

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: A63-00230F

Date Received: 9/ 8/1989

Receipt No: C011305

Received By:

See Receipt W014332 for additional fee
AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SETTLERS IRRIGATION DISTRICT
Address: PO BOX 7571
BOISE ID

208-344-2471

83707

2. Date of Priority: OCT 17, 1884

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	9	NW NW		ADA

5. Description of diverting works:
STEEL REINFORCED CONCRETE DIV. DAM TO HEADGATE AND LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	99.060		

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

A.F.A.

8. Total consumptive use is 37325.7 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	3	NE SW		IRR	40.0
			SE SW		IRR	40.0

MICROFILMED

OCT 02 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
					Total Acres	40.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

63-00230, 63-00231, 63-05262, 63-03618, 63-03614

14. Remarks:

TRANS. 483.

ITEM 5=REINFORCED CONCRETE DIVERSION DAM IN RIVER TO EARTHEN CANAL, TO EARTHEN LATERAL DITCH SYSTEM.
A POWER OF ATTORNEY (EXHIBIT A) PROVIDES WRITTEN AUTHORIZATION FOR THE CHAIRMAN OF SETTLERS IRRIGATION DISTRICT TO FILE THIS CLAIM. THIS WATER RIGHT IS EVIDENCE BY TRANSFER NO. 483 (EXHIBIT C).

FEES PAID AS FOLLOWS: \$16.00 UNDER C011305, \$34.00 UNDER RECEIPT NO. W018420. KW 12/21/94

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.
Decree Plaintiff

RIVERSIDE IRR. DIST.
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

MICROFILMED
OCT 02 1996

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Received By: Updated 8-27-99

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A.F.A.

8. Total consumptive use is 37325.7 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	3	NE SW		IRR	40.0
			SE SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
			Section Acres				80.0
		4	SW	NE		IRR	20.0
			SE	NE		IRR	20.0
			SW	NW		IRR	35.0
			Section Acres				75.0
		5	NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			Section Acres				80.0
		6	NE	SW		IRR	20.0
			SE	SE		IRR	3.0
			Section Acres				23.0
		7	NE	SE		IRR	38.0
			Section Acres				38.0
		8	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NE	SE		IRR	20.0
			Section Acres				140.0
		9	NW	SW		IRR	24.0
			Section Acres				24.0
01W		1	NE	SW		IRR	18.0
			NE	SE		IRR	28.0
			Section Acres				46.0
		2	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	33.0
			NE	SW		IRR	12.0
			NW	SE		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
Section Acres						203.0
		3	SW SE	SW SW	IRR IRR	40.0 40.0
Section Acres						80.0
		4	SW NW SE	NE NW SE	IRR IRR IRR	40.0 40.0 40.0
Section Acres						120.0
		5	NW SW SE	NE NE NW	IRR IRR IRR	40.0 39.5 40.5
Section Acres						120.0
		10	NW NE NW	NE NW NW	IRR IRR IRR	20.0 30.0 20.0
Section Acres						70.0
04N	01E	19	NE NW SW SE SW SE NE NW SW SE NE NW SW SE	NE NE NE NE NW NW SW SW SW SW SE SE SE SE	IRR IRR IRR IRR IRR IRR IRR IRR IRR IRR IRR IRR IRR IRR	15.0 5.0 40.0 40.0 40.0 25.0 40.0 40.0 40.0 40.0 40.0 40.0 40.0 40.0
Section Acres						485.0
		20	NE NW SW SE	SW SW SW SW	IRR IRR IRR IRR	30.0 40.0 40.0 40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01E	20	NE		SE		IRR	20.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								250.0
		21	SW		SW		IRR	12.8
			SE		SW		IRR	12.8
			SW		SE		IRR	12.8
			SE		SE		IRR	12.8
Section Acres								51.2
		26	SW		NW		IRR	15.0
Section Acres								15.0
		27	SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	5.0
			NE		SW		IRR	20.0
			SW		SW		IRR	30.0
			SE		SW		IRR	30.0
			NE		SE		IRR	30.0
			NW		SE		IRR	15.0
			SW		SE		IRR	5.0
			SE		SE		IRR	30.0
Section Acres								325.0
		28	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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Section Acres	520.0
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29	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0

Section Acres	520.0
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30	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	24.5
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres	624.5
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31	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01E	31	NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0

Section Acres 500.0

32	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	35.0
	NE	NW	IRR	40.0
	NW	NW	IRR	20.0
	SW	NW	IRR	20.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 595.0

33	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	4.0
	NW	SE	IRR	12.5
	SW	SE	IRR	35.0
	SE	SE	IRR	4.0

Section Acres 535.5

34	NE	NE	IRR	10.0
	SW	NE	IRR	15.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01E	34	SE		NE		IRR	10.0
			NE		NW		IRR	40.0
			NW		NW		IRR	20.0
			SW		NW		IRR	5.0
			SE		NW		IRR	40.0
							Section Acres	140.0
	01W	20	SW		SE		IRR	20.0
			SE		SE		IRR	20.0
							Section Acres	40.0
		21	NE		SW		IRR	20.0
			NW		SW		IRR	25.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	30.0
			NW		SE		IRR	20.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	255.0
		22	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	320.0
		23	SW		NE		IRR	20.0
			SE		NE		IRR	20.0
			SW		NW		IRR	10.0
			SE		NW		IRR	15.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
Section Acres						385.0
		24	NE	NE	IRR	5.0
			NW	NE	IRR	5.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			SW	NW	IRR	35.0
			SE	NW	IRR	35.0
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
Section Acres						480.0
		25	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
Section Acres						640.0
		26	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01W	26	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 640.0

27	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 640.0

28	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SE	NW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 440.0

33	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SE	NE	IRR	24.0

Place of Use: Amended

Jun-99

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01W	32	NE NE		IRR	25
			NW NE		IRR	35
			SW NE		IRR	20
			SE SE		IRR	10
			NE NW		IRR	30
			NW NW		IRR	35
			SE NW		IRR	25
			NE SW		IRR	40
			NW SW		IRR	40
			SW SW		IRR	40
			SE SW		IRR	40

Section Acres 340

60 of the acres in the NE4 are delivered by Settlers Irrigation District.
The balance of the section is delivered for Settlers by the Nampa & Meridian
Irrigation District.

10. Place of Use: Continued

Township 04N	Range 01W	Section 33	1/4 NE	of NW	1/4 NW	Lot	Use	Acres
			NW		NW		IRR	40.0
			SE		SW		IRR	30.0
			SW		SE		IRR	40.0
							IRR	40.0
			Section Acres					254.0
		34	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	30.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			Section Acres					230.0
		35	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			Section Acres					400.0
		36	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			Section Acres					440.0

Total Acres 11164.2

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
63-00231

14. Remarks:

FOR IRR. OF LANDS UNDER CANAL SYSTEM.
CLAIMANT IS AN IRR. DIST ORGANIZED UNDER IDAHO LAW. IT IS THERE-
FORE, AUTHORIZED TO CLAIM THIS WATER ON BEHALF OF THE OWNERS OF T
HE PROPERTIES LYING WITHIN IT'S BOUNDARY.
NOTE THAT THE ADDITION OF THE SUBMITTED LANDS LIST DOES NOT TOTAL
AS PER THEIR CLAIMED TOTAL

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.
Decree Plaintiff

RIVERSIDE IRR. DIST.
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ 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 President of
Settlers Irrigation District Title
Organization, that I have signed the foregoing
document in the space below as President of
Settlers Irrigation District Title
Organization and that the statements contained in the
foregoing document are true and correct.

Don Smith
Signature of Authorized Agent

President, Settlers Irrigation District
Title and Organization

May 21, 1999

Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 21 day
of May 19 99

Shannon T. Tuckewich
Notary Public

Seal

Residing at Boise

My Commission Expires

9/30/2002

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
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CIVIL CASE NUMBER: 39576

Number Changed 12/2/92

Ident. Number: A63-00230 F

Date Received: 9/ 8/1989

Receipt No: C011305

Received By: *FW 3/18/92*

See also Receipt #W01433 3/18/92

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

3/18/92

1. Name: SETTLERS IRRIGATION DISTRICT
Address: PO BOX 7571
BOISE ID 83707
208-344-2471

2. Date of Priority: OCT 17, 1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
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5. Description of diverting works:
STEEL REINFORCED CONCRETE DIV. DAM TO HEADGATE AND LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
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7. Total Quantity Appropriated is:
99.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 37325.7 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	01E	3	NE	SW		IRR	40.0
			SE	SW		IRR	40.0

MICROFILMED
OCT 02 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	80.0
		4	SW	NE		IRR	20.0
			SE	NE		IRR	20.0
			SW	NW		IRR	35.0
						Section Acres	75.0
		5	NW	SE		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	80.0
		6	NE	SW		IRR	20.0
			SE	SE		IRR	3.0
						Section Acres	23.0
		7	NE	SE		IRR	38.0
						Section Acres	38.0
		8	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NE	SE		IRR	20.0
						Section Acres	140.0
		9	NW	SW		IRR	24.0
						Section Acres	24.0
01W		1	NE	SW		IRR	18.0
			NE	SE		IRR	28.0
						Section Acres	46.0
		2	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	33.0
			NE	SW		IRR	12.0
			NW	SE		IRR	38.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
04N	01E	3	Section Acres				203.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
		4	Section Acres				80.0
			SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	SE		IRR	40.0
		5	Section Acres				120.0
			NW	NE		IRR	40.0
			SW	NE		IRR	39.5
			SE	NW		IRR	40.5
		10	Section Acres				120.0
			NW	NE		IRR	20.0
			NE	NW		IRR	30.0
			NW	NW		IRR	20.0
		19	Section Acres				70.0
			NE	NE		IRR	15.0
			NW	NE		IRR	5.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	25.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
		20	Section Acres				485.0
			NE	SW		IRR	30.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	20.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	1/4	Lot	Use	Acres
04N	01E	20	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				250.0
		21	SW	SW		IRR	12.8
			SE	SW		IRR	12.8
			SW	SE		IRR	12.8
			SE	SE		IRR	12.8
			Section Acres				51.2
		26	SW	NW		IRR	15.0
			Section Acres				15.0
		27	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	5.0
			NE	SW		IRR	20.0
			SW	SW		IRR	30.0
			SE	SW		IRR	30.0
			NE	SE		IRR	30.0
			NW	SE		IRR	15.0
			SW	SE		IRR	5.0
			SE	SE		IRR	30.0
			Section Acres				325.0
		28	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			Section Acres				520.0
		29	NE	NE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01E	29	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0

Section Acres 520.0

30	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	24.5
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 624.5

31	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	20.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
						Section Acres	500.0
		32	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	35.0
			NE	NW		IRR	40.0
			NW	NW		IRR	20.0
			SW	NW		IRR	20.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	595.0
		33	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	4.0
			NW	SE		IRR	12.5
			SW	SE		IRR	35.0
			SE	SE		IRR	4.0
						Section Acres	535.5
		34	NE	NE		IRR	10.0
			SW	NE		IRR	15.0
			SE	NE		IRR	10.0
			NE	NW		IRR	40.0
			NW	NW		IRR	20.0
			SW	NW		IRR	5.0
			SE	NW		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	140.0
	01W	20	SW	SE		IRR	20.0
			SE	SE		IRR	20.0
						Section Acres	40.0
		21	NE	SW		IRR	20.0
			NW	SW		IRR	25.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	30.0
			NW	SE		IRR	20.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	255.0
		22	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	320.0
		23	SW	NE		IRR	20.0
			SE	NE		IRR	20.0
			SW	NW		IRR	10.0
			SE	NW		IRR	15.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	385.0
		24	NE	NE		IRR	5.0
			NW	NE		IRR	5.0
			SW	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01W	24	SE		NE		IRR	40.0
			SW		NW		IRR	35.0
			SE		NW		IRR	35.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 480.0

25	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 640.0

26	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0

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10. Place of Use: Continued

Township 04N	Range 01W	Section 26	1/4 SE	of 1/4 SE	Lot	Use IRR	Acres 40.0
Section Acres							640.0
		27	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							640.0
		28	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SE	NW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							440.0
		33	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SE	NE		IRR	24.0
			NE	NW		IRR	40.0
			NW	NW		IRR	30.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0
Section Acres							254.0
		34	NE	NE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	34	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	30.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0

Section Acres 230.0

35	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0

Section Acres 400.0

36	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0

Section Acres 440.0

Total Acres 10824.2

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
63-00231

14. Remarks:

FOR IRR. OF LANDS UNDER CANAL SYSTEM.

CLAIMANT IS AN IRR. DIST ORGANIZED UNDER IDAHO LAW. IT IS THERE-

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OCT 02 1995

14. Remarks: Continued

FORE, AUTHORIZED TO CLAIM THIS WATER ON BEHALF OF THE OWNERS OF THE PROPERTIES LYING WITHIN IT'S BOUNDARY.

NOTE THAT THE ADDITION OF THE SUBMITTED LANDS LIST DOES NOT TOTAL AS PER THEIR CLAIMED TOTAL

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.
Decree Plaintiff

RIVERSIDE IRR. DIST.
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ___ 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 Secretary / Treasurer of
Title
Settlers Irrigation District, that I have signed the foregoing
Organization
document in the space below as Secretary / Treasurer of
Title
Settlers Irrigation District and that the statements contained in the
Organization
foregoing document are true and correct.

