

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 63-243F
Date Received: 11/8/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SOUTH BOISE MUTUAL IRRIGATION CO LTD
C/O TOM GILMORE
2130 COLORADO AVE
BOISE ID USA 83706

Phone: (208) 703-3333

2. Date of Priority: 05/01/1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	03E	30	SE NW	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
03N	02E	15	NW	SE		IRRIGATION	
			SW	SE		IRRIGATION	
			SE	SE		IRRIGATION	
03N	02E	22	NE	NE		IRRIGATION	
			NW	NE		IRRIGATION	
			SW	NE		IRRIGATION	
			SE	NE		IRRIGATION	
03N	02E	24	SW	NE	6	IRRIGATION	
			NE	SW		IRRIGATION	
			NE	SE	4	IRRIGATION	
			NW	SE	5	IRRIGATION	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS A SPLIT OF A63-243B BY APPROVED TRANSFER 4232

Address change by DH 4/7/2003

15. Basis of Claim: Decreed

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): A63-242B, 243F,
243G, 280, 281,
282, 283A, 284A

[] Old Mailing Address: _____

[] New Mailing Address: _____

~~South Boise Mutual IRR. Co.~~

/O Tom Gilmore

2130 Colorado Ave

Boise, ID 83706

New Telephone Number: (208) 703-3333

[] Signature of Claimant: _____

Don L. Gilmore

Date: 24 Feb 02

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-243F
Date Received: 11/8/1989
Receipt No:
Received By: AMENDED

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

1. Name of Claimant(s)

SOUTH BOISE MUTUAL IRRIGATION CO LTD Phone:

C/O DALE MILTON
1120 CHAMBERLAIN
BOISE ID USA 83706

2. Date of Priority: 05/01/1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	03E	30	SE NW	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03N	02E	15	NW SE	IRRIGATION	
			SW SE	IRRIGATION	
			SE SE	IRRIGATION	

03N	02E	22	NE	NE		IRRIGATION
			NW	NE		IRRIGATION
			SW	NE		IRRIGATION
			SE	NE		IRRIGATION
03N	02E	24	SW	NE	6	IRRIGATION
			NE	SW		IRRIGATION
			NE	SE	4	IRRIGATION
			NW	SE	5	IRRIGATION

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS A SPLIT OF A63-243B BY APPROVED TRANSFER 4232

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-243F

WATER RIGHT NUMBER: 63-243F

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTH BOISE MUTUAL IRRIGATION CO LTD C/O DALE MILTON 1120 CHAMBERLAIN BOISE, ID 83706

Priority Date: 05/01/1889

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

BOISE RIVER	SE1/4NW1/4	Sec. 30, Twp 03N, Rge 03E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T03N R02E S15	NWSE	T03N R02E S15	SWSE
T03N R02E S15	SESE	T03N R02E S22	NENE
T03N R02E S22	NWNE	T03N R02E S22	SWNE
T03N R02E S22	SENE	T03N R02E S24 Lot 6	SWNE
T03N R02E S24	NESW	T03N R02E S24 Lot 4	NESE
T03N R02E S24 Lot 5	NWSE		

Conditions of Approval:Remarks:Comments:Dates and Other Information:

RECEIVED

JAN 24 1994

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Region 4/2/94

TRANSFER OF WATER RIGHT

*AMENDED

AMENDED

TRANSFER NO. 4232

WATER RIGHT NO(S). 63-00165L/63-00169F/63-00243E/63-00243H

This is to certify that: **BOISE WATER CORP**
PO BOX 7488
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>
Right No. 63-00165L : MUNICIPAL Priority: 06/01/1866	03/15 to 11/15	0.68 CFS	167.0 AF
Right No. 63-00169F : MUNICIPAL Priority: 06/01/1868	03/15 to 11/15	0.81 CFS	199.0 AF
Right No. 63-00243E : MUNICIPAL Priority: 05/01/1889	03/15 to 11/15	3.30 CFS	682.0 AF
Right No. 63-00243H : MUNICIPAL Priority: 05/01/1889	03/15 to 11/15	0.93 CFS	172.0 AF

SOURCE

TRIBUTARY OF

BOISE RIVER

SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SENE), Sec. 14, Township 03N, Range 02E
ADA County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

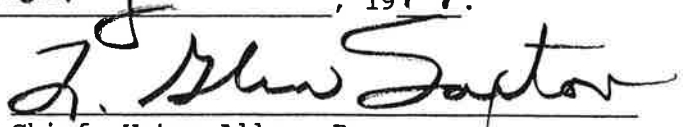
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. 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.

AMENDED* TRANSFER NO. 4232 *AMENDED
WATER RIGHT NO(S). 63-00165L/63-00169F/63-00243E/63-00243H

CONDITIONS/REMARKS:

5. Prior to diversion and use of water under Transfer No. 4232, a totalizing flow measuring device and lockable controlling works acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
6. Construction of diversion works is subject to the application of best management practices in accordance with standards utilized in the State of Idaho Stream Protection Program. Specific requirements include the following:
 - a. Turbid water pumped from the construction site shall not be returned directly to the stream (Alternatives are: settling pond, sump hole, irrigation ditch, etc.). Any discharge to a natural waterway shall be in compliance with Idaho Water Quality Standards and Wastewater Treatment Requirements and EPS NPDES permit requirements.
 - b. Fuel, oil, and other hazardous materials shall be stored, and equipment refueled, away from the stream to ensure that a spill cannot enter the stream channel.
 - c. All construction activities shall be conducted in such a manner as to minimize turbidity and other water quality impacts.
 - d. Any structure(s) placed within the stream channel of the Boise River shall be constructed in such a manner as to allow float boat traffic to pass over or around the structure(s) except at very low flows. The IDWR and the Idaho Department of Fish and Game will evaluate the structure(s) as constructed.
 - e. Stream bank vegetation shall be protected to the extent practicable during construction. Care shall be taken to select locations for ingress and egress from the stream that will minimize bank and riparian vegetation damage. Disturbed and eroded areas shall be revegetated with perennial shrubs, grasses, and forbs as recommended by Idaho Department of Fish and Game and/or the local office of the Soil Conservation Service, to reduce erosion, restore bank cover and habitat and inhibit the invasion of noxious weeds.
 - f. All temporary cofferdams shall be constructed of either jersey barriers, sandbags, sheet pilings, or other materials reviewed and approved by this Department prior to construction of the cofferdams.
7. Place of use is located within the city limits of Boise and the surrounding service area.
8. Four points of diversion are located within Lot 7, SENE, S14, T03N, R02E.
9. Transfer No. 4232 adds a point of diversion identified as the Warm Springs Water Treatment Plant River Intake to the three existing points of diversion known as Ranney collector diversions.

