDataID 342578 to SpatialDataID 302643
5. mcase 7/21/2004 POD
Comment: Correlated PODID 610835 from SpatialDataID 342578 to SpatialDataID 302643
6. mcase 7/21/2004 POD
Comment: Correlated PODID 610835 from SpatialDataID 342578 to SpatialDataID 302643

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-19425

WATER RIGHT NUMBER: 63-19425

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ANDREW J JOPLIN
	, ZZ
Original Owner	JAMES L GRAHAM
	, ID
Current Owner	WARM SPRINGS DITCH CO C/O HOFF COMPANIES INC 280 E CORPORATE DR STE 200 MERIDIAN, ID 83642 (208)884-2002

Priority Date: 06/01/1882

Basis: Decreed

Status: N/A

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
→ AESTHETIC STORAGE	01/01 to 12/31		24.60 AF
→ DIVERSION TO STORAGE	03/01 to 11/15	0.140 CFS ✓	
→ IRRIGATION	03/01 to 11/15	4.920 CFS	
	<u>Total Diversion:</u>	5.060 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L11 (NE1/4SE1/4)	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		
BOISE RIVER	L6 (SE1/4NW1/4)	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseAESTHETIC STORAGE Within ADA County


T04N R01E S19 Lot 1 NENE	T04N R01E S20 Lot 7 SWNE
T04N R01E S20 Lot 8 SENE	T04N R01E S20 Lot 5 NWNW
T04N R01E S20 SWNW	T04N R01E S20 Lot 6 SENW
T04N R01E S20 NESE	T04N R01E S20 NWSE

IRRIGATION Within ADA County

T04N R01E S19 Lot 1 NENE	24.0	T04N R01E S19	SENE	26.0
T04N R01E S20 Lot 7 SWNE	35.0	T04N R01E S20 Lot 8	SENE	32.0
T04N R01E S20 Lot 5 NWNW	22.0	T04N R01E S20	SWNW	39.0

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-19425

T04N R01E S20 Lot 6 SENW 41.0	T04N R01E S20 NESW 16.0
T04N R01E S20 NWSW 1.5	T04N R01E S20 NESE 33.0
T04N R01E S20 NWSE 24.0	T04N R01E S21 Lot 7 SWNE 24.0
T04N R01E S21 Lot 8 SENE 25.0	T04N R01E S21 Lot 5 SWNW 23.0
T04N R01E S21 Lot 6 SENW 23.0	T04N R01E S21 NESW 20.0
T04N R01E S21 NWSW 39.0	T04N R01E S21 NWSE 18.0

Total Acres: 465.5

Conditions of Approval:

add
add 2.
3
OK
OK F01
5
add
add 6.
3K S45

Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.

Rights 63-192 and 63-216C are also diverted through the point of diversion described above as Lot 6 (SENW), S22, T04N, R01E.

This right is designated as Nos. 81, 82, 83, 84 and 85 in the Stewart Decree and the Boise River Water Masters records.

F01 Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.

R05 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.

R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

S45 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 Reservoir 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.

add 8. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

add 9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

add 11. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

add 12. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.

OK 13. X36 Rights 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131 and 63-31936 are also diverted through the point of diversion described above as Lot 11 (NESE), S05, T03N, R02E.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-216C

WATER RIGHT NUMBER: 63-216C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SONORA JOPLIN
Current Owner	, ZZ WARM SPRINGS DITCH CO C/O HOFF COMPANIES INC 280 E CORPORATE DR STE 200 MERIDIAN, ID 83642 (208)884-2002

Priority Date: 06/01/1889

Basis: Decreed

Status: N/A

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
→ IRRIGATION	03/01 to 11/15	0.390 CFS	
→ AESTHETIC STORAGE	01/01 to 12/31		2.00 AF
→ DIVERSION TO STORAGE	03/01 to 11/15	0.010 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L11 (NE1/4SE1/4)	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		
BOISE RIVER	L6 (SE1/4NW1/4)	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R01E S19 Lot 1 NENE 24.0	T04N R01E S19 SENE 26.0
T04N R01E S20 Lot 7 SWNE 35.0	T04N R01E S20 Lot 8 SENE 32.0
T04N R01E S20 Lot 5 NWNW 22.0	T04N R01E S20 SWNW 39.0
T04N R01E S20 Lot 6 SENW 41.0	T04N R01E S20 NESW 16.0
T04N R01E S20 NWSW 1.5	T04N R01E S20 NESE 33.0
T04N R01E S20 NWSE 24.0	T04N R01E S21 Lot 7 SWNE 24.0
T04N R01E S21 Lot 8 SENE 25.0	T04N R01E S21 Lot 5 SWNW 23.0
T04N R01E S21 Lot 6 SENW 23.0	T04N R01E S21 NESW 20.0
T04N R01E S21 NWSW 39.0	T04N R01E S21 NWSE 18.0