Vicki R. Keen
Signature of Authorized Agent

Secretary / Treasurer Settlers Irr. D.
Title and Organization

3/18/92

Date

State of Idaho

County of Ada

)
) SS.
)

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

of March 19 92

Kathleen A. Walker
Notary Public

Seal

Residing at

Boise, Idaho

My Commission Expires

2-14-1993

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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: A63-00230
Date Received: 9/08/1989
Receipt No: C011305
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SETTLERS IRRIGATION DISTRICT
Address: P.O. BOX 7571
BOISE, ID 83707 208-344-2471

2. Date of Priority: OCT 17, 1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	02E	9	NW	NW	NW		ADA

5. Description of diverting works:
STEEL REINFORCED CONCRETE DIV. DAM TO HEADGATE AND LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	99.060		

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

8. Total consumptive use is 37325.7 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	01E	3	NE	SW		IRR	40.0
			SE	SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
		4	SW	NE	IRR	20.0
			SE	NE	IRR	20.0
			SW	NW	IRR	35.0
					Section Acres	75.0
		6	NE	SW	IRR	20.0
			SE	SE	IRR	3.0
					Section Acres	23.0
		7	NE	SE	IRR	38.0
					Section Acres	38.0
		8	SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NE	SE	IRR	20.0
					Section Acres	140.0
		9	NW	SW	IRR	24.0
					Section Acres	24.0
01W		1	NE	SW	IRR	18.0
			NE	SE	IRR	28.0
					Section Acres	46.0
		2	SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			SE	NW	IRR	33.0
			NE	SW	IRR	12.0
			NW	SE	IRR	38.0
					Section Acres	203.0
		3	SW	SW	IRR	40.0
			SE	SW	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
Section Acres						80.0
		4	SW	NE	IRR	40.0
			NW	NW	IRR	40.0
			SE	SE	IRR	40.0
Section Acres						120.0
		10	NW	NE	IRR	20.0
			NE	NW	IRR	30.0
			NW	NW	IRR	20.0
Section Acres						70.0
04N	01E	19	NE	NE	IRR	15.0
			NW	NE	IRR	5.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	25.0
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
Section Acres						485.0
		20	NE	SW	IRR	30.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NE	SE	IRR	20.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
Section Acres						250.0
		21	SW	SW	IRR	12.8
			SE	SW	IRR	12.8
			SW	SE	IRR	12.8
			SE	SE	IRR	12.8

← changed
to NENW
per origin
claim 3/18/9
KW

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	51.2
		26	SW	NW	IRR	15.0
					Section Acres	15.0
		27	SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	5.0
			NE	SW	IRR	20.0
			SW	SW	IRR	30.0
			SE	SW	IRR	30.0
			NE	SE	IRR	30.0
			NW	SE	IRR	15.0
			SW	SE	IRR	5.0
			SE	SE	IRR	30.0
					Section Acres	325.0
		28	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
					Section Acres	520.0
		29	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	29	SE	SW	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0

Section Acres 520.0

30	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	24.5
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 624.5

31	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	20.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0

Section Acres 500.0

32	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	35.0
	NE	NW	IRR	40.0
	NW	NW	IRR	20.0
	SW	NW	IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01E	32	SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	595.0
		33	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	4.0
			NW		SE		IRR	12.5
			SW		SE		IRR	35.0
			SE		SE		IRR	4.0
							Section Acres	535.5
		34	NE		NE		IRR	10.0
			SW		NE		IRR	15.0
			SE		NE		IRR	10.0
			NE		NW		IRR	40.0
			NW		NW		IRR	20.0
			SW		NW		IRR	5.0
			SE		NW		IRR	40.0
							Section Acres	140.0
	01W	20	SW		SE		IRR	20.0
			SE		SE		IRR	20.0
							Section Acres	40.0
		21	NE		SW		IRR	20.0
			NW		SW		IRR	25.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01W	21	SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	30.0
			NW		SE		IRR	20.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								255.0
		22	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								320.0
		23	SW		NE		IRR	20.0
			SE		NE		IRR	20.0
			SW		NW		IRR	10.0
			SE		NW		IRR	15.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								385.0
		24	NE		NE		IRR	5.0
			NW		NE		IRR	5.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			SW		NW		IRR	35.0
			SE		NW		IRR	35.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01W	24	SE	SE	IRR	40.0

Section Acres 480.0

25	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 640.0

26	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 640.0

27	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	27	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
		28	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SE	NW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
SE	SE		IRR	40.0			
						Section Acres	440.0
		33	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SE	NE		IRR	24.0
			NE	NW		IRR	40.0
			NW	NW		IRR	30.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	254.0
		34	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	30.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
						Section Acres	230.0
		35	NE	NE		IRR	40.0
			NW	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	35	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0

Section Acres 400.0

36	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0

Section Acres 440.0

Total Acres 10624.2

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
63-00231

14. Remarks:

FOR IRR. OF LANDS UNDER CANAL SYSTEM.
CLAIMANT IS AN IRR. DIST ORGANIZED UNDER IDAHO LAW. IT IS THERE-
FORE, AUTHORIZED TO CLAIM THIS WATER ON BEHALF OF THE OWNERS OF T
HE PROPERTIES LYING WITHIN IT'S BOUNDARY.
NOTE THAT THE ADDITION OF THE SUBMITTED LANDS LIST DOES NOT TOTAL
AS PER THEIR CLAIMED TOTAL

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

FARMERS CO-OP DITCH CO.

Decree Plaintiff

vs

RIVERSIDE IRR. DIST.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount 99.06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 99.06 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 37,325.75 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: SEE EXHIBIT A

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	

Total number of acres irrigated 10,664.5*

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.

63-0231

or None ()

14. Remarks: Claimant is an irrigation district organized under Idaho law. It is,
therefore, authorized to claim this water right on behalf of the owners of property
lying within the boundaries of the district.

*TOTAL SERVICE AREA WITHIN THE DISTRICT IS 12,322 ACRES

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OCT 02 1996

Last Name Settlers Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

SEE EXHIBIT B

[illegible]

MICROFILMED

OCT 02 1996

Last Name _____ Ident No. _____

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 63-0230

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 2

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 Settlers Irrigation District _____, that I have signed the foregoing
Organization

document in the space below as President _____ of Settlers Irrigation District _____
Title Organization

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

Signature of Authorized Agent Don Smith _____

Title and Organization President _____ Date 9/5/89
Settlers Irrigation District

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

Subscribed and sworn (or affirmed) before me this 5th day of Sept 19 89

SEAL

Notary Public Zealand M. Brandi

Residing at Meridian, Idaho

My Commission Expires 8-1-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Scott L. Campbell 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 Scott L. Campbell

Address P.O. Box 1539, Boise, ID 83701

Date 9/8/89

MICROFILMED
OCT 02 1996

Last Name Settlers Ident. Number _____

Copies White-State, Yellow-Claimant

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	
3N	1W	1									18				28				46
3N	1W	2			40	40	40			33	12					38			203
3N	1W	3											40	40					80
3N	1W	4			40		40											40	120
3N	1W	10		20			30	20											70

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	1W	20															20	20	40
4N	1W	21									20	25	40	40	30	20	40	40	225
4N	1W	22									40	40	40	40	40	40	40	40	320
4N	1W	23			20	20			10	15	40	40	40	40	40	40	40	40	385
4N	1W	24	5	5	40	40			35	35	40	40	40	40	40	40	40	40	480
4N	1W	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
4N	1W	26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

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	1W	27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
4N	1W	28	40	40	40	40	40	40		40			40	40	40			40	420
4N	1W	33	40	40		24	40	30						40			40		254
4N	1W	34	40	40	40	30	40	40											230
4N	1W	35	40	40	40	40	40	40	40	40					40	40			400
4N	1W	36	40	40	40	40	40	40	40	40	40	40	40						400

TOTAL ACRES 10,664.5
=====

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	

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OCT 02 1996

k
10

IRRIGATION WATER SOURCES

Data based on 1975 agricultural season



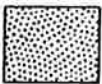
Private groundwater diversions



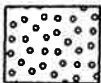
Combined small district and private Boise River diversions



Boise - Kuna Irrigation District (Boise River diversion)



Eagle Island Water Users (Boise River diversion)



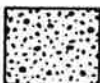
Farmers Union Ditch Co. (Boise River diversion)



Little Pioneer Ditch Co. (Boise River diversion)



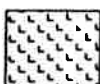
Nampa-Meridian Irrigation District (Boise River diversion)



New York Irrigation District (Boise River diversion)



Pioneer Irrigation District (Boise River diversion)



Settlers Irrigation District (Boise River diversion)



Private Boise River tributary diversions



District surface water and supplemental private groundwater diversion

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OCT 02 1996

Shelburne No. 5119

EXHIBIT

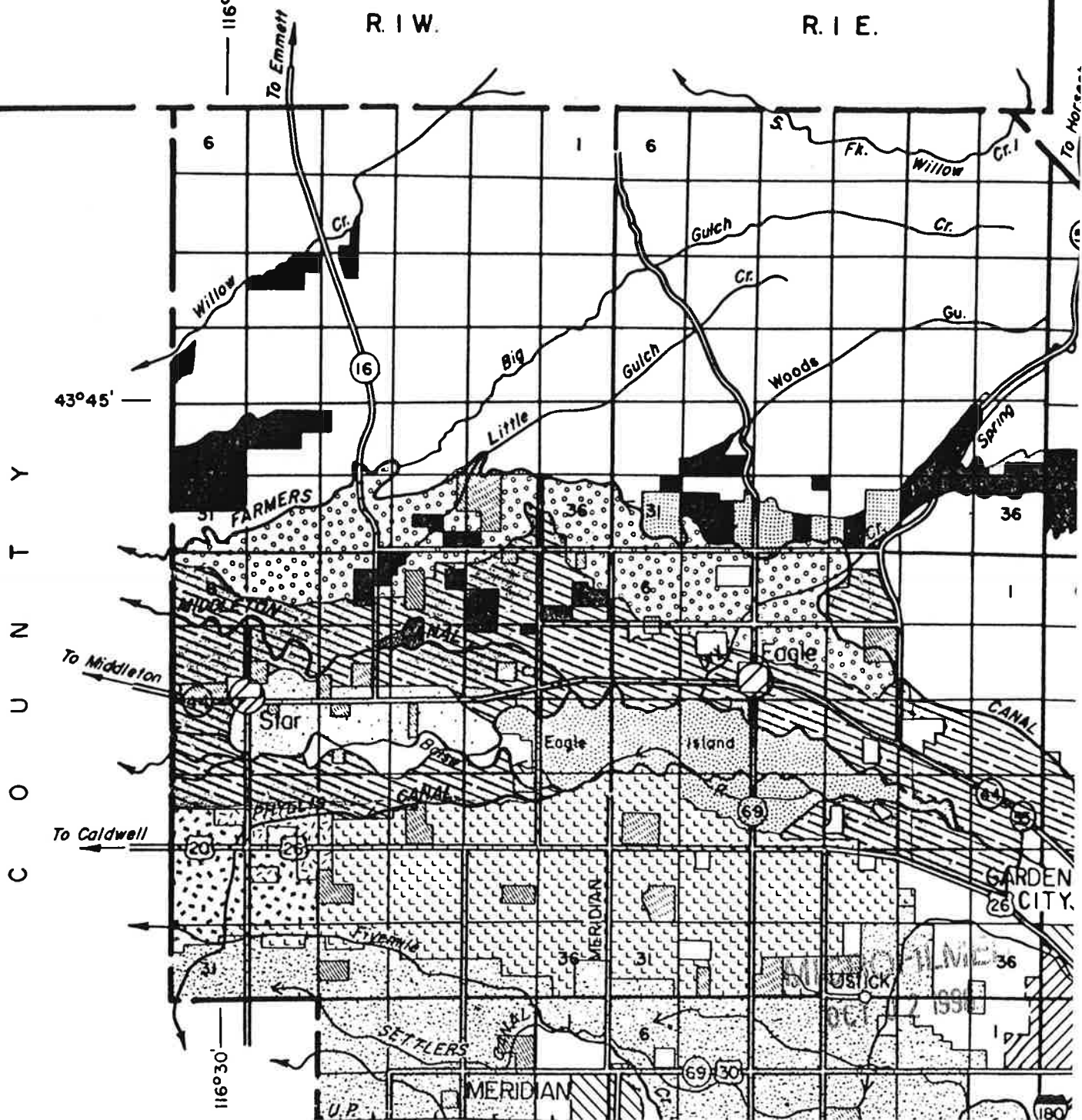
B



G E M C O U N T Y

R. I. W.

R. I. E.



3/26/1990

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Letter from Dist

CLAIM IDENT. NO.

163-00230

DATE RECEIVED

9/8/89

CK #

0011305

AMOUNT \$

50

Required

- | | YES | NO | Info? |
|--|-------------------------------------|--------------------------|-------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) N/A | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? N/A | ☒ | ☐ | |
| Is the consumptive use correct? N/A | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? (see Item No. 17 for checking other water rights) | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the basis of claim is shown as license, permit or decree is the existing water right number listed? (If yes, compare claim with the existing water right and either attach a proof report or state in comments that existing right was compared to claim) N/A | ☒ | ☐ | |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. on the claim? (If yes, describe these rights in "Comments") NOTE: If the claim is for domestic/stockwater this check is not as necessary unless it is indicated there is an existing right N/A | ☒ | ☐ | |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A | ☒ | ☐ | |
| 19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 20. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 21. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | |
| 22. Is the fee enclosed correct? Exempt | ☐ | ☐ | |

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OCT 07 1996

YES NO

23. Should this claim be receipted and data entered?

Claim checked by: Bruce A. Fikard Date:

Claim must be returned to claimant: (Yes) ☒ (No)

Claimant must be notified of modifications: (Yes) ☒ (No)

Receipt Prepared by: Shaff Date:

Claim data entered by: Schuld Date: Checked by: Date:

Sent to claimant by: Date:

Comments:

Basis of Claim should be 230 A, 230 B, 230 D, 230 E 230 F
Adj Claim A63-00230, claims quantity which
equals the total of all splits 63-00230 A → K, however,
Settlers also claimed A63-00230 C for the current
owners and therefore the Quantity Claimed should
be 99.06 less 0.23 cfs = 98.83 cfs. send
letter of Modification

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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 63-00230M

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Attorney: Scott L. Campbell
Moffatt, Thomas, Barrett,
Rock & Fields, Chartered
P. O. Box 829
Boise, Idaho 83706
(208) 345-2000

Please type or print clearly

1. Name of Claimant (s) Settlers Irrigation District Phone (208) 344-2471

Mailing Address Post Office Box 7571, Boise, Idaho Zip 83707

2. Date of Priority (Only one (1) per claim) October 17, 1884

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 03N Range 02E Section 9,
1/4 of SW 1/4 of NE 1/4, Govt. Lot, 7 B.M., County of Ada

Additional points of diversion if any: _____

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.