Dated this 14th day ofJanuary, 1994.


Chief, Water Alloc. Bureau

Total acres 1,000

PART 1

6. General Information:

- a. Description of diversion system Existing system consists of three Ranney collectors. New federal water quality requirements mandate the construction of a treatment plant for this service. In connection with that treatment plant, applicant intends to construct a raw water intake structure that would divert water directly from the Boise River to be used in conjunction with the existing Ranney collectors.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX 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:

N/A

d. Remarks:

See Attachment A.**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

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

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

Witness my hand this _____ day of _____

FEB 23 1994

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-0169F issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3373 ("Thurman Mill transfer") 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: Not applicable

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Boise River tributary to Snake River

4. Date or priority June 1, 1868

5. Water is used for the following purpose:

amount 0.814 cfs for Municipal purposes from Apr. 11 to Oct. 31
(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 0.814 cubic feet per second and/or 199 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	14	3N	2E	Ada	Marden Ranney collectors

8. Lands irrigated or place of use: Current and future service area in and near the City of Boise, Idaho

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

FEB 23 1994

Total acres _____

9. Describe any other water rights used for the same purpose as described above See Attachment A.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-00169F

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
MUNICIPAL	04/01 to 10/31	0.81 CFS

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

Priority: 06/01/1868

LOCATION OF POINT(S) OF DIVERSION:NWSENE , Sec. 14, Township 03N, Range 02E
ADA CountyPLACE OF USE: See RemarksCONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. TRANS. 3373.
3. DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO A MAX. TOTAL VOLUME OF 199 AFA AT A MAX. RATE OF FLOW OF .81 CFS.
4. PLACE OF USE WITHIN THE CITY LIMITS OF BOISE.

RECORDED

FEB 23 1994

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-00165L issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3559 ("BCCC transfer") 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: Not applicable.

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Boise River tributary to Snake River

4. Date or priority June 1, 1866

5. Water is used for the following purpose:

amount 2.025 cfs for Municipal purposes from Mar. 15 to Nov. 15
(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 0.68 cubic feet per second and/or 167 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	14	3N	2E	Ada	Marden Ranney collectors

8. Lands irrigated or place of use: Current and future service area in and near the City of Boise, Idaho

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

Total acres _____

9. Describe any other water rights used for the same purpose as described above See Attachment A.

PART 2

Transfer No. 4232

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ for _____ purposes from _____ 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:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

1. amount _____ for _____ purposes from _____ 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:

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

3. Lands irrigated or place of use:

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

FEB 23 1994

Total acres _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-00243C issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3756 ("SMBIC transfer") 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: Not applicable.

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Boise River tributary to Snake River

4. Date or priority May 1, 1889

5. Water is used for the following purpose:

amount 3.30 cfs for Municipal purposes from April to Oct. 31
(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 3.30 cfs cubic feet per second and/or 682 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	14	3N	2E	Ada	Marden Ranney collectors

8. Lands irrigated or place of use: Current and future service area in and near the City of Boise, Idaho

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

Total acres _____

Attachment A.

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ for _____ purposes from _____ 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:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

1. amount _____ for _____ purposes from _____ 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:

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

3. Lands irrigated or place of use:

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

FEB 23 1994

Total acres _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-00243H issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 4048 ("SBMIC transfer") 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: Not applicable.

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Boise River tributary to Snake River

4. Date or priority May 1, 1889

5. Water is used for the following purpose:

amount 0.93 cfs for Municipal purposes from Apr. 1 to Oct. 31
(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 0.93 cubic feet per second and/or 172 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	14	3N	2E	Ada	Marden Ranney collectors

8. Lands irrigated or place of use:

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

Total acres _____

9. Describe any other water rights used for the same purpose as described above See Attachment A.

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ for _____ purposes from _____ 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:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

1. amount _____ for _____ purposes from _____ 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:

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

3. Lands irrigated or place of use:

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

Total acres _____

FEB 23 1994

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 63-00243H

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
MUNICIPAL	03/15 to 11/15	0.93 CFS	172.0 AF
<u>SOURCE</u>	<u>TRIBUTARY OF</u>		
BOISE RIVER	SNAKE RIVER		

Priority: 05/01/1889

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SENE), Sec. 14, Township 03N, Range 02E
ADA County