Total Acres: 465.5

AESTHETIC STORAGE Within ADA County

eda

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-216C

T04N R01E S19 Lot 1 NENE

T04N R01E S20 Lot 7 SWNE

T04N R01E S20 Lot 8 SENE

T04N R01E S20 Lot 5 NWNW

T04N R01E S20 SWNW

T04N R01E S20 Lot 6 SENW

T04N R01E S20 NESE

T04N R01E S20 NWSE

Conditions of Approval:

1. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
2. Rights 63-192 and 63-19425 are also diverted through the point of diversion described above as Lot 6 (SENW), S22, T04N, R01E.
3. This right is designated as No. 116 in the Stewart Decree and the Boise River Water Masters records.
4. F01 Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
5. R05 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.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. S45 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 Reservoir 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.
8. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
12. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.
13. X36 Rights 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131 and 63-31936 are also diverted through the point of diversion described above as Lot 11 (NESE), S05, T03N, R02E.

Remarks:

Comments:

1. pskaggs 3/4/2005 3:38:11 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 70620

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-192

WATER RIGHT NUMBER: 63-192

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARM SPRINGS DITCH CO C/O HOFF COMPANIES INC 280 E CORPORATE DR STE 200 MERIDIAN, ID 83642 (208)884-2002
Original Owner	MARY CLARK
	, ID
Original Owner	EDWARD CLARK
	, ID

Priority Date: 06/01/1876

Basis: Decreed

Status: N/A

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
→ AESTHETIC STORAGE	01/01 to 12/31		11.20 AF
→ DIVERSION TO STORAGE	03/01 to 11/15	0.060 CFS	
IRRIGATION	03/01 to 11/15	2.240 CFS	
	<u>Total Diversion:</u>	2.300 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L11 (NE1/4SE1/4)	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		
BOISE RIVER	L6 (SE1/4NW1/4)	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseAESTHETIC STORAGE Within ADA County

T04N R01E S19 Lot 1 NENE	T04N R01E S20 Lot 7 SWNE
T04N R01E S20 Lot 8 SENE	T04N R01E S20 Lot 5 NWNW
T04N R01E S20 SWNW	T04N R01E S20 Lot 6 SENW
T04N R01E S20 NESE	T04N R01E S20 NWSE

IRRIGATION Within ADA County

T04N R01E S19 Lot 1 NENE 24.0	T04N R01E S19 SENE 26.0
T04N R01E S20 Lot 7 SWNE 35.0	T04N R01E S20 Lot 8 SENE 32.0
T04N R01E S20 Lot 5 NWNW 22.0	T04N R01E S20 SWNW 39.0

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-192

T04N R01E S20 Lot 6 SENW 41.0	T04N R01E S20 NESW 16.0
T04N R01E S20 NWSW 1.5	T04N R01E S20 NESE 33.0
T04N R01E S20 NWSE 24.0	T04N R01E S21 Lot 7 SWNE 24.0
T04N R01E S21 Lot 8 SENE 25.0	T04N R01E S21 Lot 5 SWNW 23.0
T04N R01E S21 Lot 6 SENW 23.0	T04N R01E S21 NESW 20.0
T04N R01E S21 NWSW 39.0	T04N R01E S21 NWSE 18.0

Total Acres: 465.5

Conditions of Approval:

1. *add* Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
2. *ok* Rights 63-216C and 63-19425 are also diverted through the point of diversion described above as Lot 6 (SENW), S22, T04N, R01E.
3. *ok* This right is designated as No. 61 in the Stewart Decree and the Boise River Water Masters records.
4. *ok* F01 Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
5. *add* → R05 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.
6. *ok add* R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. *ok* S45 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 Reservoir 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.
8. *add* T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval. *See #70620*
9. *add* T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. *Exp 70620*
10. *no* T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. *add* T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
12. *add* WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.
13. *ok* X36 Rights 63-135, 63-176, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131 and 63-31936 are also diverted through the point of diversion described above as Lot 11 (NESE), S05, T03N, R02E.