Steel reinforced concrete diversion dam to headgate, main canal, and laterals.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For irrigation purposes from 03/15 to 11/15 amount 0.60 or 135.0

For irrigation storage purposes from 01/01 to 12/31 amount _____ or 5.0

For aesthetic purposes from 03/15 to 11/15 amount 0.18 or 35.5

For aesthetic storage purposes from 01/01 to 12/31 amount 12/31 or 5.0

7. Total quantity claimed (a) 0.78 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is n/a acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) none

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	29																J	30

Total number of acres irrigated 30

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 ☒
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.
63-00230F, 63-00230L, 63-00231, 63-03060, 63-03614B, 63-03618B, 63-05262B, 63-31264, 63-31265, 63-11185 or None (☐)

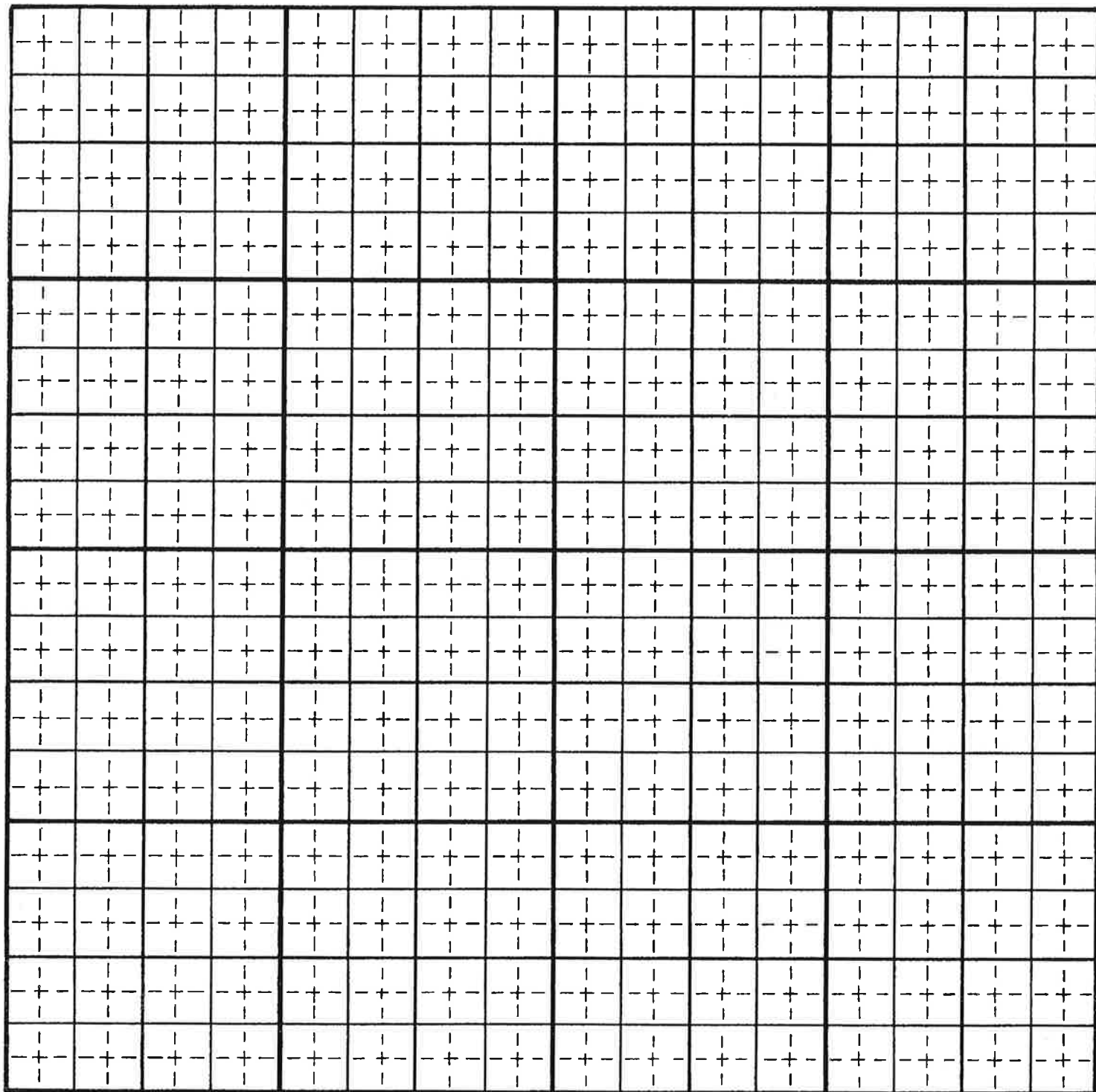
14. Remarks:

Claimant is an irrigation district duly organized and existing pursuant to the laws of the State of Idaho. This water right is the product of water right transfer 4391, which split water right 63-00230F into 63-00230L and 63-00230M.

Last Name Settlers Irrigation District Ident No. 63-00230M

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

Scale: 2 Inches equals 1 mile Please see attachment A to water right 63-00230F



15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree x
If applicable provide IDWR Water Right Number 63-00230F (parent)
Court _____ Case Number _____ Decree Date 1/18/1906
Plaintiff vs Defendant Farmers Co-Op Ditch Co. v. Riverside Irr. Dist.

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 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 _____

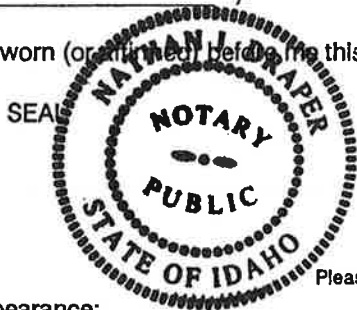
For Organizations: I do solemnly swear or affirm that I am President

_____ Title
of Settlers Irrigation District _____, that I have signed the foregoing
Organization
document in the space below as President of Settlers Irrigation District
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Richard E Allen
Title and Organization President, Settlers Irrigation District Date 5-27-04

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

Subscribed and sworn (or affirmed) before me this 27th day of May 2004
Notary Public Mark E Draper
Residing at Boise, ID.
My Commission Expires 9-25-09



17. Notice of Appearance:

Notice is hereby given that I, Scott L. Campbell 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 Scott L Campbell
Address PO Box 829, Boise, Idaho 83701
Date 6/01/04

Last Name Settlers Irrigation District Ident. Number 63-00230M

RECEIVED

MAR 21 2008

DEPARTMENT OF
WATER RESOURCES

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

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

MAR 20 2008

By _____ Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

) ORDER OF PARTIAL DECREE FOR
) IRRIGATION DELIVERY ENTITY
) USING DIGITAL BOUNDARY
) DESCRIPTION; I.C. §§ 42-202B(2), 42-
) 219(2), 42-1411(2)(h)
)
) For Water Right: 63-00230M
) (Settlers Irrigation District)
)
)

I.

FINDINGS AND CONCLUSIONS

1. On January 16, 2008, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.
2. The above-captioned water right is for an irrigation purpose of use and satisfy one of the following statutory criteria: (1) used in conjunction with an irrigation project where the canals constructed cover an area of twenty-five thousand (25,000) acres or more; (2) the place of use for the water rights is located within an irrigation district organized pursuant to the laws of the state of Idaho; or (3) the water rights are for an irrigation project developed by an association, company, corporation or the United States to divert and deliver or distribute surface water under any annual charge or rental for beneficial use by more than five (5) water users in an area less than twenty-five thousand (25,000) acres.
3. Effective July 1, 2002, the Idaho Legislature approved the use of a Geographic Information System (GIS) for describing the place of use (digital boundary) for water rights meeting the above-stated criteria. See I.C. §§ 42-219(2)(2003) and 42-1411(2)(h)(2003). The GIS mapping technology allows the geographic area encompassing the place of use for a

water right to be particularly identified and visually displayed in a map overlay format through the aid of computer technology. In incorporating a digital boundary into a partial decree, the electronic or digital data is what is actually decreed as opposed to the visually displayed map ultimately generated from the data. The data is stored on a CD-ROM. The Court finds that the GIS mapping technology maintained by IDWR complies with the standards for spatial accuracy set forth in I.C. § 42-202B (2)(2003). *See Notice of Filing Affidavit of Michael Ciscell Re: Digital Boundary, filed October 17, 2003.*

II. ORDER

1. Therefore, IT IS ORDERED that the above-captioned water right is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.
2. IT IS FURTHER HEREBY ORDERED that the data comprising the digital boundary shall be stored on a CD-ROM medium, which shall be issued in duplicate original. The SRBA District Court will retain one original together with the original *Partial Decree*, and IDWR will retain the other original. The map depicting the place of use attached to the *Partial Decree* is intended for illustrative purposes only.
3. IT IS FURTHER HEREBY ORDERED that upon request, the claimant can obtain a copy of the CD-ROM from IDWR at no cost, although GIS software will still be required to access the data. Subsequent administrative changes to the place of use shall also be stored in a digital format and kept on file and maintained by IDWR. IDWR shall maintain all computer software and/or hardware necessary for reducing the data to a usable format that is accessible to the general public, including access through the IDWR Internet website (www.idwr.state.id.us) or its successor Uniform Resource Locator (URL).

DATED

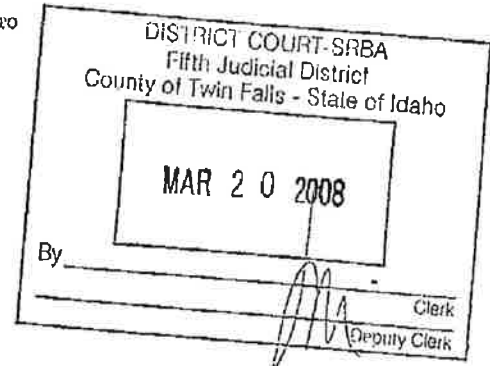
March 20, 2008


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-00230M



NAME AND ADDRESS: SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE, ID 83707

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.78 CFS
175.50 AFY

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: 10/17/1884

POINT OF DIVERSION: T03N R02E S09 LOT 7 (SWNE) Within Ada County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	0.60 CFS 135.00 AFY
Irrigation Storage	01-01 TO 12-31	5.00 AFY
Irrigation from Storage	03-01 TO 11-15	5.00 AFY
Aesthetic	03-01 TO 11-15	0.18 CFS 35.50 AFY
Aesthetic Storage	01-01 TO 12-31	5.00 AFY
Diversion to Storage	03-01 TO 11-15	0.78 CFS

Diversion 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 with the agreement of all entities having rights in the reservoir system; provided that any such diversion 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 the SRBA Case No. 39576. This period of use condition does not apply to irrigation

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

PURPOSE AND PERIOD OF USE (continued)

storage or aesthetic storage.