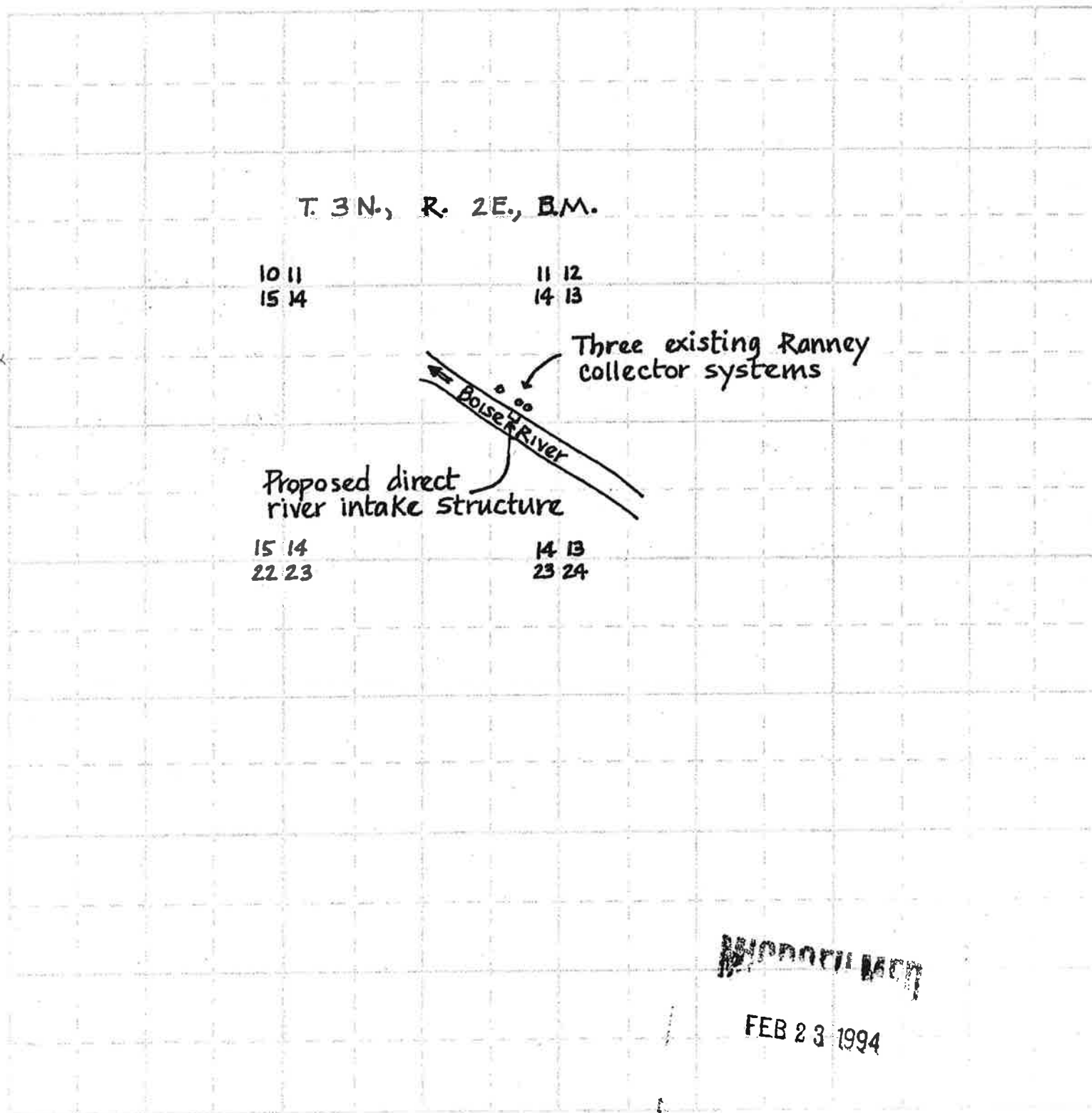
PLACE OF USE: See RemarksCONDITIONS/REMARKS:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. 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.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
5. The amount of water transferred to the Ranney collectors is 172 afa, diverted at a rate not in excess of 0.93 cfs with a priority of 5/1/1889.
6. Place of use is within the city limits of Boise.

FEB 23 1994

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.



RECORDED

FEB 23 1994

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

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

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.

Subscribed and sworn to before me this 20th day of September, 19 93.

Benjamin M. Kepler (Signature of Applicant) Manager

Margaret M. Coates (Notary Public)

My commission expires 7-7-93

FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and 7 attachments

Received by DRT Date 9/20/1993 Protest filed by _____

Prelim. check by DRT Fee \$50 W016755 _____

Receipted by ST Date 9/20/93 _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by DRT

Copy of transfer sent to lien holder _____

FEB 23 1994

ATTACHMENT A

*Boise Water Corporation
Application for Transfer of Water Rights
Filed: September 20, 1993*

On September 8, 1993, Boise Water Corporation (the "Applicant") filed with the Department of Water Resources (the "Department") two separate applications: (1) an application for transfer of three water rights and (2) an application for permit to appropriate. Based on subsequent conversations with David R. Tuthill of the Department, the Applicant is withdrawing its September 8, 1993 water right transfer application, and substituting the attached application for the transfer of four water rights. No changes (other than notations made by the Department) are being made to the Applicant's September 8, 1993 permit application which seeks a 1993 water right to allow the Applicant to utilize surface flows when water is available in the river in excess of demand by senior diverters.

The Applicant has operated a system of three Ranney collector infiltration systems ("Ranney collectors") at the Marden Street site along the north side of the Boise River since their installation in the 1950s. The Marden Street Ranney collectors operate under a License and Certificate of Water Right for groundwater issued on June 17, 1957 for 15.00 cfs with a priority date of February 7, 1952 (water right number 63-2892, originally number G-22594).

On October 30, 1981, BWC filed a transfer application, No. 2605, seeking to add an additional point of diversion known as the Veterans Ranney collector. The purpose of the transfer was "to increase distribution system efficiency due to changing daily and seasonal demand of customers." On January 5, 1982, the Department granted the application. The transfer added the Veterans facility as an additional point of diversion, but did not change the diversion rate allowed under the Applicant's water right, which remained at 15.00 cfs, total, from all four Ranney collectors. The maximum diversion rate allowed on the Veterans Ranney collector was set at 5.00 cfs.

FEB 23 1994

Recently adopted federal water quality requirements will soon require the installation of a water treatment plant for water taken from the Marden Street site. The Applicant intends to construct a new treatment plant to be known as the Warm Springs water treatment plant which will use the existing three Marden Street Ranney collectors as well as a new direct river intake ("river intake"). The river intake will be constructed into the north bank of the Boise River at the site of the Marden Street Ranney collectors. It will have a trash rack and slide gate. Applicant has applied to the U.S. Army Corps of Engineers for a Section 404 Permit, and to the Department of Water Resources for a Stream Channel Alteration Permit, in connection with the river intake.

Each of the existing three Marden Street Ranney collectors is equipped with a flow meter. Likewise, the new Warm Springs water treatment plant will be equipped with a flow meter measuring inflows to the plant. By subtracting the quantity of flow measured at each Ranney collector from the quantity of flow measured at the Warm Springs Treatment Plant, it will be possible to determine the quantity of water, if any, being diverted through the river intake.

The 1982 Veterans transfer described above was made subject to certain conditions set out in the Director's Memorandum Decision and Order of January 5, 1982. Among them was a requirement that the Applicant conduct a study of the interconnection between its Ranney collectors and the Boise River. Such a study was conducted and submitted to the Department. At the Department's invitation, the Applicant voluntarily participated in discussions regarding the management of the Ranney collectors. After study and discussion, the Applicant and the Department entered into a formal agreement ("the 1985 agreement") whereby a portion of the water pumped from the Ranney collectors is attributed to surface flow. As a consequence of the 1985 agreement, the Applicant was required to obtain and make available water rights to provide augmentation or mitigation water to offset depletions from the Ranney collectors according to a formula set out in the 1985 agreement. Water to meet this requirement was secured by the Applicant by a October 16, 1986 contract with the U.S. Bureau of Reclamation for the purchase of 1,000 acre-feet of storage space in Anderson Ranch. Water stored under this right is released annually during the irrigation season in an amount determined by the formula specified in the 1985 agreement. The Applicant continues to operate under this arrangement. No change in this 1952 water right, the 1982 transfer, or the 1985 agreement is sought by the transfer application filed today or the September 8, 1993 permit application.