Remarks:

Page 3

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-192

Comments:

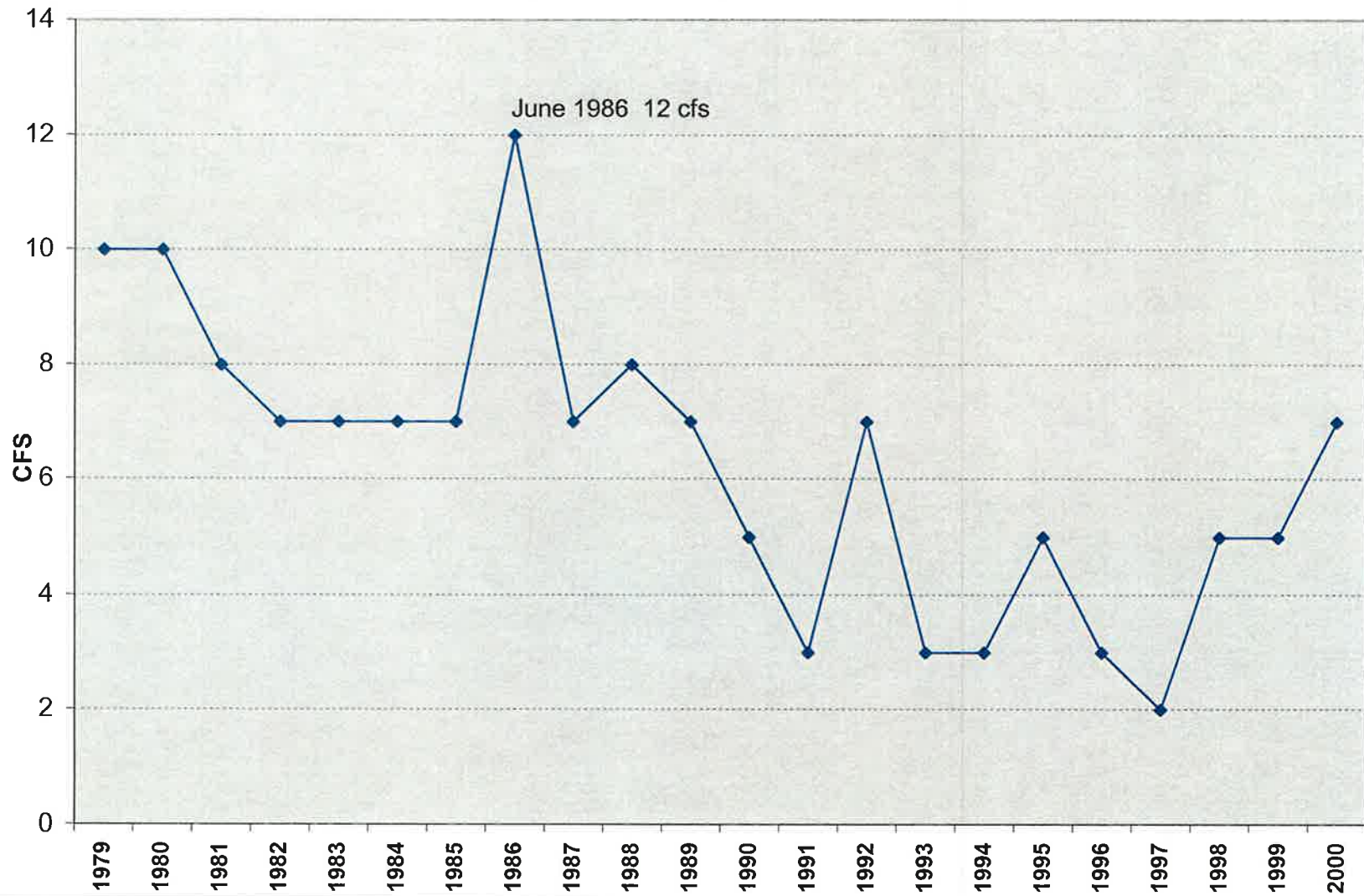
1. psdaggs 3/4/2005 3:38:11 PM Transferred Right

Comment: This is now an approved transfer, transfer number = 70620

[illegible]