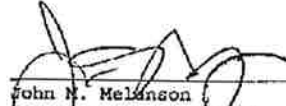
PLACE OF USE:	Irrigation		Within Ada County
	T04N R01E S29	SESE 30.0	
	30.0 Acres Total		
	Irrigation Storage		Within Ada County
	T04N R01E S29	SESE	
	Irrigation from Storage		Within Ada County
	Same as Irrigation		
	Aesthetic		Within Ada County
	T04N R01E S29	SESE	
	Aesthetic Storage		Within Ada County
	T04N R01E S29	SESE	
	Diversion to Storage		Within Ada County
	T04N R01E S29	SESE	

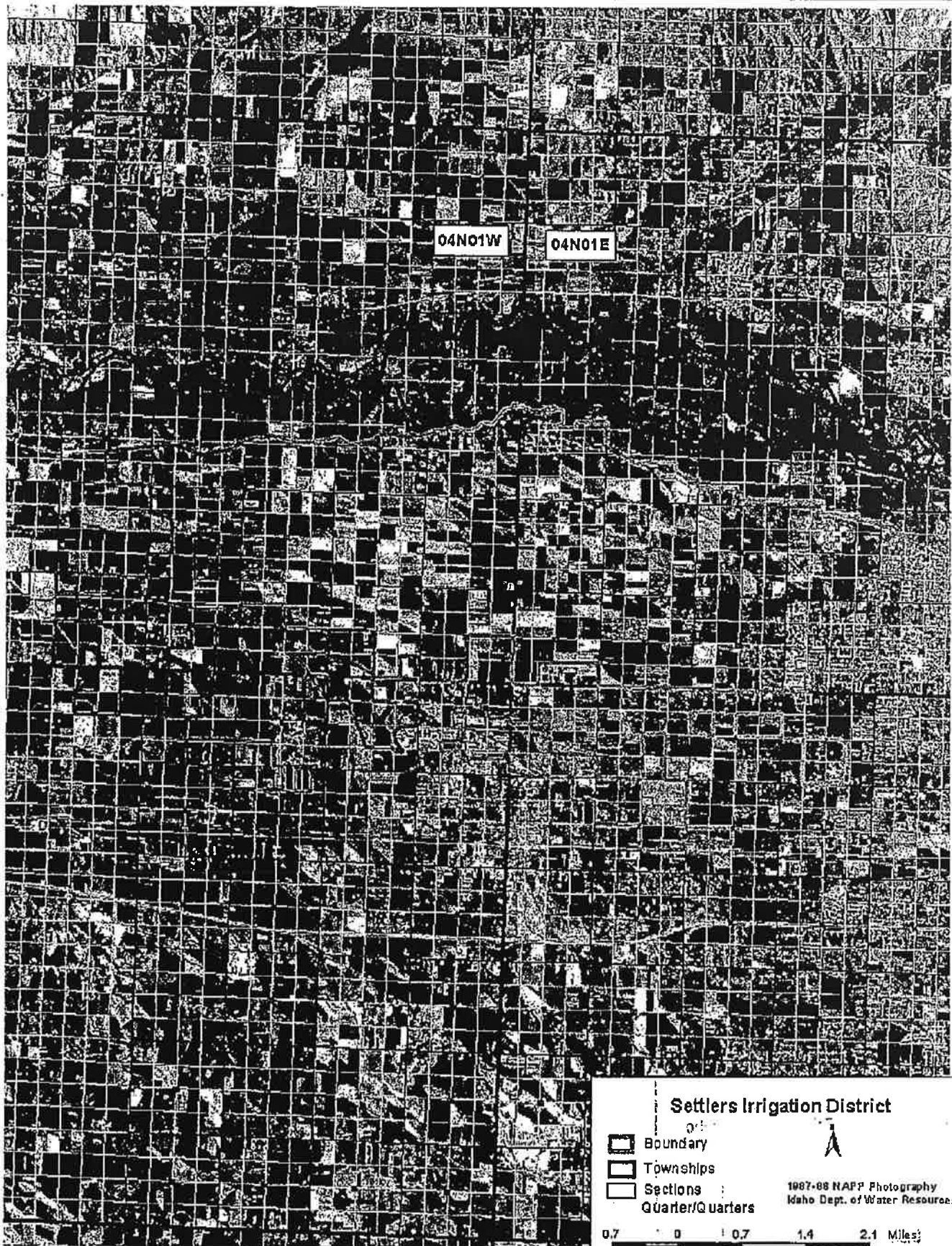
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 N. Melanson
Presiding Judge of the
Snake River Basin Adjudication



Settlers Irrigation District

-  Boundary
-  Townships
-  Sections
-  Quarter/Quarters

1987-88 NAPP Photography
Idaho Dept. of Water Resources

0.7 0 0.7 1.4 2.1 Miles

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE FOR IRRIGATION DELIVERY ENTITY USING DIGITAL BOUNDARY DESCRIPTION was mailed on March 20, 2008, with sufficient first-class postage to the following:

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

STATE OF IDAHO

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

SETTLERS IRRIGATION DISTRICT

Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

USDI BUREAU OF RECLAMATION

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

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

ORDER

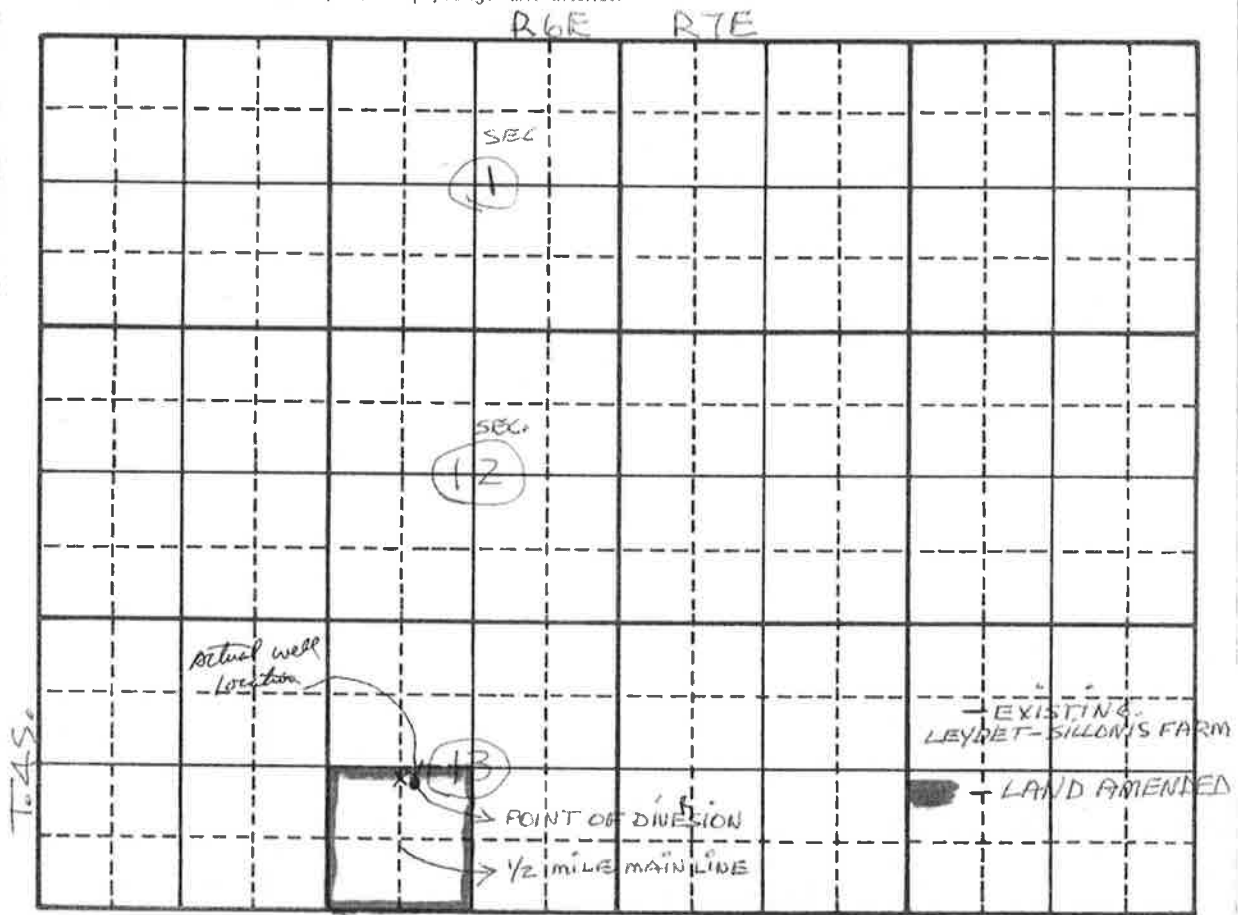
Page 1 3/20/08

FILE COPY FOR 01418

Deputy Clerk



Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at MOUNTAIN HOME, IDAHO, this 15th day of MARCH, 1988.

X MERCANTILE, LTD.
RON LEYDET, GEN'L. PARTNER

[Signature]
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by SL Fee = \$20.00 Received by SL Date 3-31-88 C 000257
Publication prepared by SL Date 2/8/88 Published in Mountain Home News
Publication dates 2/15 & 2/22/88
Publications approved SL 3/27/88

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby
Approve the above Application for Amendment provided the conditions as set forth
in Permit No. 61-7439 are met.

MAY 17 1988

Witness my hand this 10th day of April, 1989
L. Glen Saxton
Chief, Water Alloc. Bureau

Shurte, Jan

From: Spencer, Nick
Sent: Tuesday, December 11, 2007 10:38 AM
To: Shurte, Jan
Subject: RE: 63-230M (Settlers Irrigation District)

Yeah, that is fine. I suppose a hearing is as fast a way for the SM to suggest his proposed language as a letter to the parties would be.

-----Original Message-----

From: Shurte, Jan
Sent: Monday, December 10, 2007 4:15 PM
To: Spencer, Nick
Cc: Williams, Ray
Subject: RE: 63-230M (Settlers Irrigation District)

Hi Nick,

Just talked to SM Booth about this one. We have come up with an idea because I know they want to subordinate the uses that are 3/1 to 11/15 and not the irrigation and storage portions that are year round. Ted just did not like the language. We came up with some, however, due to the attorneys involved he decided to set it for a hearing to discuss. So, that will be coming up and I can join in. Hope that's ok with you. I know your busy, but would like you to be there too?

Thanks,
Jan

From: Spencer, Nick
Sent: Friday, December 07, 2007 5:12 PM
To: Shurte, Jan
Cc: Williams, Ray
Subject: 63-230M (Settlers Irrigation District)

Hi Jan. When you leave the office before 5:00 p.m. SM Booth calls me instead of you. Unfortunately I don't have the answers for him that you have. He called me at 4:55 about 230M. It looks like he caught an error in the subordination remark that nobody else caught. He read it to me and it sounds like in the first sentence it includes irrigation storage and aesthetic storage in the uses that are to be subordinated, but in the last sentence expressly excludes them from subordination. Since Andy Waldera got the agreed up language to you to prepare the SF-5, could you compare that with the SF-5 to see if you can see where the problem is in order to let Ted know what he needs to change in order to fix it? Thanks. NBS

P.S. On Monday I will want a full report on how TK's Friday afternoon happy hour is during the holiday season.

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

FILED
JAN 14 2008
TWIN FALLS
IDAHO
CLERK OF DISTRICT COURT

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-00230M

NAME AND ADDRESS: SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE, ID 83707

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.78 CFS
175.50 AFY

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: 10/17/1884

POINT OF DIVERSION: T03N R02E S09 LOT 7 (SWNE) Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.60 CFS
			135.00 AFY
	Irrigation Storage	01-01 TO 12-31	5.00 AFY
	Irrigation from Storage	03-01 TO 11-15	5.00 AFY
	Aesthetic	03-01 TO 11-15	0.18 CFS
			35.50 AFY
	Aesthetic Storage	01-01 TO 12-31	5.00 AFY
	Diversion to Storage	03-01 TO 11-15	0.78 CFS

Diversion 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 with the agreement of all entities having rights in the reservoir system; provided that any such diversion 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 the SRBA Case No. 19576. This period of use condition does not apply to irrigation

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

PURPOSE AND PERIOD OF USE (continued)

storage or aesthetic storage.

PLACE OF USE:	Irrigation		Within Ada County
	T04N R01E S29	SESE 30.0	
	30.0 Acres Total		
	Irrigation Storage		Within Ada County
	T04N R01E S29	SESE	
	Irrigation from Storage		Within Ada County
	Same as Irrigation		
	Aesthetic		Within Ada County
	T04N R01E S29	SESE	
	Aesthetic Storage		Within Ada County
	T04N R01E S29	SESE	
	Diversion to Storage		Within Ada County
	T04N R01E S29	SESE	

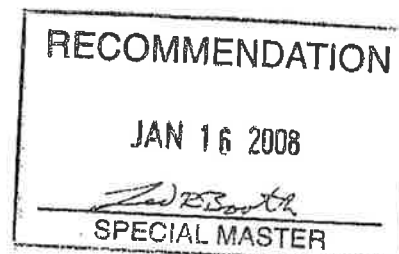
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



FILED
TWIN FALLS CO., IDAHO
2008 JAN 16 PM 12 41

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 RIGHT 63-00230M
) (Digital Boundary)

I. FINDINGS OF FACT

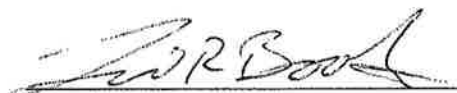
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this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

Objections to the *Director's Report* were timely filed by the claimant Settler's Irrigation District, the Bureau of Reclamation, and the Boise Project Board of Control. The State of Idaho filed a response to the objection of the Bureau of Reclamation. On October 26, 2007, the parties to the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation. On January 8, 2008, a hearing on the *Standard Form 5* was held, which resulted in a change being made to the language of the period of use remark. All of the parties in attendance at the hearing agreed to the change.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-00230M be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Jan. 16, 2008


Theodore R. Booth
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2008 JAN 16 PM 12 41

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

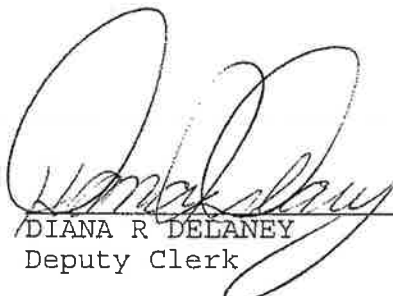
Water Right(s): 63-00230M

On January 16, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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

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

DATED January 16, 2008.



DIANA R. DELANEY
Deputy Clerk

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

2008 JAN 16 PM 12 41

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 63-00230M

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 January 16, 2008, 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

STATE OF IDAHO

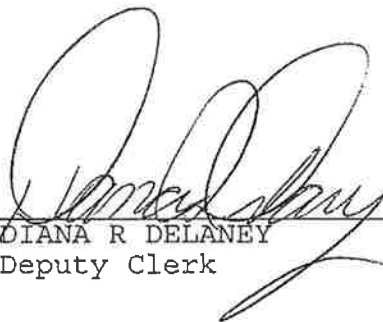
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

CERTIFICATE OF MAILING

PAGE 1
01/16/08

SETTLERS IRRIGATION DISTRICT
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

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



DIANA R DELANEY
Deputy Clerk

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

*See comments for
explanation of changes
after SFS filed on
this rt. Per Court
Order*

RIGHT NUMBER: 63-230M

NAME AND ADDRESS: SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.780 CFS
175.50 AFY

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: 10/17/1884

POINT OF
DIVERSION:

T03N R02E S9 SWNE Lot 7 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC STORAGE	01/01 12/31	5.00 AFY
IRRIGATION STORAGE	01/01 12/31	5.00 AFY
IRRIGATION	03/01 11/15	0.600 CFS 135.00 AFY
IRRIGATION FROM STORAGE	03/01 11/15	5.00 AFY
AESTHETIC	03/01 11/15	0.180 CFS 35.50 AFY
DIVERSION TO STORAGE	03/01 11/15	0.780 CFS

Diversion 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 with agreement of all entities having rights in the reservoir system; provided that any such diversion 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. This period of use condition does not apply to irrigation storage or aesthetic storage.