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FEB 23 1994

In addition to the 1952 water right and associated Anderson Ranch storage rights described above, the Applicant has purchased and transferred the following four additional water rights to the Ranney collectors.

First, the Applicant purchased 46½ shares of stock in the Thurman Mill Ditch Company, Ltd. reflecting a partial interest in water right number 63-0169D, which holds a June 1, 1868 priority date. The Applicant transferred the nature of use, place of use, and point of diversion for its interest in this surface water right to the Applicant's Ranney collectors for municipal use in Boise, Idaho. This transfer (No. 3373), creating water right number 63-0169F, was approved by the Department on February 25, 1988, for a maximum flow of 0.814 c.f.s. and a maximum volume of 199 acre-feet per year.

Second, the Applicant purchased 135 shares of stock in the Boise City Canal Company reflecting a partial interest in water right number 63-00165, which holds a June 1, 1866 priority date. The Applicant, through the Boise City Canal Company, transferred the nature of use, place of use, and point of diversion for its interest in this surface water right to the Applicant's Ranney collectors for municipal use in Boise, Idaho. This transfer (No. 3559), creating water right number 63-00165L,¹ was approved by the Department on June 2, 1989, for a maximum flow of 0.68 c.f.s. and a maximum volume of 167 acre-feet per year.

Third, the Applicant purchased 128 shares of stock in the South Boise Mutual Irrigation Company, Ltd. reflecting a partial interest in water right number 63-00243, which holds a May 1, 1889 priority date. The Applicant transferred the nature of use, place of use, and point of diversion for its interest in this surface water right to the Applicant's Ranney collectors for municipal use in Boise, Idaho. This transfer (No. 3756), creating water right number 63-00243C, was approved by the Department on October 15, 1990, for a maximum flow of 3.30 c.f.s. and a maximum volume of 682 acre-feet per year.

Fourth, the Applicant obtained an additional interest in the water rights of the South Boise Mutual Irrigation Company, Ltd. reflecting a partial interest in 63-00243A, which holds a May 1, 1989 priority date. The Applicant, through the South Boise Mutual Irrigation Company, Ltd., transferred the nature of use, place of use, and point of diversion for its interest in this surface water right to the Applicant's Ranney collectors for municipal use in Boise, Idaho. This transfer (No.

¹The application refers to water right number 63-00165L, however the Order of Approval Transfer with Conditions refers to original water right number 63-00165J.