MAXIMUM MONTHLY DIVERSION 1979-2000

13206220 WARM SPRINGS CANAL



13206220	HISTORIC DIVERSION WARM SPRINGS DITCH						(CFS)							
W-YR	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ANN	
1979	2	0	0	0	0	0	5	10	7	5	3	3	35	
1980	2	0	0	0	0	0	3	10	8	5	5	2	35	
1981	0	0	0	0	0	0	3	8	7	7	7	5	36	
1982	2	0	0	0	0	0	0	7	5	5	3	3	25	
1983	2	0	0	0	0	0	2	2	7	5	5	5	26	
1984	2	0	0	0	0	0	3	3	5	5	7	7	31	
1985	3	0	0	0	0	0	3	7	7	7	7	2	35	
1986	0	0	0	0	0	0	0	0	12	5	5	5	27	
1987	2	0	0	0	0	0	3	7	7	7	7	5	36	
1988	2	0	0	0	0	0	5	8	7	7	7	5	40	
1989	0	0	0	0	0	0	3	7	7	7	7	5	35	
1990	0	0	0	0	0	0	3	5	5	5	5	5	28	
1991	2	0	0	0	0	0	2	3	3	3	3	3	20	
1992	2	0	0	0	0	0	5	7	7	5	3	2	30	
1993	0	0	0	0	0	0	0	3	3	3	3	3	16	
1994	2	0	0	0	0	0	2	3	3	3	3	3	20	
1995	2	0	0	0	0	0	0	3	5	3	3	3	20	
1996	2	0	0	0	0	0	0	3	3	3	3	3	18	
1997	2	0	0	0	0	0	0	0	0	0	0	0	2	
1998	0	0	0	0	0	0	0	0	2	5	3	3	13	
1999	2	0	0	0	0	0	0	3	5	3	3	3	20	
2000	2	0	0	0	0	0	2	7	7	7	5	3	31	
AVERAGE:														
1979-2000	1	0	0	0	0	0	2	5	5	5	4	4	26	

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Volume(af)	Source	Water Use(s)	Source Table
63	192		Decreed	Active	1876-06-01	^{0.2} 2.3	518	BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH co (Current)
63	216	C	Decreed	Active	1889-06-01	^{.40} 1.2	297	BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH co (Current)
63	31928 2387	A	License	Active	4/18/1925	2.23	1070	DRAIN	IRRIGATION	WARM SPRINGS DITCH co (Current)
63	217 = 1.44 218 = 1.44 219 = 1.58 220 = 1.12 19425		Decreed	Active	1882-06-01	^{5.06} 4.2	945	BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH co (Current)

5.06

7.76 cfs = 388"

Claimed acres = 484

Digitized acres = 462

Watermaster = 494 acres

Brian Hoff - 884-2002

Warm Springs Ditch review

63-192 = OK

63-216C = overclaimed DR - amend claim
to 40 cfs

63-19425 = underclaimed - amend claim
to 5.06 cfs.

63-2387A = disallow - recommend as 63-2387A
in the name of Drainage Dist #4 who owns
the right. = withdrawn

DR #4 water serves the same POA as Warm
Springs Ditch Co.

STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY NO.	DATE	AMOUNT DECREED				TOTAL SEC. FT.
					STEWART DECREE	INTERVENORS STEWART DECREE	BRYAN DECREE	INCHES	
WARM SPRINGS DITCH			61	6-1-1876	2.30	- 192 = WSDC			
			82	6-1-1882	.44	- 217		219 = 2.86	
			83	6-1-1882	.44	- 218			
			84	6-1-1882	1.56 1.36	- 219 → part of 219			
			85	6-1-1882	2.20	- 220			
			81	6-1-1882	.40 .80	- 214 part			
			115	6-1-1889	.06	- 215			
			116	6-1-1889	1.20	- 216 = .40 = WSDC			
		2996	116*	6-1-1889	.80*	- 216A = more			
									8.00

POD search for 3N, 2E, 5, NESE

[illegible]

63-192.

LII.

That the defendants the heirs of EDWARD AND MARY CLARK, be and they are hereby awarded the use of the waters of Boise River, diverted from said river at a point opposite the upper end of Government Island ~~xxx~~ through what is known as the Thurman Mill Slough, for use upon the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and lots 7 and 8, Sec. 20, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0192

115 inches, from June 1, 1876; and hereby designated as

Right No. 61.

and be adjudged to pay \$8.05 costs in addition to the costs incurred by them.

LIII.

That the defendant JOHN CECIL be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point opposite the upper end of Government Island, through what is known as the Thurman Mill Slough, for use upon the following described land; commencing at a point $\frac{1}{4}$ mile west of the NE corner of NE $\frac{1}{4}$ of Sec. 27, T. 4 N. R. 1 E. B.M., thence west 120 rods, thence south 249 feet, thence southeast along the brow of the hill 120 rods, thence north 333 feet to place of beginning, in the following amount and from the following date;

3 0193

22 inches, from June 1, 1876; and hereby designated as Right No. 62;

and be adjudged to pay \$1.54 costs in addition to the costs incurred by him.