PLACE OF USE: IRRIGATION in ADA County

T04N R01E S29 SESE 30.00

IRRIGATION STORAGE in ADA County

T04N R01E S29 SESE

IRRIGATION FROM STORAGE in ADA County

T04N R01E S29 SESE 30.00

AESTHETIC in ADA County

T04N R01E S29 SESE

AESTHETIC STORAGE in ADA County

T04N R01E S29 SESE

DIVERSION TO STORAGE in ADA County

T04N R01E S29 SESE

30 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-121, 63-122, 63-230L, 63-231D, 63-120H, 63-161AJ, 63-169A, 63-169C, 63-16532.

DESIGNATED AS NO 92 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

WATER IS DELIVERED THROUGH THE SETTLERS CANAL

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-230M V1

WATER RIGHT NUMBER: 63-230M V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000
Current Owner	SETTLERS IRRIGATION DISTRICT PO BOX 7571 BOISE, ID 83707 (208)344-2471

Priority Date: 10/17/1884

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>
AESTHETIC STORAGE	01/01 to 12/31		5.00 AF
IRRIGATION STORAGE	01/01 to 12/31		5.00 AF
IRRIGATION	03/01 to 11/15	0.600 CFS	135.00 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		5.00 AF
AESTHETIC	03/01 to 11/15	0.180 CFS	35.50 AF
DIVERSION TO STORAGE	03/01 to 11/15	0.780 CFS	
	<u>Total Diversion:</u>	0.780 CFS	175.50 AF

Location of Point(s) of Diversion

BOISE RIVER	L7 (SW1/4NE1/4)	Sec. 9, Twp 03N, Rge 02E, B.M.
ADA County		

Place of UseAESTHETIC STORAGE Within ADA County

T04N R01E S29 SESE

IRRIGATION STORAGE Within ADA County

T04N R01E S29 SESE

Total Acres: 30

IRRIGATION Within ADA County

T04N R01E S29 SESE 30.0

Total Acres: 30

IRRIGATION FROM STORAGE Within ADA County

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-230M V1

T04N R01E S29 SESE 30.0

Total Acres: 30

AESTHETIC Within ADA County

T04N R01E S29 SESE

DIVERSION TO STORAGE Within ADA County

T04N R01E S29 SESE

Conditions of Approval:

1. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-121, 63-122, 63-230L, 63-231D, 63-120H, 63-161AJ, 63-169A, 63-169C, 63-16532.
2. 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.
3. DESIGNATED AS NO 92 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS
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. S45 Diversion 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 with agreement of all entities having rights in the reservoir system; provided that any such diversion 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. This period of use condition does not apply to irrigation storage or aesthetic storage.
6. F01 WATER IS DELIVERED THROUGH THE SETTLERS CANAL

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-230M V1

Comments:

1. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

2. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

3. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

4. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

5. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

6. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

7. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

8. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

9. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

10. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

11. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

12. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

13. lharris 8/21/2007 Period & Purpose of Use remark

Comment: Period and purpose of use remark updated per agreement with Settlers Irrigation Dist.

14. jshurte 1/8/2008 Change to SF5

Comment: Per Court Hearing and ruling of Special Master Ted Booth the language in the period of use remark under this right was changed from what appeared on the SF5 as follows (1st sentence only) - Diversion under this water right prior to April 1 and after October 31 shall occur - nothing else changed in the entire paragraph from that which was signed off on and proposed under the SF5. Order will be following this change here.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-230M V1

SubCase:

SubCase Number: 63-230M

Class: 1

SF5 Filed Date: 10/26/2007

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: mschulte

Basis of Claim: Decreed

Date Filed: 6/21/2006 Objection Status: Active

Date Filed: 4/21/2006 Objection Status: Active

Date Filed: 6/23/2006 Objection Status: Active

Date Filed: 6/12/2006 Objection Status: Active

Water Supply Bank:

*Sample of what
from wants
for SF5*

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

RIGHT NUMBER: 63-230M

NAME AND ADDRESS: SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.780 CFS
175.500 AFY

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: 10/17/1884

POINT OF DIVERSION:

T03N R02E S9 SWNE Lot 7 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
AESTHETIC STORAGE	01/01 12/31	5.00 AFY
IRRIGATION STORAGE	01/01 12/31	5.00 AFY
IRRIGATION	03/01 11/15	0.600 CFS 135.00 AFY
IRRIGATION FROM STORAGE	03/01 11/15	5.00 AFY
AESTHETIC	03/01 11/15	0.180 CFS 35.50 AFY
DIVERSION TO STORAGE	03/01 11/15	0.780 CFS

*Change
in database*

~~Diversion for irrigation, diversion for irrigation storage, or diversion for aesthetic storage~~ 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 with the agreement of all entities having rights in the reservoir system; provided that any such diversion 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. This period of use condition does not apply to irrigation storage or aesthetic storage.

Change per spec. master

For reviewing on 11-8-08 recommendations

COPY

RECEIVED

OCT 25 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

) Subcase No. 63-230M
)
)
)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the digital depiction of the boundary for Settlers Irrigation District remains unchanged since the place of use element is not contested.

CLAIMANT(s)/OBJECTOR(s):

Settlers Irrigation District

OBJECTOR(s)

Boise Project Board of Control



Andrew J Waldera
attorney

9/17/07

Date



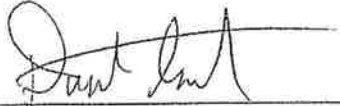
Albert P. Barker
attorney

9/25/07

Date

STANDARD FORM 5 – 63-230M

OBJECTOR(s):
USDI-BOR


David W. Gehlert
attorney
10/23/07
Date

RESPONDENT(s):
State of Idaho


David J Barber
attorney
10/24/2007
Date

IDWR Concurrence:


Jan Shurte
Adjudication Supervisor
8-31-07
Date


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR
9-5-07
Date

CERTIFICATE OF MAILING

I certify that on October 24, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Andrew J Waldera
Moffatt Thomas
PO Box 829
Boise, ID 83701

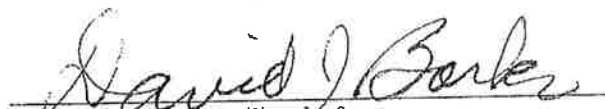
USDI-BOR
US Dept of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Albert P Barker
1010 W Jefferson, Ste 102
PO Box 2139
Boise, ID 83701-2139

IDWR Repository
P.O. Box 83720
Boise, ID 83720

~~State of Idaho~~
~~Attorney General's Office~~
~~Natural Resources Div Chief~~
~~PO Box 44449~~
~~Boise, ID 83711-4449~~

Not Applicable


Signature of person mailing the form

SF5 Right No. 63-230M

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

RIGHT NUMBER: 63-230M

NAME AND ADDRESS: SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.780 CFS
175.500 AFY

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 50 percent of their decreed quantities.

PRIORITY DATE: 10/17/1884

POINT OF DIVERSION:

T03N R02E S9 SWNE Lot 7 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
AESTHETIC STORAGE	01/01 12/31	5.00 AFY
IRRIGATION STORAGE	01/01 12/31	5.00 AFY
IRRIGATION	03/01 11/15	0.600 CFS 135.00 AFY
IRRIGATION FROM STORAGE	03/01 11/15	5.00 AFY
AESTHETIC	03/01 11/15	0.180 CFS 35.50 AFY
DIVERSION TO STORAGE	03/01 11/15	0.780 CFS

Diversion for irrigation, diversion for irrigation storage, or diversion for aesthetic storage 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 with the agreement of all entities having rights in the reservoir system; provided that any such diversion 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. This period of use condition does not apply to irrigation storage or aesthetic storage.

[Handwritten signatures and initials]
NBS
DW
DR
2/B

SF5 Right No. 63-230M

SF5
Right No. 63-230M

PLACE OF USE: IRRIGATION in ADA County
T04N R01E S29 SESE 30.00
IRRIGATION STORAGE in ADA County
T04N R01E S29 SESE
IRRIGATION FROM STORAGE in ADA County
T04N R01E S29 SESE 30.00
AESTHETIC in ADA County
T04N R01E S29 SESE
AESTHETIC STORAGE in ADA County
T04N R01E S29 SESE
DIVERSION TO STORAGE in ADA County
T04N R01E S29 SESE

30 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-121, 63-122, 63-230L, 63-231D,
63-120H, 63-161AJ, 63-169A, 63-169C, 63-16532.

DESIGNATED AS NO 92 IN THE STEWART DECREE AND THE BOISE RIVER
WATER MASTERS RECORDS

WATER IS DELIVERED THROUGH THE SETTLERS CANAL

29B

SF5
Right No. 63-230M

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
David B. Lincoln
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Christine E. Nicholas
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Tara Martens
Julian E. Gabiola
Kimberly D. Evans Ross
Jason G. Murray
Mark C. Peterson
Paul D. McFarlane

Jon A. Stenquist
Tyler J. Henderson
C. Edward Cather III
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Benjamin C. Ritchie
Rebecca A. Rainey
Nathan R. Starnes
Andrew J. Snook

Robert E. Bakes, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

September 27, 2007

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

RECEIVED
SEP 28 2007
WATER RESOURCES
WESTERN REGION

Albert P. Barker
Barker Rosholt & Simpson
1010 W. Jefferson, Suite 5102
P.O. Box 2139
Boise, ID 83701-2139

Re: SF 5 for Settlers Irrigation District Subcase No. 63-230M
MTBR&F File No. 18955.27

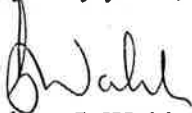
Dear Al:

Enclosed please find the Standard Form 5 for the above referenced subcase.

Please review the stipulation and if it meets with your approval, please sign where indicated and initial the recommendation page. Please forward the stipulation to David Gehlert for his signature with a request to send it to the next party.

Thank you for your attention.

Very truly yours,



Andrew J. Waldera

AJW/dll
Enclosure

cc: Settlers Irrigation District
Jan Shurte
Nick Spencer

**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 No. 63-230M

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

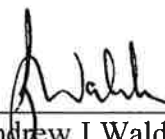
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the digital depiction of the boundary for Settlers Irrigation District remains unchanged since the place of use element is not contested.

CLAIMANT(s)/OBJECTOR(s):

Settlers Irrigation District

OBJECTOR(s)

Boise Project Board of Control



Andrew J Waldera
attorney

9/17/07

Date

Albert P. Barker
attorney

Date

OBJECTOR(s):
USDI-BOR

RESPONDENT(s):
State of Idaho

David W. Gehlert Date
attorney

David J Barber Date
attorney

IDWR Concurrence:

Jan Shurte 8-31-07

Jan Shurte Date
Adjudication Supervisor

Nicholas B. Spencer 9-5-07

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

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Twin Falls, Idaho 83303-2707

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Moffatt Thomas
PO Box 829
Boise, ID 83701

USDI-BOR
US Dept of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724

State of Idaho
Attorney General's Office
Natural Resources Div Chief
PO Box 44449
Boise, ID 83711-4449

Albert P Barker
1010 W Jefferson, Ste 102
PO Box 2139
Boise, ID 83701-2139

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Signature of person mailing the form

SF5 Right No. 63-230M

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

RIGHT NUMBER: 63-230M

NAME AND ADDRESS: SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.780 CFS
175.500 AFY

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: 10/17/1884

POINT OF DIVERSION:

T03N R02E S9 SWNE Lot 7 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
AESTHETIC STORAGE	01/01 12/31	5.00 AFY
IRRIGATION STORAGE	01/01 12/31	5.00 AFY
IRRIGATION	03/01 11/15	0.600 CFS 135.00 AFY
IRRIGATION FROM STORAGE	03/01 11/15	5.00 AFY
AESTHETIC	03/01 11/15	0.180 CFS 35.50 AFY
DIVERSION TO STORAGE	03/01 11/15	0.780 CFS

Diversion for irrigation, diversion for irrigation storage, or diversion for aesthetic storage 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 with the agreement of all entities having rights in the reservoir system; provided that any such diversion 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. This period of use condition does not apply to irrigation storage or aesthetic storage.

[Handwritten signature]
NBS
on

SF5 Right No. 63-230M

SF5
Right No. 63-230M

PLACE OF USE: IRRIGATION in ADA County
T04N R01E S29 SESE 30.00
IRRIGATION STORAGE in ADA County
T04N R01E S29 SESE
IRRIGATION FROM STORAGE in ADA County
T04N R01E S29 SESE 30.00
AESTHETIC in ADA County
T04N R01E S29 SESE
AESTHETIC STORAGE in ADA County
T04N R01E S29 SESE
DIVERSION TO STORAGE in ADA County
T04N R01E S29 SESE

30 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-121, 63-122, 63-230L, 63-231D, 63-120H, 63-161AJ, 63-169A, 63-169C, 63-16532.