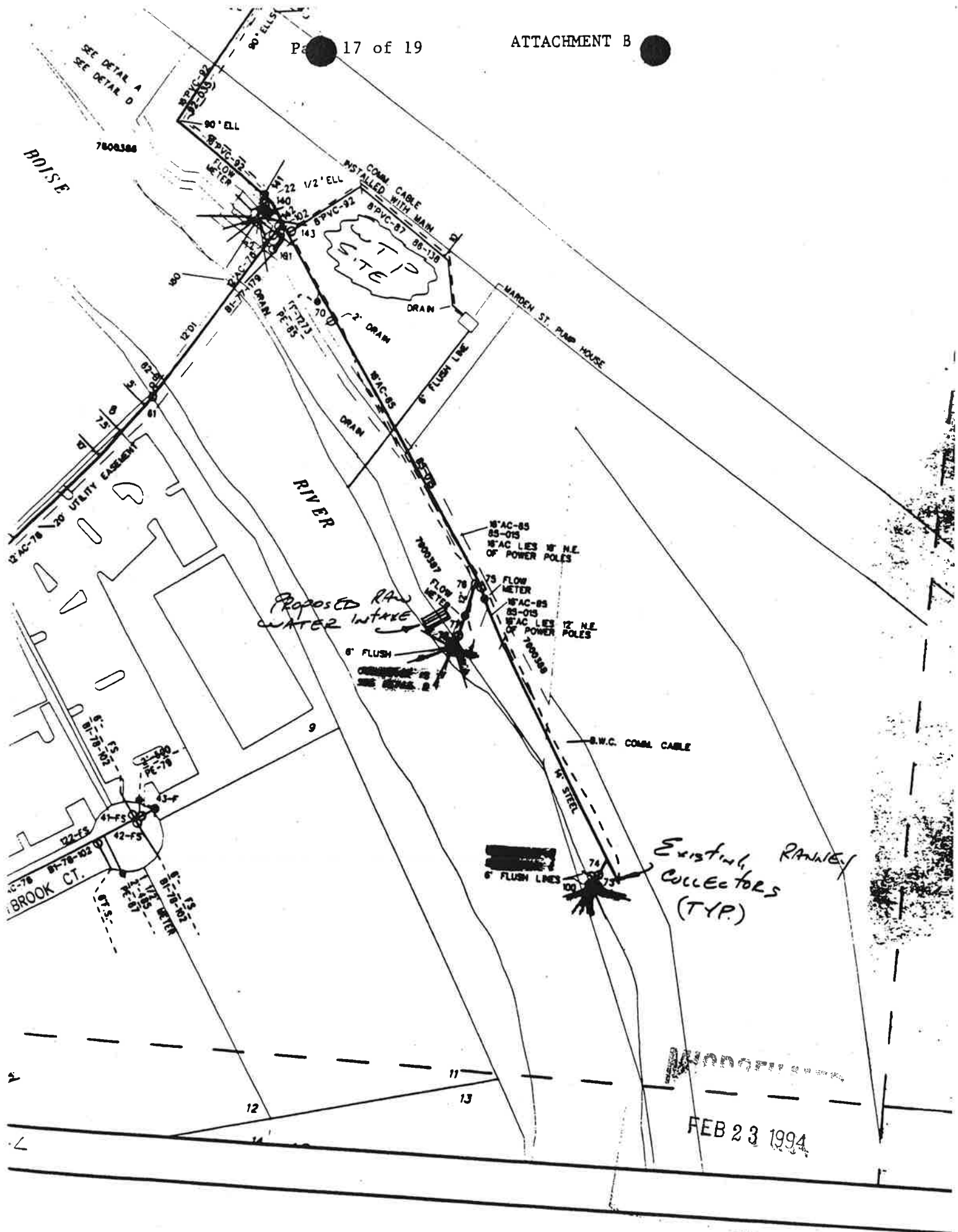
RECEIVED
FEB 23 1994

30131ATTACH-A.A03

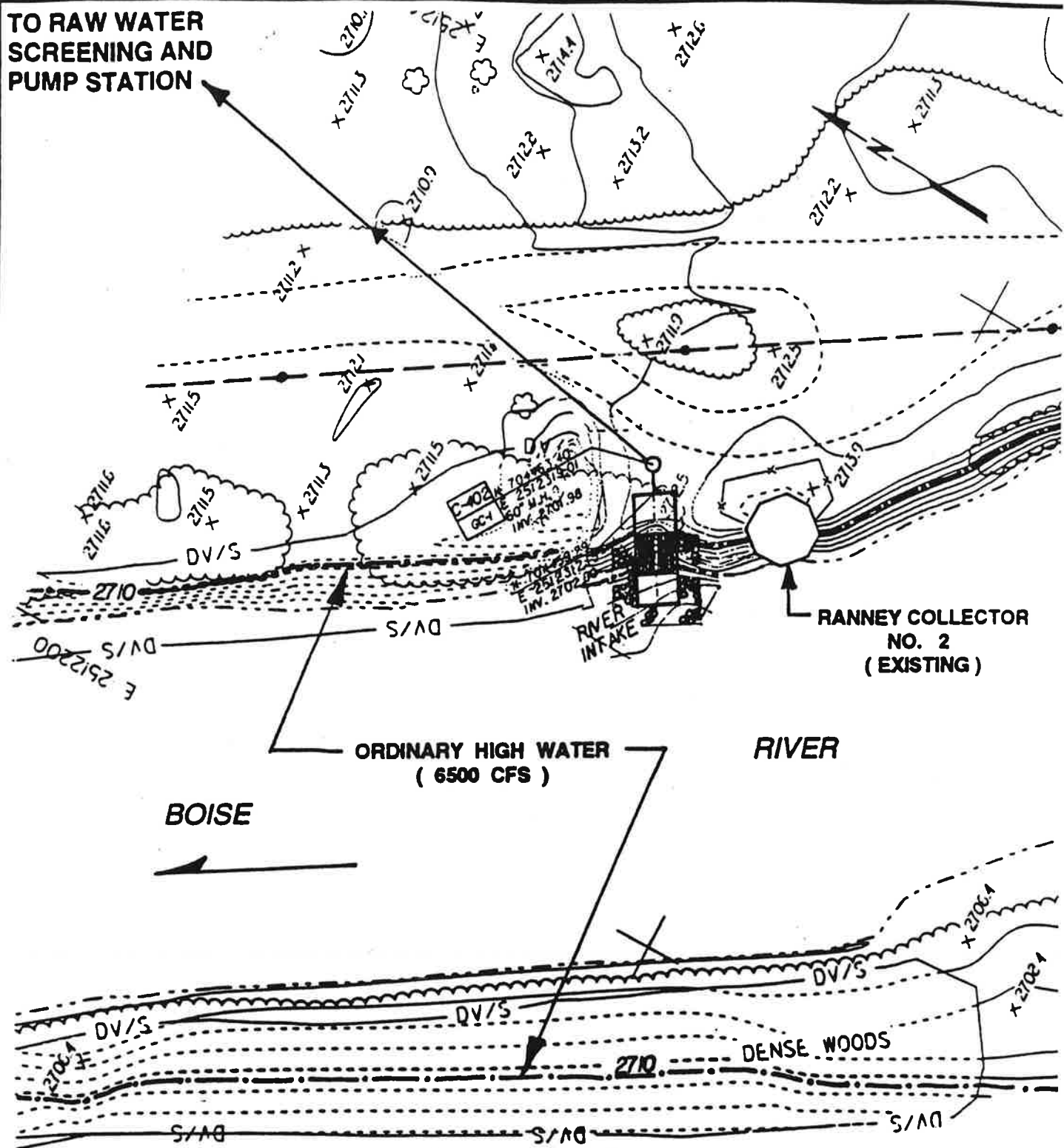
4048), creating water right number 63-00243H, was approved by the Department on February 16, 1993, for a maximum flow of 0.93 c.f.s. and a maximum volume of 172 acre-feet per year.

The purpose of this transfer application is to allow the four above described surface water rights now associated with the Ranney collectors to be diverted, as necessary, from the river intake, to the extent that the Marden Street Ranney collectors are partly or completely unavailable for any physical, regulatory or economic reason. This transfer application does not contemplate or request any expansion, enlargement or other change in the four water rights, except to add the river intake as an alternate point of diversion.

FEB 23 1994



**TO RAW WATER
SCREENING AND
PUMP STATION**



**RAW WATER INTAKE
SITE PLAN**

SCALE: 1" = 40'

**Construction Of Raw Water Intake
Marden Water Treatment Plant**

IN BOISE RIVER
IN CITY OF BOISE
ADA COUNTY, IDAHO
DATE: 11-10-92 SHEET 3 OF 10
APPLICATION BY: BOISE WATER CORP.

FEB 23 1994

W219	GN-6	CC-1	CC-1
STL SLIDE GATE WITH J-BULB SEAL AND FLOOR MOUNTED OPERATING NUT (FLUSH BOTTOM)		10M1T 1"	CHAMFER

STL SLIDE GATE
WITH J-BULB SEAL
AND FLOOR MOUNT
OPERATING NUT
(FLUSH BOTTOM)

L

EXISTING BANK PROFILE
UPSTREAM FROM
STRUCTURE WALL

RIP-RAP AT FINISHED
GRADE AT STRUCTURE
WALL (TYP.)

FEB 23 1994

ORDINARY HIGH
WATER (6500 cfs)
EL. 2710.53

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: A63-00243B
Date Received: 11/08/1989
Receipt No: W006754
Received By: Drs

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SOUTH BOISE MUTUAL IRRIGATION CO., LTD. 208-344-9492
Address: C/O RICHARD D. HARLAND
1507 GARFIELD
BOISE, ID 83706

2. Date of Priority: MAY 01, 1889

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

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	24	NE	SW		IRR	23.0
			NW	SW		IRR	26.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	24	NE	SE	4	IRR	1.0
			NW	SE	5	IRR	23.0
			SW	SE		IRR	3.0
			SE	SE	4	IRR	28.0
						Section Acres	104.0
		25	NE	NE		IRR	6.0
						Section Acres	6.0
	03E	19	SW	SW	6	IRR	5.0
						Section Acres	5.0
		30	NW	NW	4	IRR	21.0
			SW	NW	3	IRR	1.0
						Section Acres	22.0
						Total Acres	137.0

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:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am President of (SBMIC) SOUTH BOISE NATURAL IRR CO LTD that I have signed the foregoing document in the space below as President of SBMIC and that the statements contained in the foregoing document are true and correct.