LIV.

That the defendant THOMAS H. AIKENS be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in said river on Sec. 16, T. 4 N. R. 1 E. B.M., about 60 rods from the west line of said section and on or near the south line thereof, for use upon the south half of SE $\frac{1}{4}$, Sec. 17, T. 4 N. R. 1 E. B.M., and lots 6, 7, and 8 in said section, also an irregular shaped piece of ground in the SE $\frac{1}{4}$ of said Sec. 17, containing about 10 acres, in the following amount and from the following date;

3 0194

260 inches, from June 1, 1877; and hereby designated as Right No 63.

Water Right Report 63-192

Dates and Other Information:

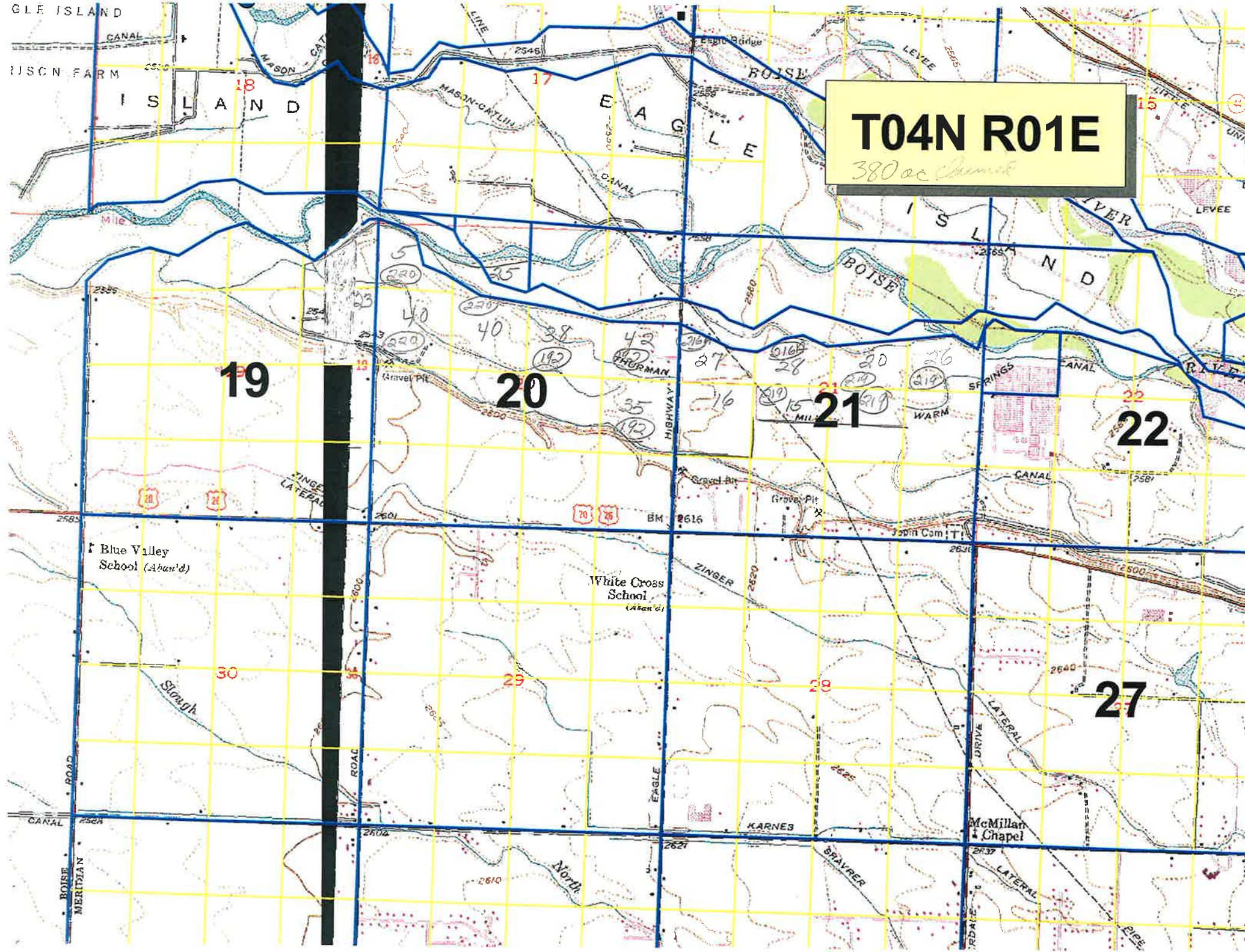
IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-192

Dates and Other Information:

Licensed Date:
Decreed Date: 1/18/1906
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Riverside Irrigation District, Ltd, et al
Decree Plaintiff: Farmers Cooperative Ditch Co
Civil Case Number:
Judicial District: Seventh District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:



T04N R01E
380 ac Church

19

20

21

22

27

GLE ISLAND

MASON FARM

ISLAND

EAGLE

T04N R01E

380 ac Church

ISLAND

BOISE

SPRINGS

WARM

Blue Valley School (Aban'd)

White Cross School (Aban'd)

McMillan Chapel

Slough

North

BOISE MERIDIAN

EAGLE

KARNES

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7/8/2002

BasinNumber	SequenceNum	SplitSuffix	OrganizationName	Agent
63	192		WARM SPRINGS DITCH COMPANY	Mel
63	192		WARM SPRINGS DITCH COMPANY	Mel
63	216C		WARM SPRINGS DITCH COMPANY	Mel
63	216C		WARM SPRINGS DITCH COMPANY	Mel
63	2387A		WARM SPRINGS DITCH COMPANY	Mel
63	2387A		WARM SPRINGS DITCH COMPANY	Mel
63	19425		WARM SPRINGS DITCH COMPANY	Mel
63	19425	.219-220	WARM SPRINGS DITCH COMPANY	Mel

Brian Hoff
884-2002

12-17-02

Copies of GIS 2
USGS Incorporated
to Brian Hoff to use
for boundary and project
POI.

1-27-03

Final draft picked up

~~Copies of deeds~~
~~reconcile splits~~
Need boundary map.

Idaho Dept. of Water Resources
Place of Use Comparison Report

T4N, R1E, S19, SENE

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Source	Water Use(s)	Owner(s)	Source Table
63	16555		Beneficial Use	4/27/1962	0.09	GROUND WATER	IRRIGATION, STOCKWATER	SCHULTSMEIER, BLANCHE (Current); SCHULTSMEIER, LEE (Current)	wrAdjudicationClaim
63	231		Decreed	1891-05-06	73.44	BOISE RIVER	IRRIGATION	SETTLERS IRRIGATION DISTRICT (Current)	wrAdjudicationClaim
63	16553		Decreed	11/1/1905	0.06	GROUND WATER	DOMESTIC, STOCKWATER	SCHULTSMEIER, BLANCHE (Current); SCHULTSMEIER, LEE (Current)	wrWaterRight
63	16554		Decreed	7/2/1977	0.06	GROUND WATER	DOMESTIC, STOCKWATER	SCHULTSMEIER, BLANCHE (Current); SCHULTSMEIER, LEE (Current)	wrWaterRight
63	18949		Decreed	12/31/1934	0.05	GROUND WATER	DOMESTIC, STOCKWATER	WALTERS, JUNE S (Current)	wrWaterRight
63	19425		Decreed	1882-06-01	4.2	BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH co (Current)	wrAdjudicationClaim
63	19535		Decreed	8/15/1975	0.06	GROUND WATER	DOMESTIC, STOCKWATER	JOHNSON, LARRY L (Current); JOHNSON, PEGGY L (Current)	wrWaterRight
63	2387	A	License	4/18/1925	2.23	DRAIN	IRRIGATION	WARM SPRINGS DITCH co (Current)	wrAdjudicationClaim
63	2387	B	License	7/12/1924	11.42	BOISE RIVER	IRRIGATION	DRAINAGE DISTRICT NUMBER FOUR (Current)	wrAdjudicationClaim
63	2387		License	11/11/1964	11.42	BOISE RIVER	IRRIGATION	DRAINAGE DIST NO 4 (Current)	wrWaterRight
63	2555		License	7/12/1924	10	JUNCTION DRAIN	IRRIGATION	DRAINAGE DISTRICT NUMBER FOUR (Current)	wrAdjudicationClaim
63	2555		License	9/2/1969	10	JUNCTION DRAIN	IRRIGATION	DRAINAGE DIST NO 4 (Current)	wrWaterRight
63	3060		License	8/3/1955	1.87	GROUND WATER	IRRIGATION	SETTLERS IRRIGATION DISTRICT (Current)	wrAdjudicationClaim
63	3060		License	8/3/1955	1.87	GROUND WATER	IRRIGATION	SETTLERS IRRIGATION DISTRICT (Current)	wrWaterRight
63	3614	B	License	12/9/1940		BOISE RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE	SETTLERS IRRIGATION DISTRICT (Current)	wrAdjudicationClaim
63	3618	B	Permit	4/12/1963		BOISE RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE	SETTLERS IRRIGATION DISTRICT (Current)	wrAdjudicationClaim
63	5262	B	Statutory Claim	1/13/1911		BOISE RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE	SETTLERS IRRIGATION DISTRICT (Current)	wrAdjudicationClaim