DESIGNATED AS NO 92 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

WATER IS DELIVERED THROUGH THE SETTLERS CANAL

SF5
Right No. 63-230M

**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 No. 63-230M

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the digital depiction of the boundary for Settlers Irrigation District remains unchanged since the place of use element is not contested.

CLAIMANT(s)/OBJECTOR(s):
Settlers Irrigation District

OBJECTOR(s)
Boise Project Board of Control

Andrew J Waldera
attorney

Date

Albert P. Barker
attorney

Date

OBJECTOR(s):
USDI-BOR

RESPONDENT(s):
State of Idaho

David W. Gehlert Date
attorney

David J Barber Date
attorney

IDWR Concurrence:

 8-31-07

Jan Shurte Date
Adjudication Supervisor

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on _____, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Andrew J Waldera
Moffatt Thomas
PO Box 829
Boise, ID 83701

USDI-BOR
US Dept of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724

State of Idaho
Attorney General's Office
Natural Resources Div Chief
PO Box 44449
Boise, ID 83711-4449

Albert P Barker
1010 W Jefferson, Ste 102
PO Box 2139
Boise, ID 83701-2139

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Signature of person mailing the form

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

RIGHT NUMBER: 63-230M

NAME AND ADDRESS: SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.780 CFS
175.500 AFY

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: 10/17/1884

POINT OF DIVERSION:

T03N R02E S9 SWNE Lot 7 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC STORAGE	01/01 12/31	5.00 AFY
IRRIGATION STORAGE	01/01 12/31	5.00 AFY
IRRIGATION	03/01 11/15	0.600 CFS 135.00 AFY
IRRIGATION FROM STORAGE	03/01 11/15	5.00 AFY
AESTHETIC	03/01 11/15	0.180 CFS 35.50 AFY
DIVERSION TO STORAGE	03/01 11/15	0.780 CFS

Diversion for irrigation, diversion for irrigation storage, or diversion for aesthetic storage 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 with the agreement of all entities having rights in the reservoir system; provided that any such diversion 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. This period of use condition does not apply to irrigation storage or aesthetic storage.



SF5
Right No. 63-230M

PLACE OF USE: IRRIGATION in ADA County
T04N R01E S29 SESE 30.00
IRRIGATION STORAGE in ADA County
T04N R01E S29 SESE
IRRIGATION FROM STORAGE in ADA County
T04N R01E S29 SESE 30.00
AESTHETIC in ADA County
T04N R01E S29 SESE
AESTHETIC STORAGE in ADA County
T04N R01E S29 SESE
DIVERSION TO STORAGE in ADA County
T04N R01E S29 SESE

30 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-121, 63-122, 63-230L, 63-231D, 63-120H, 63-161AJ, 63-169A, 63-169C, 63-16532.

DESIGNATED AS NO 92 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

WATER IS DELIVERED THROUGH THE SETTLERS CANAL

Shurte, Jan

From: Tiffany Hudak [tmh@moffatt.com]
Sent: Wednesday, August 08, 2007 8:46 PM
To: Shurte, Jan
Cc: Andy Waldera
Subject: 63-230L, 63-230M, and 63-231D

Jan:

Pursuant to our telephone discussion this afternoon, I am forwarding you the language agreed upon by the parties to resolve Settlers Irrigation District's objections to the Director's Reports for Subcase Nos. 63-230L, 63-230M, and 63-231D. The period and purpose of use remark should now read (changes in bold):

Diversion for irrigation, diversion for irrigation storage, or diversion for aesthetic storage 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 the procedures and requirements of the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985, and any future amendments or revisions made thereto pursuant to state or federal procedures or law with the agreement of all entities having rights in the reservoir system; provided that any such diversion 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. This period of use condition does not apply to irrigation storage or aesthetic storage.

It is my understanding that your office will be preparing the Standard Form 5 as well as the Amended Director's Reports for Subcase Nos. 63-230L, 63-230M, and 63-231D. We look forward to receiving these documents from you.

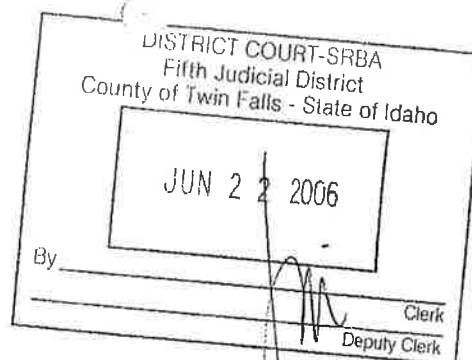
Thank you and please let me know if you have any questions.

Sincerely, Tiffany

NOTICE: This e-mail, including attachments, constitutes a confidential attorney-client communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this communication in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply e-mail or by calling (208) 345-2000, so that our address record can be corrected. Thank you.

NOTICE: To comply with certain U.S. Treasury regulations, we inform you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this e-mail, including attachments, is not intended or written to be used, and cannot be used, by any person for the purpose of avoiding any penalties that may be imposed by the Internal Revenue Service.

RECEIVED
AUG 23 2006
Department of Water Resources
Adjudication Bureau



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 63-00230M

(Insert water right number
From the Objection Form)

Case No. 39576

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Settlers Irrigation District

Address: PO Box 7571

Boise, Idaho 83707

Daytime Phone: 208-344-2471

Name & Address of Attorney, if any:

Scott L. Campbell

Moffatt Thomas Barrett Rock & Fields, Chtd

PO Box 829

Boise, Idaho 83701

**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, Idaho 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
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)

Scott L. Campbell, 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.

Subscribed and sworn to before me on:



(Signature of person filing response)

(Attorney signing in representative capacity)

June 21, 2006
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 9/16/09

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 June 21, 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: Settlers Irrigation District
Address: PO Box 7571, Boise, Idaho 83707

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

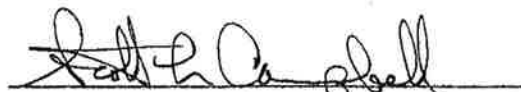
Name: U. S. Bureau of Reclamation
Address: 1150 N. Curtis Rd., Suite 100, Boise, Idaho 83706-1234

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

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 63-00230M

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Settlers Irrigation District

Address: PO Box 7571

Boise, Idaho 83707

Daytime Phone: (208) 344-2471

Name & Address of Attorney, if any:

Scott L. Campbell

Moffatt Thomas Barrett Rock & Fields

PO Box 829, Boise, Idaho 83701

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

Name: Settlers Irrigation District

Address: PO Box 7571

Boise, Idaho 83707

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** See Attachment A hereto

Should be: _____

8. ☒ **Period of Year** See Attachment A hereto

Should be: _____

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 above.

E. REASONS SUPPORTING OBJECTION(S):

The remark, as drafted, may allow for the unilateral modification to the Memorandum of Agreement of 1953 and the Water Control Manual of 1985 based upon the passage of future state and federal laws and procedures that may threaten to undermine or abrogate the very purposes (irrigation and flood control) for which these facilities were developed, paid by, and operated for the benefit of the various irrigation entities.

F. VERIFICATION (Must be Completed)

State of Idaho)
County of Ada)ss.

Scott L. Campbell, 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)

Scott L. Campbell
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 11, 2006



Tiffany Hudak
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 9/16/06

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 14th, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

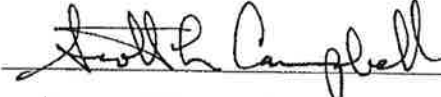
Name: Settlers Irrigation District
Address: PO Box 7571
Boise, Idaho 83707

3. Copies to:

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

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

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


mailing on Objector's behalf

**ATTACHMENT A TO
STANDARD FORM 1 – OBJECTION**

Settlers Irrigation District is objecting to inclusion of the following underlined language set forth in the remark under the Purpose and Period of Use element, as reflected on the Director's Report:

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 release for flood control by the Untied 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 Luck Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

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:	63-00230M
	)			(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. WASDEN
 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

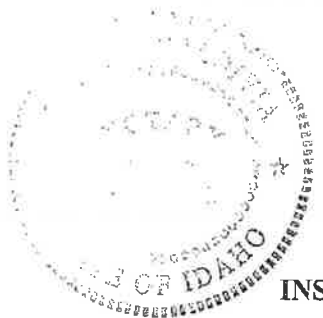
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

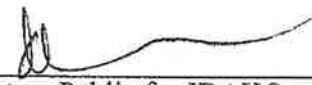
DAVID J. BARBER
Deputy Attorney General



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: 2/2/2012

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

I certify that on this 23rd day of June, 2006 I caused to be served the original and copies of this response to the following persons by the indicated methods:

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
- HAND DELIVERY

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

Claimant Name: Settlers Irrigation District U. S. MAIL
Address: P.O. Box 7571
Boise, Idaho 83707

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

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

4. Copies to: United States Department of Justice U. S. MAIL
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

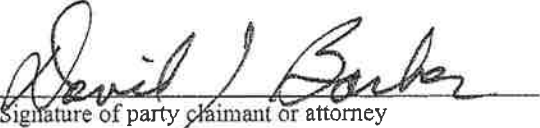
Albert P. Barker
Paul L. Arrington
Barker Rosholt & Simpson
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, ID 83701-2139

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

STATEHOUSE
MAIL

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

SEP 12 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 63-230M

(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: Settlers Irrigation District
Address: PO Box 7571
Boise, ID 83707

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, aesthetics, and 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.

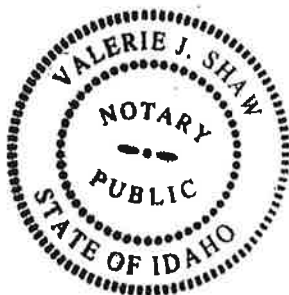
[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

9.5.06

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: Settlers Irrigation District
Address: PO Box 7571
Boise, ID 83707

3. Copies to:

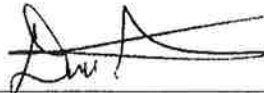
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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

Scott L. Campbell
Moffatt, Thomas Barrett Rock & Fields
PO Box 829
Boise, ID 83701



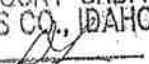
Signature of Objector or attorney
mailing on Objector's behalf

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	) Subcase Nos. 63-00146, 63-00183, 63-00192,
	) 63-00198AC, 63-00216C, 63-00230M,
Case No. 39576	) 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

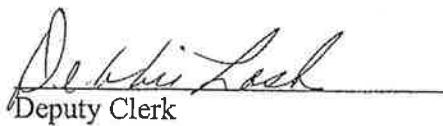
Boise City Canal Co
Bruce M Smith
950 W Bannock Ste 520
Boise, Idaho 83702

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.

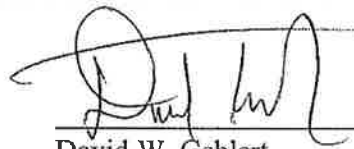
As the Idaho Supreme Court has frequently reminded, “[i]n the interest of justice, district courts should favor liberal grants of leave to amend a complaint.” *Hines v. Hines*, 129 Idaho 847, 853, 934 P.2d 20, 26 (1997). Here, because there is neither prejudice, nor delay nor bad faith, this Court should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

RECEIVED
APR 25 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 63-230M
(Insert water right number)

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: Settlers Irrigation District

Address: PO Box 7571
Boise, ID 83707

SCANNED
OCT 10 2006

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.

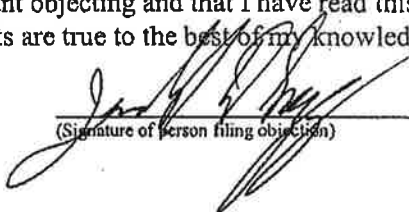
E. REASONS SUPPORTING EACH OBJECTION(S): The proposed language is intended to preserve the historical practice of allowing Reclamation's reservoirs to fill until April 1 and after October 31 if necessary.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

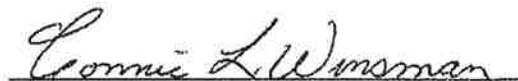
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

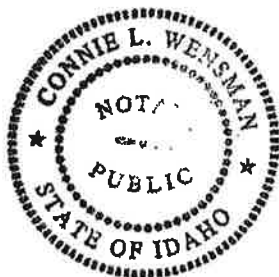
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(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: Settlers Irrigation District
Address: PO Box 7571
Boise, ID 83707

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

APR 25 2006

DEPARTMENT OF
TERRACE 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 Number: 63-230M

(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: : Settlers Irrigation District
Address: PO Box 7571
Boise, ID 83707

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:

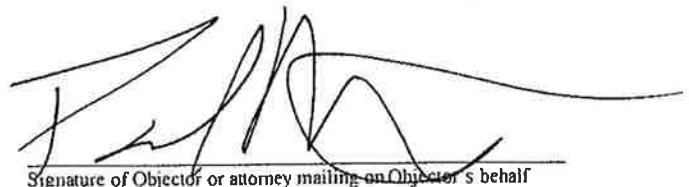
Name: Settlers Irrigation District
Address: P.O. Box 7571
Boise, ID 83707

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

05/16/2005

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

RIGHT NUMBER: 63-230M

NAME AND ADDRESS: SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.780 CFS
175.500 AFY

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: 10/17/1884

POINT OF DIVERSION:

T03N R02E S9 SWNE Lot 7 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC STORAGE	01/01 12/31	5.00 AFY
IRRIGATION STORAGE	01/01 12/31	5.00 AFY
IRRIGATION	03/01 11/15	0.600 CFS 135.00 AFY
IRRIGATION FROM STORAGE	03/01 11/15	5.00 AFY
AESTHETIC	03/01 11/15	0.180 CFS 35.50 AFY
DIVERSION TO STORAGE	03/01 11/15	0.780 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 S29 SESE

IRRIGATION STORAGE Within ADA County

IRRIGATION STORAGE Within ADA County

T04N R01E S29 SESE

IRRIGATION Within ADA County

T04N R01E S29 SESE 30.0

IRRIGATION FROM STORAGE Within ADA County

T04N R01E S29 SESE 30.0

AESTHETIC Within ADA County

T04N R01E S29 SESE

DIVERSION TO STORAGE Within ADA County

T04N R01E S29 SESE

30 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-121, 63-122, 63-230L, 63-231D, 63-120H, 63-161AJ, 63-169A, 63-169C, 63-16532.