Richard D. Halstead
Signature of Authorized Agent

President SBMIC
Title and Organization

11/20/89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of Nov 19 89

D. C. Tuttle
Notary Public

Seal

Residing at Bonnie Id
My Commission Expires 9/15/94

05/16/2005

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

RIGHT NUMBER: 63-243F

NAME AND ADDRESS: SOUTH BOISE MUTUAL IRRIGATION CO LTD
C/O TOM GILMORE
2130 COLORADO AVE
BOISE ID 83706

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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: 05/01/1889

POINT OF DIVERSION:

T03N R03E S30 SENW Within ADA County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.020 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:

246.6 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 246.6 ACRES WITHIN THE BOUNDARY OF SOUTH BOISE MUTUAL IRRIGATION COMPANY.

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

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: 63-242B, 63-243G, 63-280, 63-281, 63-282, 63-283A, 63-284A & 63-2392E.

WATER IS DELIVERED THROUGH BUBB CANAL

05/09/2005

RECEIVED

JUN 24 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

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: 63-243F

SOUTH BOISE MUTUAL IRRIGATION CO LTD

C/O TOM GILMORE

2130 COLORADO AVE

BOISE ID 83706

Telephone Number: (208)703-3333

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

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

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

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

DATE: 6/22/05 SIGNATURE: 

Please print your name: Kevin B. Matthews

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-243F V1

WATER RIGHT NUMBER: 63-243F V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTH BOISE MUTUAL IRRIGATION CO LTD C/O TOM GILMORE 2130 COLORADO AVE BOISE, ID 83706 (208)703-3333

Priority Date: 05/01/1889

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

BOISE RIVER	SE1/4NW1/4	Sec. 30, Twp 03N, Rge 03E, B.M.
ADA County		

Place of UseConditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
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. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-243F V1

4. 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. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE.
2. Explanatory WATER IS DELIVERED THROUGH BUBB CANAL
3. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-242B, 63-243G, 63-280, 63-281, 63-282, 63-283A, 63-284A & 63-2392E.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 246.6 ACRES WITHIN THE BOUNDARY OF SOUTH BOISE MUTUAL IRRIGATION COMPANY.

Comments:

Water Supply Bank:

**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 complete

Claim No(s) 63-243 F
 Owner: South Boise Mutual Phone No. See 63-242 B file
 Current Address: _____

- ☐ No change NAME IS THE SAME See 63-242 B
- ☐ NEW OWNER _____
- ☐ No change Address _____
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

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

Priority date, per claimant, is: 5-1-1889 as decreed

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

Source: Boise River Tributary to Snake River

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

POINT OF DIVERSION

- ☐ No change See 63-242 B
- ☒ 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

Description of diverting works

See 63-242B**OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

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

See 63-242B**WATER USES**☒ No change☐ Different Uses

Use _____ From _____ To _____ Amount _____ 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:** NA☐ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:

Limited to 246.6 acres within EBMIC.			NE				NW				SW				SE				Totals
Place of Use			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
TWP	RGE	SEC																	

Overlap with other water rights: See 63-242B

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

Delivery System Narrative: See 63-242B

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

See 63-242B
This right was split in prior transfers ~~335~~ 23756.2
4238.
See attached split tree.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU *See 63-242B*
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 4-29-03

FIELD EXAMINER: Mel Schulte

63-243 F

D.L. = delivery loss

Basin	Sequence	Suffix	Basin	Status	Priority Date	Rate (cfs)	Source	Water Use(s)	Source Table
63	242	B	Decreed	Active	1889-05-01	0.86	BOISE RIVER 43 ac	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD (Current)
63	243	F	Decreed	Active	1889-05-01	0.02	BOISE RIVER (in 246.6 ac)	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD (Current)
63	243	G	Decreed	Active	1889-05-01	1.34	BOISE RIVER 53.6 ac	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD (Current)
63	280		Decreed	Active	1865-04-01	1.8	BOISE RIVER 62 ac	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD (Current)
63	281		Decreed	Active	1865-04-01	0.5	BOISE RIVER 26.0 ac	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD (Current)
63	282		Decreed	Active	1870-04-01	0.3	BOISE RIVER 14 ac	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD (Current)
63	283	A	Decreed	Active	1870-04-01	0.7	BOISE RIVER 35 ac	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD (Current)
63	284	A	Decreed	Active	1889-03-01	0.84	BOISE RIVER 13 ac	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD (Current)
						6.36 cfs	246.6 ac x 0.02 = 4.93	1.43 cfs = delivery loss	

$$246.6 \times 0.02 = 4.93$$

Need to cover 1.43 cfs in ditch loss!

63-243F

LXXXVIII.

That the defendant LOOMIS L. HOSELEY be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon one acre of land situated in the NW 1/4 of sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0241

1 inch, from May 1, 1889, hereby designated as Right No. 108. And be adjudged to pay \$0.07 costs in addition to the costs incurred by him.

LXXXIX.

That the defendants STEVE UTTER, JOHN UTTER and C. B. TAYLOR 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, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon the SE 1/4 of NE 1/4, and NE 1/4 of SE 1/4, Sec. 23, and S. 1/2 of NW 1/4 and lots 7 and 8 in sec. 24, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0242

120 inches, from May 1, 1889, hereby designated as Right No. 109. And be adjudged to pay \$8.40 costs in addition to the costs incurred by them.

XC.

That the defendant the SOUTH BOISE MUTUAL IRRIGATION COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river near where such bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon the NE 1/4 of SW 1/4 and lots 5 and 6 in Sec. 24, also all that portion of the SE 1/4 of sec. 15 lying south of what is known as the Ridenbaugh Mill Ditch, and all that portion of the NE 1/4 of Sec. 22 lying north of what is known as the Big Bluff or Ridenbaugh canal, all in T. 3 N. R. 2 E.