Transfer No. 2996

Water Right No. 63-0216

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use *APP*

Name of applicant Leonard C. Mace Phone 939-6346
Post Office address Rt.3 Box 800 Eagle, ID 83616

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. 63-0216 Decreed to Sonora Joplin
(Name)
in case of Farmers Co-operation Ditch Co. Riverside Irrigation District
dated in 1/18/1906 in 7th county of Ada v Canyon
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
3. Source of water Boise River tributary to Snake River
4. Date of priority June 1, 1889 Rt. # 116
5. Water is used for the following purposes:
- amount 1.2 cfs for Irrigation purposes from _____ to _____
- amount _____ for _____ purposes from _____ to _____
- amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)
6. Total amount of water under right: a. 1.2 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5
Township 3N Range 2E, B.M. in ADA County
Additional points of diversion, if any _____
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
4N	1E	21							1.5	1.6									60
									X	X									

Total number of acres to be irrigated 60

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? no If yes, describe in item D. REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

MICROFILMED

1. Amount of water: a. 0.80 cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5 Township 3N
Range 2E, B.M., ADA County
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>4N</u>	<u>1E</u>	<u>21</u>							<u>20</u>	<u>20</u>									<u>40</u>

Total number of acres to be irrigated 40

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - a. Amount of water to be diverted 0.80 c.f.s. &/or _____ acre feet
 - b. Description of diverting works Mace & Mace diversion ditch
 - c. Describe the reasons for the proposed changes This land doesn't have any water rights.
2. Change in point of diversion

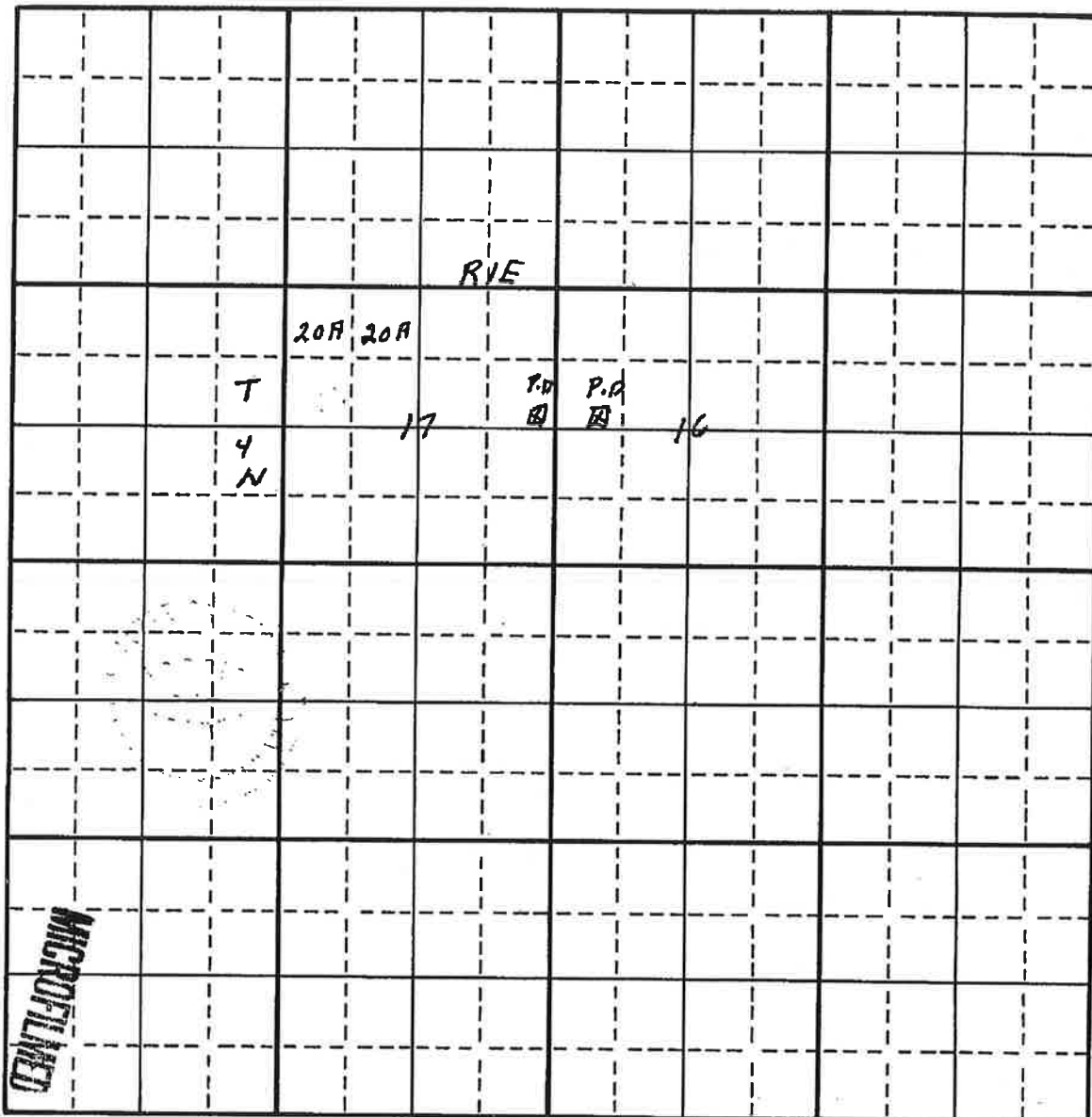
Point of diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16 Township 4N
Range 1E, B.M., _____ County
Additional points SENE Sec 17 T4N R1E
3. Change in place of use
 - a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
 - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
LAND HAS OTHER WATER RIGHTS - THIS WATER WAS USED ONLY WHEN THERE WAS LOW WATER - SEE LETTER OF 4/26/83.