DESIGNATED AS NO 92 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

WATER IS DELIVERED THROUGH THE SETTLERS CANAL

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-230M V1

WATER RIGHT NUMBER: 63-230M V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000
Current Owner	SETTLERS IRRIGATION DISTRICT PO BOX 7571 BOISE, ID 83707 (208)344-2471

Priority Date: 10/17/1884

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>
AESTHETIC STORAGE	01/01 to 12/31		5.00 AF
IRRIGATION STORAGE	01/01 to 12/31		5.00 AF
IRRIGATION	03/01 to 11/15	0.600 CFS	135.00 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		5.00 AF
AESTHETIC	03/01 to 11/15	0.180 CFS	35.50 AF
DIVERSION TO STORAGE	03/01 to 11/15	0.780 CFS	
	<u>Total Diversion:</u>	0.780 CFS	175.50 AF

Location of Point(s) of Diversion

BOISE RIVER	L7 (SW1/4NE1/4)	Sec. 9,	Twp 03N,	Rge 02E, B.M.
ADA County				

Place of UseAESTHETIC STORAGE Within ADA County

T04N R01E S29 SESE

IRRIGATION STORAGE Within ADA County

T04N R01E S29 SESE

Total Acres: 30

IRRIGATION Within ADA County

T04N R01E S29 SESE 30.0

Total Acres: 30

IRRIGATION FROM STORAGE Within ADA County

T04N R01E S29 SESE 30.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-230M V1

Total Acres: 30

AESTHETIC Within ADA County

T04N R01E S29 SESE

DIVERSION TO STORAGE Within ADA County

T04N R01E S29 SESE

Conditions of Approval:

1. 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.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. 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 DESIGNATED AS NO 92 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS
2. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 4.5 AFA PER ACRE AT THE FIELD HEADGATE.
3. Explanatory WATER IS DELIVERED THROUGH THE SETTLERS CANAL
4. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-121, 63-122, 63-230L, 63-231D, 63-120H, 63-161AJ, 63-169A, 63-169C, 63-16532.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-230M V1

Comments:

1. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

2. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

3. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

4. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

5. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

6. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

7. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

8. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

9. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

10. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

11. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

12. mcase 7/21/2004 POD

Comment: Correlated PODID 621420 from SpatialDataID 342579 to SpatialDataID 306185

Water Supply Bank:

5/12/2005

NOTICE OF ERROR

REPLY

RECEIVED

JUN 23 2005

WATER RESOURCES
WESTERN REGION

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 24, 2005.

Water right number: 63-230M

SETTLERS IRRIGATION DISTRICT

PO BOX 7571

BOISE ID 83707

Telephone Number: (208) 344-2471

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity; Period of Use.

2. Describe the changes you wish to make in the proposed recommendation:

Quantity: Remove remark beginning with, "This right shall receive 100 percent of its decreed quantity . . ." in its entirety.

Period of Use: Remove remark beginning with, "Diversion for irrigation under this water right prior to April 1 . . ." in its entirety.

3. Give a brief explanation as to why you disagree with these portions:

Quantity: Water right 63-230M is a split right of the parent right 63-230, which was decreed in the name of the Settlers Irrigation District by virtue of the "Stewart Decree," dated 1/18/1906 in the case of Farmers Co-Op Ditch Co. v. Riverside Irrigation District, et al. This remark was not contained in the Stewart Decree.

Period of Use: Water right 63-230M is a split right of the parent right 63-230, which was decreed in the name of the Settlers Irrigation District by virtue of the "Stewart Decree," dated 1/18/1906 in the case of Farmers Co-Op Ditch Co. v. Riverside Irrigation District, et al. This remark was not contained in the Stewart Decree.

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

DATE: 6-22-05

SIGNATURE:

Richard E. Allen

Please print your name: RICHARD E. ALLEN
Richard Allen, President of the Board of Directors of the Settlers
Irrigation District

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, 2083342190

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4391
WATER RIGHT NO. 63-00230M

This is to certify that: **SETTLERS IRRIGATION DISTRICT**
PO BOX 7571
BOISE ID 83707

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.60 CFS	135.0 AF
IRRIGATION STORAGE	01/01 to 12/31		5.0 AF
IRRIGATION FROM ST	03/15 to 11/15		5.0 AF
AESTHETIC	03/15 to 11/15	0.18 CFS	35.5 AF
AESTHETIC STORAGE	01/01 to 12/31		5.0 AF
DIVERSION TO STORA	03/15 to 11/15	0.78 CFS	
Totals		0.78 CFS	175.5 AF

SOURCE

BOISE RIVER

TRIBUTARY OF

SNAKE RIVER

Priority: 10/17/1884

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SWNE), Sec. 9, Township 03N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01E	29	SESE	30		30
Total number of acres irrigated:						30

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

PLACE OF USE: AESTHETIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.

TRANSFER NO. 4391
WATER RIGHT NO. 63-00230M

CONDITIONS/REMARKS:

2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 1st day of August, 1995.

J. Blum Saxton
Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NO. 63-00230F

FROM: PAM SKAGGS^{CS}/STATE OFFICE

SUBJECT: TRANSFER NO. 4391

DATE: July 31, 1995

=====

Transfer No. 4391 was filed to more specifically identify the irrigation use and change the nature of use of a portion of Right No. 63-00230F, splitting the right into parts L and M.

Originally 39 acres were irrigated within the SESE, S29, but the planned development of a sports complex will reduce the actual irrigated acres to 30. One (1) acre will be converted to a lined pond approximately 5' deep. Water will be diverted directly to the pond to irrigate the 30 acres and for year round storage of 5 af for irrigation and aesthetic purposes.

The portion of the right associated with the remaining 8 acres no longer irrigated provides the rate and associated diversion volume for aesthetic use. Water will only be diverted during the irrigation season with no greater diversion than historically supplied to this land. Net consumptive use will be reduced with 8 acres removed from irrigation use.

Originally:	39 acres x 4.5 af	= 175.5 afa
After Transfer:	30 acres x 4.5 af	= 135.0 afa Irrigation
	Pond 1 acre x 5 ft	= 5.0 afa Storage Uses
No Longer Irrigated	8 acres x 4.5 af	= <u>36.0 afa</u> Aesthetic Use
		176.0 afa

Pond Capacity exceeds the diversion volume for 1 acre by 0.5 afa. To compensate for the difference 0.5 afa will be reduced from the diversion volume available for aesthetic use.

135.0 afa + 5.0 afa + 35.5 afa = 175.5 afa

Recommended conditions include watermaster control, measuring device, future reporting, irrigation overlap and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4391

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

JUN 08 1994

PART 1

JUN 08 1994

Department of Water Resources
Name of applicant _____

Department of Water Resources
Name of applicant Settlers Irrigation District Phone 344-2477
Post Office address P.O. Box 7571 Boise ID 83707

WATER RESOURCES
WESTERN REGION

A. PURPOSE OF TRANSFER

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

2. Describe the reason for the proposed changes Provide more efficient way to use district water at proposed city squatsplex site. Will include construction of lined pond to be filled by shares of district water associated with this land. Reduced number of acres will be irrigated. Water to be delivered during irrigation season only but pond

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE				
1. Right Number	Priority	Amount	Nature	Period of Use
				will store water all year.

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|------------|-----------------------|------------------|---------------|
| 63-00230X | 10/17/1884 | SEE ATTACHED B | | to |
| | | | | to |
| | | | | to |
| | | | | to |

2. Total amount of water being transferred .78 cubic feet per second and/or 5.0 acre-feet per annum.
3. Source of water Boise River tributary to Snake River (of storage)
4. Point(s) of Diversion: NO CHANGE in P/O BUT DECREASED DESCRIPTION CLARIFIED TO 44-44

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
07	—	SW	NE	09	3N	2E	Ada	Settlers Canal Diversion Dam is Headgate(s) at River - See Remarks and Attachment C

5. Lands irrigated or place of use:

[illegible]

Total acres 30

PART 1

6. General Information:

a. Description of diversion system Div. dam, Settlers Canal to Karnes Lateral, 8" headgate to 8" buried pipe to pond. Pump from pond to irrigated acres.
Currently, no pumping occurs at irrigated site where sportsplex will be.

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Before transfer - 39 ac irrigated with .78 cfs
After transfer - 30 ac.
- 1 ac. covered by pond on currently irrigated land
- 8 ac. non-irrigated (roads etc. in sportsplex)

d. Remarks:

Water delivered to tract via Karnes Lateral is SESE 5.29 T4N R16.
District considers its canal to begin at measuring point in NW1/4
S.9 T4N R16. Transfer splits rights into portions I (.97.37 cfs) for remainder of
district lands and L (.78 cfs) for SESE 5.29, although both portions remain under
district ownership

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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

PART 2

(Attach one copy for each right)

*claimed in SRBA
 AS A63-00230F*

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00230F Decreed to Settlers Canal Co.
 in case of Riverside Irr. Dist. vs. Farmers Coop Ditch Co.
 dated 1/18/1906 in 7th Judicial Dist. county of Canyon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 483 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below: *Shows gift of land in 5856 S.29 to city of Boise*☐ Tax Notice☒ Warranty Deed☐ Other _____3. Source of water Bowen River tributary to Snake River4. Date or priority 10/17/1884

5. Water is used for the following purpose:

amount 98.15 for Irrigation purposes from not shown to in decree
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 98.15 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
_____	_____	_____	_____	<u>9</u>	<u>3N</u>	<u>26</u>	<u>Ada</u>	<u>1/4 1/4 not shown in decree</u>

8. Lands irrigated or place of use:

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

FOR IRR. OF LANDS UNDER CANAL SYSTEM

Total acres _____

9. Describe any other water rights used for the same purpose as described above 63-00231 63-02080

63-03060 63-11185

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.) *NO split in ownership of right - this pg. just shows shares currently available for tract in question.*

1. amount .78 for Irrigation purposes from undivided in the decree
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
				9	3N	2E	Ada	Settlers Canal - 1/4 1/4 not defined in decree

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1E	29																39	39

Total acres 39

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

1. amount 97.37 for Irrigation purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

AS Above

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

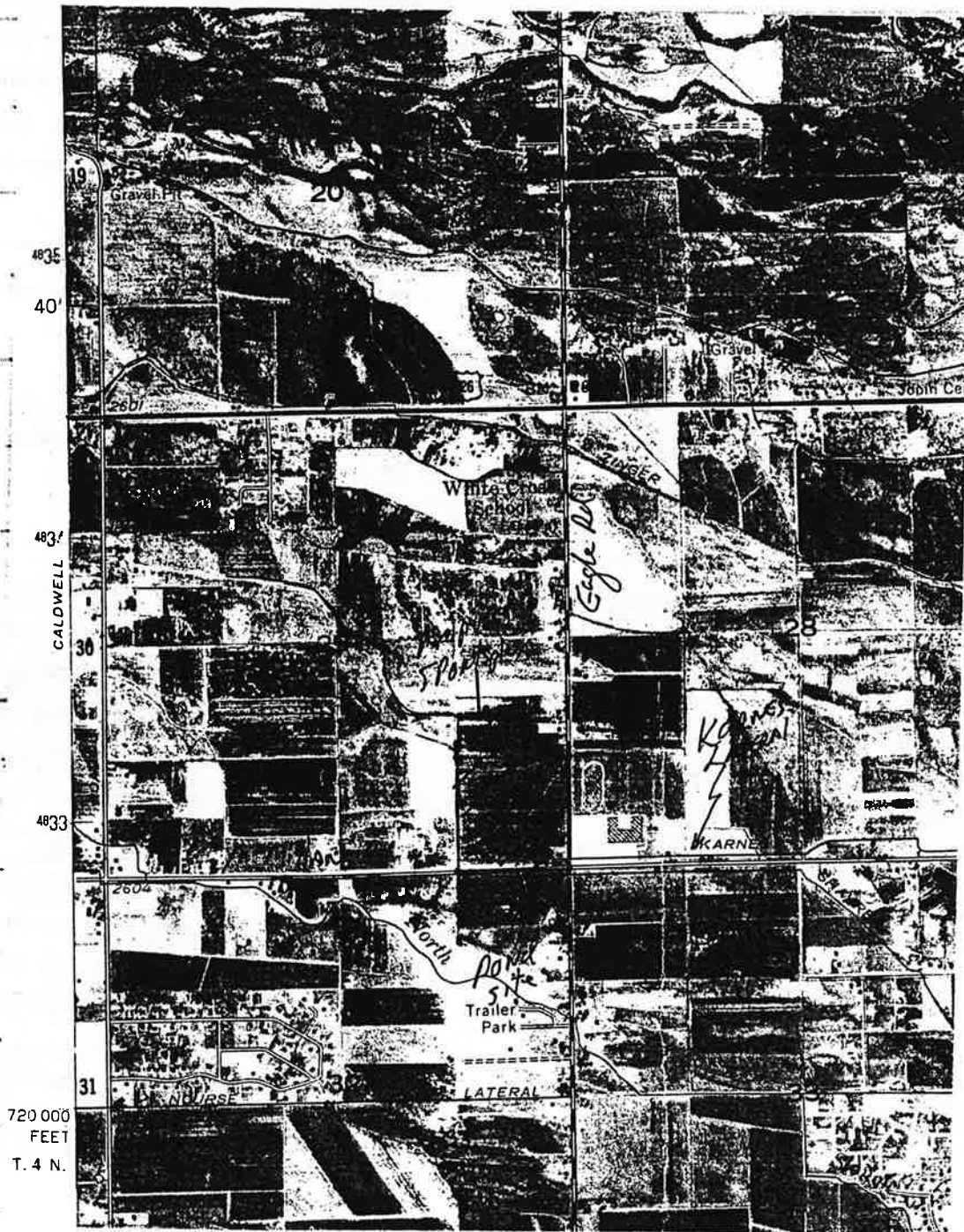
3. Lands irrigated or place of use: Remaining lands within Irrig. District boundary

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

Total acres —

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

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



T4N
R1E
S. 29
SESE
p/u

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Storage</u>	<u>5 AF</u>	<u>all year.</u>	to _____
	<u>Div. to storage</u>	<u>.78 cfs</u>	} <u>as available during irrig. season deliver</u>	
	<u>Aesthetic</u>			

2. Quantity and quality of return flows and location of discharge:

Return flows from pond will go to Karnes Lateral in SESESE S. 29.
Quality of water should be more or less the same as available in later

3. Describe effects on other water uses resulting from the proposed change:

All of the water currently delivered to the tract will be routed
to the pond (1 acre area c 5' deep). 30 acres will be irrigated with
.60 cfs of this water pumped from pond for sprinkler system to be installed.
Pond will be lined to retain some water outside of irrigation season. There will
be no increase in water delivered to site or used on site. No anticipated impact
on other water uses or water users.