B. M., in the following amount and from the following date;

300 inches, from May 1, 1889; hereby designated as Right No. 110. And be adjudged to pay \$21.00 costs in addition to the costs incurred by it.

63 0243

JUN 21 1996

Split Nee 63-243

63-243 as decreed = 6.0 cfs

63-243 → A → G = 1.34 cfs (SBMI) WR = 6.0 cfs.

→ B → H = .93 cfs. (u.w.)

→ C = .23 cfs. (SBMI) (forfeited in T3755) → D = .18 (Herrick) T3757

→ E = 3.30 (u.w.) T3756

* Total = 5.77 cfs → F = .02 cfs. (SBMI) (.23 cfs forfeited in T3755 analysis)

A63-243 A = 2.27 cfs (SBMI) → G = 1.34 (SBMI)

-243 B = 3.03 cfs (SBMI) → H = .93 (u.w.)

-243 C = .92 cfs (O'Neill)

→ D = .18 (Herrick)

→ E = 3.30 (u.w.)

→ F = .02 (SBMI)

.92 - O'Neill → Not valid

6.69 cfs = overclaimed by.
- .92 .69 cfs

* 5.77 cfs = same as water right records after transfers.

Attachment B

Remarks for Transfer of Water Right. These concepts identify the methodology of preparation of this application.

1. The South Boise Mutual Irrigation Co., Ltd. (hereinafter Company) desires to place its most senior water rights on lands located on the west end of the delivery system. The concept of this transfer application is to move senior water rights to the west end of the service area, and replace these senior water right with a junior water right on lands in the east end of the service area which are no longer intended to be irrigated but which have been irrigated within the past five years. This east end junior water right will be available to be granted, bargained or conveyed to other waterusers in the Boise River system.

2. Records of the Department of Water Resources and of Water District 63 are summarized on three pages extracted from the 1987 Water District 63 Watermaster's Report, shown as attachments F, G and H. These attachments identify water rights that total 21.14 cfs, which is more water than the Company has utilized in recent years.

3. This transfer application is intended to move the following senior water rights to the westerly lands:

<u>Number</u>	<u>Priority Date</u>	<u>Amount</u>
63-00280	4-1-1865	1.80 cfs
63-00281	4-1-1865	0.50 cfs
63-00282	1870	0.30 cfs
63-00283	1870	0.70 cfs
63-00284	3-1-1889	0.84 cfs
Total:		4.14 cfs

4. To document the transfer, the following additional attachments are included:

Attachment I - Map showing current places of use of decreed water rights.

Attachments J through M - copies of decrees identifying water rights.

Attachment N - Statement by Company President Richard Harland, describing present water delivery patterns.

Attachment O - Copy of orthophotoquad of delivery area.

Attachment P - Copy of 1980 U-2 photograph of service area which describes irrigated acreage based on a review of the infrared photograph.

5. To determine the amount of current, valid water rights used by the Company, the presently irrigated acreage was computed using Attachment P. This acreage totals 284 irrigated acres. At 0.02 cfs/acre, the delivered amount of water would be 5.68 cfs. This amount was run through the "Loser" FORTRAN program to compute ditch loss. The result of this computer run is

shown on Attachment Q. The irrigation diversion requirement via the present point of diversion into Bubb Ditch is described as 7.27 cfs. This quantity is not anticipated to change significantly if the point of diversion is changed to the Ridenbaugh Canal.

6. To account for the 7.27 cfs, first the 4.14 cfs of senior water rights are utilized. For each of the rights, 0.02 cfs per acre is assigned, and water in excess of this amount is considered to be "carriage" or "ditch loss" water. For example, water right no. 63-00280, decreed for 1.80 cfs, now appears to be used on only 62 acres. While the water right is requested to be moved to 62 other acres, at 0.02 cfs this amounts to only 1.24 cfs. The remaining 0.56 cfs (1.80 - 1.24) is considered to be some of the carriage water for the Company's water rights.

7. Water right no. 63-00242 specifies 2.40 cfs. It is presently used upon only 43 acres. Only 0.86 cfs has been recommended as a final amount for this water right because it has the same date of priority as 63-00243, and all remaining carriage water will be included in the latter water right.

8. A portion of water right no. 63-00243, which will be designated as 63-00243A, applies to the remaining 90 acres of land that do not have a ^{senior} water right. The recommended amount for this right is 1.80 cfs, plus the 0.47 cfs of carriage water for a total of 2.27 cfs to bring the total right to 7.27 cfs.

-- See Addendum to Attachment B --

-- 9. Another portion of water right no. ^{137 acres} 63-00243, which will be designated as 63-00243B, will be replaced on the land from which the senior water rights are being taken. This land, which totals ¹²⁷ 127 acres, is land that is currently in the process of being developed for subdivision use and this water right will likely be conveyed to other Boise River waterusers. The extent of this water right is identified as 0.02 cfs per acre irrigated, plus ditch loss of 0.49 cfs (per the Loser routine as shown on Attachment R), for a total of 3.03 cfs.

9. The water rights in excess of 7.27 cfs plus ^{3.50*} ~~3.03~~ cfs are considered to have been lost through abandonment or forfeiture. Thus, the following rights are considered to have been lost:

<u>Number</u>	<u>Priority Date</u>	<u>Amount</u>	
63-00240	5-1-1889	0.06 cfs	- not claimed
63-00241	5-1-1889	0.02 cfs	" "
63-00242B	5-1-1889	1.54 cfs	
63-00243C *	5-1-1889	0.70 cfs	0.23 cfs*
63-00244	5-1-1889	2.94 cfs	Not claimed
63-00245	5-1-1889	0.05 cfs	" "
63-00246	5-1-1889	0.10 cfs	" "
63-00247	5-1-1889	0.03 cfs	" "
63-00298	5-1-1889	5.40 cfs	" "

Total: ~~10.84 cfs~~ 10.37 cfs*

*Per Addendum to Attachment B

DR 2/24/1989

* here, 243C 0.23 cfs is amount forfeited in
R 3705.

Per subsequent R 3706 & 3757, 63-00243B split into C (Boise River Corp) & D (Harrick).
Calculated amount not given a water R for 5.0. - SL 10/20/92

Addendum to Attachment B

Prepared by Dave Tuthill on March 22, 1990

Recently, the Department was approached by Mr. Jeff Fereday, Esq., regarding the historic use of water to irrigate the Gilmore property, which is located in the vicinity of the center of Section 24, T 3N, R 2E. Mr. Fereday indicated that Mr. Gilmore had represented to him that the property in question had been irrigated into the mid 1980's, and that the property was served via the Bubb ditch by the South Boise Mutual Irrigation Company, Ltd. Mr. Fereday was concerned that only a small portion of the acreage was found to have been irrigated in the photo-investigation conducted by Dale Melton, Richard Harland and Dave Tuthill on February 23, 1989.

I advised Mr. Fereday that to make any changes to the photo-investigation, additional information would be required. He subsequently obtained additional photographs from the ASCS office, and reviewed early 1980's NHAP photography with Mr. Doug Harrison of the SCS. The results of this information were inconclusive -- there appeared to have been partial but not fully effective irrigation of the property. Upon the receipt of this information, I visited Mr. Harrison's equipment studio to personally review the information. Based on a detailed study of the photographic materials, and discussion with Mr. Harrison, I have concluded that the lands should be partially credited as having been irrigated, because although the lands were not dry, the irrigation patterns were not fully effective. A total of 22 acres in the parcel had been initially shown to be un-irrigated. Per discussions with both Mr. Fereday and Mr. Harland, an acceptable approach is to give credit for irrigation of half, or 11 acres, of the land.

To conform with the advertising of the Application for Transfer, the 11 acres can be added to the NW 1/4 SE 1/4, Sec. 24, T 3 N, R 2 E. This change has been annotated on the application in strikeouts asterisk format. The result is that the lands from which junior water rights are eligible for removal total 148 instead of 137.

With respect to the rate of flow, I reviewed the information in item 9. of Attachment B. The acreage used to determine the rate of flow was 127. This is an outdated acreage, and should be 137 prior to the addition of the 11 acres of Gilmore lands. Thus the total acreage should be 148. A new run of the Loser ditch loss routine shows that the rate of flow diverted from the Boise River to provide 0.02 cfs for this acreage is 3.50 cfs. This is the newly recommended rate of flow for water right no. 63-00243B. This rate, when combined with the recommendation of 2.27 cfs for water right no. 63-00243A, totals 5.77 cfs, which is less than the originally decreed amount of 6.00 cfs for water right no. 63-00243. The remaining 0.23 cfs will be shown as the amount forfeited (63-00243C).

*See footnote, second
Pg. 1 of Attach. B*

Dr 3/22/90

T03N, R03E

Barber

POINT OF DIVERSION
SOUTH BOISE MUTUAL IRRIGATION

SE NW

Mile 58

30

2760

AVE

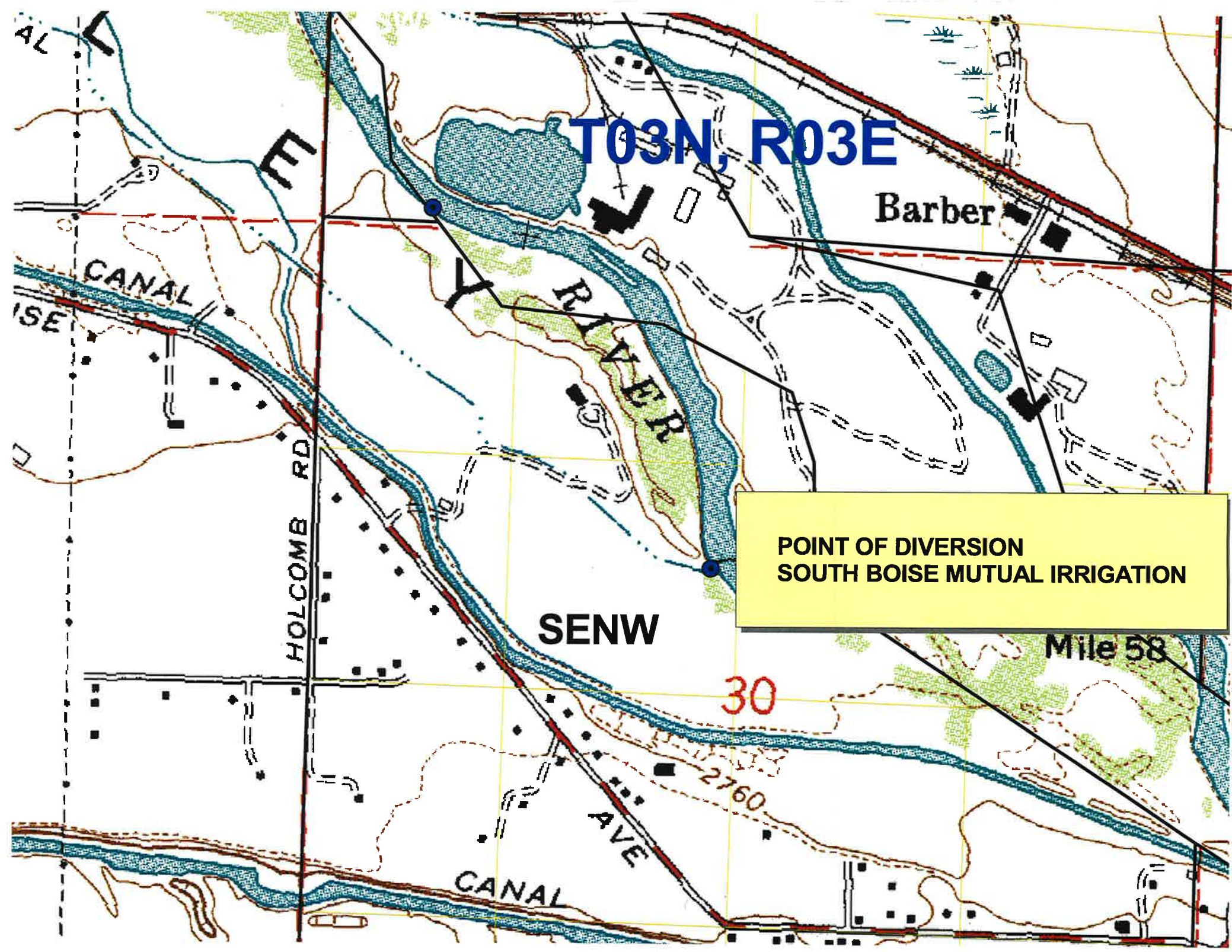
CANAL

HOLCOMB RD

CANAL

SE

FM



03N,02E

SOUTH BOISE MUTUAL IRRIGATION BOUNDARY MAP

15

14

22

23

24