c. Describe the lands place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1E	17					20	20											40

Total number of acres to be irrigated 40

4. Describe any other water rights used for the same purpose as described above. none
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 Inches equal 1 mile. Draw plan in ink.

MICROFILMED

REMARKS

.4 CFS was not transferred from original
P.D. SENE Sec 5 T3N R2E.

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 willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 28 day of April, 19 83

Leonard C. Mass
(Signature of Applicant)

Nancy M. Northway
(Notary Public)

My commission expires

Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-02168 and said application is hereby APPROVED, subject to the following limitations and conditions:
1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works. 2. Use of water under this right is subject to control by the watermaster of State Water District No. 63, Boise River.

Witness my hand this 8th day of May, 19 84

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by JKN Date 4/28/83 Protest filed by _____
Prelim. check by JG Fee 50⁰⁰ \$ 77966
Receipted by JP Date 4/28/83
Published in The Idaho Statesman Copies of protest forwarded by _____
Pub. dates 5/12 & 5/19/83 9/29 & 10/6/83 Hearing held by _____ Date _____
Watermaster recommendation requested on 9/23/83 Recommended for approval denial
10/4/83 rec'd. 2/17/84 by DBS Jim Dier

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-216C

WATER RIGHT NUMBER: 63-216C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARM SPRINGS DITCH co C/O HOFF COMPANIES INC 280 E CORPORATE DR SUITE 200 MERIDIAN, ID 83642 (208) 884-2002

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

Source
BOISE RIVER

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.200 CFS	297.00 AF
	<u>Total Diversion:</u>	1.200 CFS	297.00 AF

Location of Point(s) of Diversion

BOISE RIVER	SE1/4NE1/4	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		
BOISE RIVER	L6 ()	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R01E S21 SWNW 27.0 T04N R01E S21 SENW 28.0
Total Acres: 55

Conditions of Approval:Remarks:

1. AUTHORITY AS AGENT FOR WARM SPRINGS DITCH CO. WATER USERS, SEE ATTACHMENT "A"
Address change per claimant request. DB 4/18/2001

Comments:Dates and Other Information:

*over claimant
should be 40 cfs*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-213

T04N R01E S19 NWNE 25.0

T04N R01E S19 SWNE 15.0

Total Acres: 40

Conditions of Approval:Remarks:

1. General THE POINT OF DIVERSION UNDER THIS WATER RIGHT WAS CHANGED UNDER
TRANSFER NO. 1647 (EXHIBIT A).
*CHANGE IN OWNERSHIP COMPLETED BY L.R.W. ON 11/16/92.

Comments:

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Dates and Other Information:

Claim Received Date: 9/8/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

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

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

T04N R01E

T04N R01E

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Warm Springs Ditch Company

MEL,

THIS IS MY BEST SHOT AT
WARM SPRINGS DITCH BOUNDARIES.
IF YOU HAVE ANY QUESTIONS, FEEL
FREE TO CALL ME.

THANKS,

BRIAN

Large POC

② @ 20x30