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

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

Don Smithberger Pres
 (Signature of Applicant) (AND TITLE)

Subscribed and sworn to before me this 7th day of June, 1994.

Elizabeth M Matlock
 (Notary Public)

My commission expires 3/5/99

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by DWR Date 6/8/94 Protest filed by _____

Prelim. check by _____ Fee \$50

Receipted by dw Date 6/8/94 C 030475

Published in Id. Stateman Copies of protest forwarded by _____

Pub. dates 7-21 + 28, 1994 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

63.00230 L

Part 1, B1:

AMOUNT	NATURE OF USE	PERIOD OF USE
.78 cfs	Diversion to Storage	3/15 to 11/15
5 AF	Irrigation Storage	" " "
5 AF	Irrigation from storage	" " "
.60 cfs	Irrigation	" " "
.18 cfs	Aesthetic	" " "
5 AF	Aesthetic Storage	1/1 " 12/31

The .78 cfs irrig. water for 39 acres currently in use will be re-configured to allow a small pond (lined to hold some water outside of irrig. season) & to allow continued irrigation of 30 acres.

No increase in consumptive use: pond will be on land now irrigated & evaporative losses outside of irrigation season are insignificant.
No deliveries beyond the amount historically provided to the acres will occur.

Total water used after transfer = .78 cfs which includes 5 A.F. of storage on-site.

Attachment B

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



**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) 63-230MOwner: Settlers Irrigation Dist Phone No. See 63-230L

Current Address: _____

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

Accompanied by: See 63-230L**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: 10-17-1884 = same as decree

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

Source: Bowse RiverTributary 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? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
	7		SW	NE	9	3N	2E	Ada	GPS + USGS topo map

Description of diverting works

See 63-230L

OVERLAP REVIEW

Other water rights with the same point of diversion: See 63-230L

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

* ☒ No change

☐ Different Uses

See Transfer 4391 for list of uses

* Use Irrigation From 3-1 To 11-15 Amount .60 CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

TOTAL VOLUME – Groundwater only NA

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____

☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☒ No change

☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:

☒ No Change

☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: None

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

Delivery System Narrative: See T4391 in claim pack

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
<u>NA</u>					

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Designated as No. 92

See transfer 4391 in claim pack for information

This recommendation is based on approved transfer 4391

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

~~FIELD~~ EXAMINER: _____

Mel Schulte

LXXVIII.

That the defendant the SETTLERS' CANAL COMPANY, Limited, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river at the head of the Government Hay Reservation, in Sec. 9, T. 3 N. R. 2 E. B.M., for use on the lands lying under its canal system, in the following amounts from the following dates;

63 0230 *Trans. .30 Trah. .40 7-34, 35, 50, 477, 483*
 4953 inches, from Oct. 17, 1884. and hereby designated as Right No. 92.

63 0231 *745, 50, 34*
 3672 inches, from June 1, 1891; and hereby designated as Right No. 122.

And be adjudged to pay \$603.75 costs in addition to the costs incurred by it.

LXXIX.

That the defendants WILLIAM C. YOUNG, LIZZIE YOUNG and ESTELLA YOUNG be, and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river at or near the SE 1/4 of SW 1/4 of Sec. 10, T. 4 N. R. 3 W. B.M., through what is known as the Young ditch, for use upon lands lying under said ditch in sections 15 and 21, T. 4 N. R. 3 W. B.M., in the following amount from the following date;

63 0232
 200 inches, from Jan. 23, 1887. and hereby designated as Right No. 95.

And be adjudged to pay \$14.00 costs in addition to the costs incurred by them.

LXXX.

That the defendant the AMERICAN DITCH ASSOCIATION, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river at or near the SE corner of SW 1/4 of Sec. 16, T. 4 N. R. 3 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date;

63 0233 *Trans. 2.0 P.D. Trans. 1475 210"*
 2390 inches, from Oct. 1, 1887. and hereby designated as Right No. 96.

And be adjudged to pay \$167.30 costs in addition to the costs incurred by it.

T- 62
 36
 47
 48
 111
 790
 38

P.D. 3
 P.D. 36-A
 P.D. 48
 P.D. 148
 P.D. 166
 P.D. 172
 P.D. 224
 P.D. 171

MICROFILMED

JUN 21 1996

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-230M

WATER RIGHT NUMBER: 63-230M

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000
Current Owner	SETTLERS IRRIGATION DISTRICT PO BOX 7571 BOISE, ID 83707 (208)344-2471

Priority Date: 10/17/1884

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>
AESTHETIC STORAGE	1/01 to 12/31		5.00 AF
IRRIGATION STORAGE	1/01 to 12/31		5.00 AF
IRRIGATION	3/15 to 11/15	0.600 CFS	135.00 AF
IRRIGATION FROM STORAGE	3/15 to 11/15		5.00 AF
AESTHETIC	3/15 to 11/15	0.180 CFS	35.50 AF
DIVERSION TO STORAGE	3/15 to 11/15	0.780 CFS	
<u>Total Diversion:</u>		0.780 CFS	175.50 AF

Location of Point(s) of Diversion

BOISE RIVER	L7 (SW1/4NE1/4)	Sec. 9, Twp 03N, Rge 02E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R01E S29 SESE 30.0

Total Acres: 30

IRRIGATION FROM STORAGE same as IRRIGATION
AESTHETIC same as IRRIGATION

Conditions of Approval:

1. Split from 63-230F by Trans 4391: .
2. 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
4. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than

4.5 afa per acre for irrigation of the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-230M

5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. 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.
8. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

Comments:

**SETTLERS IRRIGATION DISTRICT
PLACE OF USE MAP
63-230M**

SESE T04N, R01E, SEC 29

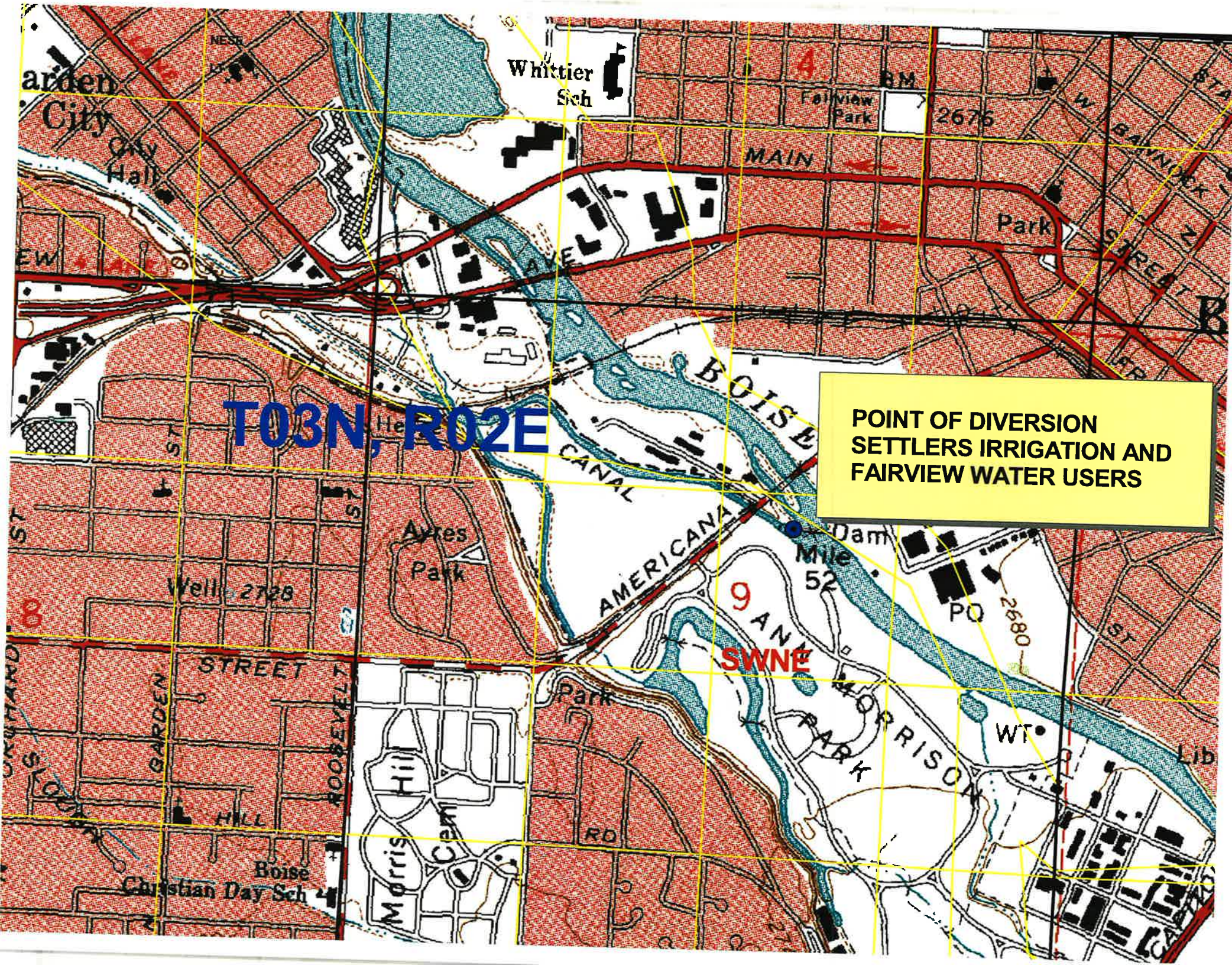
30 ac.

**SETTLERS IRRIGATION DISTRICT
PLACE OF USE MAP
63-230M**

SESE T04N, R01E, SEC 29

30 ac.





POINT OF DIVERSION
SETTLERS IRRIGATION AND
FAIRVIEW WATER USERS

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-230M

CLAIM
STACK

WATER RIGHT NUMBER: 63-230M

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000
Current Owner	SETTLERS IRRIGATION DISTRICT PO BOX 7571 BOISE, ID 83707 (208)344-2471

Priority Date: 10/17/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>	<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
BOISE RIVER	SNAKE RIVER	AESTHETIC STORAGE	1/01 to 12/31		5.00 AF
		IRRIGATION STORAGE	1/01 to 12/31		5.00 AF
		IRRIGATION	3/15 to 11/15	0.600 CFS	135.00 AF
		IRRIGATION FROM STORAGE	3/15 to 11/15		5.00 AF
		AESTHETIC	3/15 to 11/15	0.180 CFS	35.50 AF
		DIVERSION TO STORAGE	3/15 to 11/15	0.780 CFS	
		<u>Total Diversion:</u>		0.780 CFS	175.50 AF

Location of Point(s) of Diversion

BOISE RIVER L7 (SW1/4NE1/4) Sec. 9, Twp 03N, Rge 02E, 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	29																	30.0
																			30.0

Total Acres: 30

IRRIGATION FROM STORAGE same as IRRIGATION
AESTHETIC same as IRRIGATION

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-230M

1. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
2. 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.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
7. Split from 63-230F by Trans 4391.
8. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

Comments:

1. mcase 7/21/2004 POD
Comment: Correlated PODID 616707 from SpatialDataID 342579 to SpatialDataID 79974
2. mcase 7/21/2004 POD
Comment: Correlated PODID 616707 from SpatialDataID 342579 to SpatialDataID 79974
3. mcase 7/21/2004 POD
Comment: Correlated PODID 616707 from SpatialDataID 342579 to SpatialDataID 79974
4. mcase 7/21/2004 POD
Comment: Correlated PODID 616707 from SpatialDataID 342579 to SpatialDataID 79974
5. mcase 7/21/2004 POD
Comment: Correlated PODID 616707 from SpatialDataID 342579 to SpatialDataID 79974
6. mcase 7/21/2004 POD
Comment: Correlated PODID 616707 from SpatialDataID 342579 to SpatialDataID 79974

Water Supply Bank: