

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: **A63-00283A**
Date Received: 11/20/1989
Receipt No: W006754
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

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: MAR 15, 1870

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	0.700		

7. Total Quantity Appropriated is:
0.700 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	22	NW	NE		IRR	7.0
			SW	NE		IRR	12.0
			SE	NE		IRR	16.0

10. Place of Use: Continued

Section Acres 35.0

Total Acres 35.0

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:

14. Remarks:

THIS WATER CARRIED IN BUBB DITCH WITH P/D AT INTAKE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.

Decree Plaintiff

RIVERSIDE IRR. DIST.

vs

Decree Defendant

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00283
Date Received: 11/08/1989
Receipt No: W006754
Received By: DA

**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: MAR 15, 1870

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	0.700		

7. Total Quantity Appropriated is:
0.700 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	22	NW	NE		IRR	7.0
			SW	NE		IRR	12.0

A63-00283

Page 1

Date: 11/08/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	22	SE	NE		IRR	16.0
Section Acres							35.0
Total Acres							35.0

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:

14. Remarks:

THIS WATER CARRIED IN BUBB DITCH WITH P/D AT INTAKE.

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 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) Title

SOUTH BOISE MATHEIRA IRR. Co., Ltd. I have signed the foregoing Organization

document in the space below as President of Title

SOUTH BOISE MATHEIRA IRR Co., Ltd. and that the statements contained in the Organization

foregoing document are true and correct.

Richard D. Mathews
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. E. Tuttle
Notary Public

Seal

Residing at Boise Id

My Commission Expires 9/15/1994

RECEIVED

OCT 23 1990

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of Applicant South Boise Mutual Irrigation Company, Ltd. Phone 344-9492
 Western Regional Office
 Post Office address C/o Richard D. Harland, Pres., 1507 Garfield, Boise, ID 83706

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 The company proposes to transfer senior right to lands currently holding junior rights and vice versa. The junior rights will then be available to be sold or conveyed to another water user. In addition, S.B. Mutual may begin to divert via the Ridenbaugh Canal and/or continue to use the Bubb Canal diversion.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
63-00280	April 1, 1865	1.8 cfs	Irrigation	3/15 to 11/15
63-00281	April 1, 1865	.50 cfs	Irrigation	3/15 to 11/15
63-00282	March 15, 1870	.30 cfs	Irrigation	3/15 to 11/15
63-00283	March 15, 1870	.70 cfs	Irrigation	3/15 to 11/15

2. Total amount of water being transferred 7.27 & 3.50 (Per Addendum to Attachment B 03/22/90) cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Boise River tributary to Snake River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal-South Boise Mutual Irrig
06		NW	SW	29	3N	3E	Ada	Ridenbaugh Canal Co. Div

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
63-00280	3N	2E	15													15	25	15	55
		22	7																7
3-00281		22	18	8															26
3-00282		24								10						15	1		14
3-00283		22	7	12	16														35
3-00284		22				9													
		23					4	(see attachment A for remainder of land list)											4

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PART 1

6. General Information:

a. Description of diversion system The historic diversion system for these water rights has been via the South Boise Mutual Irrigation Co., Ltd. diversion dam, into the Bubb ditch. One intent of this transfer is to add a new potential diversion site of the Ridenbaugh Ditch operated by the Nampa Meridian Irrigation District.

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

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

Total number of acres irrigated will not change.

d. Remarks:

See Attachment B

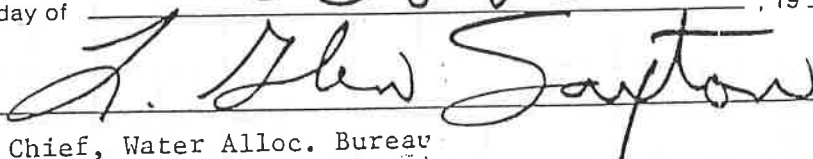
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

63-0243

This is to certify that I have examined Application for Transfer of Water Rights No. 63-0280/0281/0282/0283/0284/0242
And said application is hereby APPROVED, subject to the following limitations and conditions:

1. A lockable controlling device and totalizing flow measuring device acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District 63, Boise River.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
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.

Witness my hand this

15th day ofOctober, 19 90
Chief, Water Alloc. Bureau

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

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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.

ON BACK OF THIS PAGE

- See Addendum to Attachment B
- 9. Another portion of water right no. 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 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* 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
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
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	<u>5.40 cfs</u>
Total:		10.84 cfs 10.37 cfs*

*Per Addendum to Attachment B

Doc 2/24/1989

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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 strikeout 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).

Dar 3/22/90

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 63-283A
Date Received: 11/20/1989
Receipt No: W006754
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: 04/01/1870

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	
03N	03E	29	NW	SW	6	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	0.7	157.5

7. Total Quantity Appropriated is:
0.7 C.F.S. and/or 157.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot		Use	Acres
03N	02E	22	SE	NE	IRRIGATION	6.3
					Section Acres	6.3
03N	02E	23	NE	NW	IRRIGATION	4
			NW	NW	IRRIGATION	2.7
					Section Acres	6.7
					Total Acres	13

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

THIS WATER RIGHT WHEN COMBINED WITH ALL OTHER WATER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 4.5 AFA PER ACRE FOR THE LANDS ABOVE.

THE AMOUNT OF WATER TRANSFERRED TO THE RANNEY COLLECTORS IS 172 ACRE FEET PER ANNUM, DIVERTED AT A RATE NOT IN EXCESS OF .93 CFS WITH A PRIORITY OF 5/1/1889.

CLAIM AMENDED PER TRANSFER 4048 APPROVED 2/16/1993.

Address change by DH 4/7/2003

THIS WATER CARRIED IN THE BUBB CANAL WITH P/D AT INTAKE.

15. Basis of Claim: Decreed

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): 463-242B, 243F,
243G, 280, 281,
282, 283A, 284A

[] Old Mailing Address: _____

[] New Mailing Address: ~~South Boise Mutual Irr. Co.~~
C/O Tom Gilmore
2130 Colorado Ave
Boise, ID 83706

New Telephone Number: (208) 703-3333

[] Signature of Claimant: 
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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

WATER RIGHT NOS. 63-00242B/00243G/00243H/00280/00281/00282/00283/00284

Trans. #4048

This is to certify that: **SOUTH BOISE MUTUAL IRRIGATION CO LTD**
% DALE MILTON
1120 CHAMBERLAIN
BOISE ID 83706

has requested a change to the above captioned water rights. 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>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
Right No. 63-00242B: IRRIGATION Priority: 05/01/1889	03/15 - 11/15	0.86 CFS	193.5 AF
Right No. 63-00243G: IRRIGATION Priority: 05/01/1889	03/15 - 11/15	1.34 CFS	241.2 AF
Right No. 63-00243H: MUNICIPAL Priority: 05/01/1889	03/15 - 11/15	0.93 CFS	172.0 AF
Right No. 63-00280: IRRIGATION Priority: 04/01/1865	03/15 - 11/15	1.80 CFS	279.0 AF
Right No. 63-00281: IRRIGATION Priority: 04/01/1865	03/15 - 11/15	0.50 CFS	117.0 AF
Right No. 63-00282: IRRIGATION Priority: 04/01/1870	03/15 - 11/15	0.30 CFS	63.0 AF
Right No. 63-00283: IRRIGATION Priority: 04/01/1870	03/15 - 11/15	0.70 CFS	157.5 AF
Right No. 63-00284: IRRIGATION Priority: 03/01/1889	03/15 - 11/15	0.84 CFS	58.5 AF

Source: BOISE RIVER

Tributary to: SNAKE RIVER

TRANSFER OF WATER RIGHT
WATER RIGHT NOS. 63-00242B/00243G/00243H/00280/00282/00283/00284

Trans. #4048

LOCATION OF POINT(S) OF DIVERSION: (Right Nos. 63-00242B/00243G/00280/00281/00282/00283/00284)

Lot 6 (NWSW), Section 29, Township 03N, Range 03E, ADA County

SENE, Section 30, Township 03N, Range 03E, ADA County

LOCATION OF POINT(S) OF DIVERSION: (Right No. 63-00243H)

Lot 7 (SENE), Section 14, Township 03N, Range 02E, ADA County

PLACE OF USE: IRRIGATION (Right Nos. 63-00242B)

TWN	RGE	SEC	ACRES	ACRES	ACRES
03N	02E	23	SENE 20.0	NWNW 5.0	NESE 18.0

Total number of acres irrigated: 43.0

PLACE OF USE: IRRIGATION (Right Nos. 63-00243G)

TWN	RGE	SEC	ACRES	ACRES	ACRES	ACRES
03N	02E	23	NENW 4.0	NWNW 0.6	SWNW 26.0	SENE 23.0

Total number of acres irrigated: 53.6

PLACE OF USE: IRRIGATION (Right Nos. 63-00280)

TWN	RGE	SEC	ACRES	ACRES	ACRES
03N	02E	15	NWSE 15.0	SWSE 24.9	SESE 14.9
03N	02E	22	NENE 6.5		
03N	02E	23	NENW 0.7		

Total number of acres irrigated: 62.0

PLACE OF USE: IRRIGATION (Right Nos. 63-00281)

TWN	RGE	SEC	ACRES	ACRES
03N	02E	22	NENE 17.5	NWNE 7.9
03N	02E	23	NENW 1.1	

Total number of acres irrigated: 26.0

TRANSFER OF WATER RIGHT
WATER RIGHT NOS. 63-00242B/00243G/00243H/00280/00282/00283/00284

Trans. #4048

PLACE OF USE: IRRIGATION (Right Nos. 63-00282)

TWN	RGE	SEC	ACRES	ACRES	ACRES
03N	02E	23	NENW 9.5		
03N	02E	24	NESW 0.5	NWSE 3.0	SWSE 1.0

Total number of acres irrigated: 14.0

PLACE OF USE: IRRIGATION (Right Nos. 63-00283)

TWN	RGE	SEC	ACRES	ACRES	ACRES
03N	02E	22	NWNE 6.9	SWNE 12.0	SENE 11.0
03N	02E	23	NENW 0.7	NWNW 0.4	SWNW 4.0

Total number of acres irrigated: 35.0

PLACE OF USE: IRRIGATION (Right Nos. 63-00284)

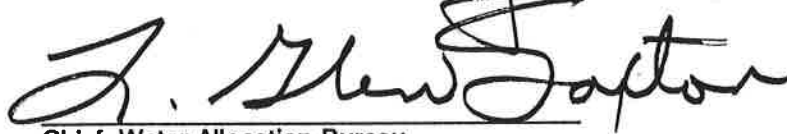
TWN	RGE	SEC	ACRES	ACRES
03N	02E	22	SENE 6.3	
03N	02E	23	NENW 4.0	NWNW 2.7

Total number of acres irrigated: 13.0

CONDITIONS/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. These water rights when combined with all other water rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. The amount of water transferred to the ranney collectors is 172 acre feet per annum, diverted at a rate not in excess of 0.93 cfs with a priority of 5/1/1889.

Dated this 16th day of February, 1993.


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4048APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant South Boise Mutual Irrigation Co., Ltd. Phone 344-3062
 Post Office address c/o Dale Milton, 1120 Chamberlain, Boise, ID 83706

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 Senior & Junior rights will be switched on some lands.
Senior rights will be maximized for irrigation use. Junior rights will be made
available per Quitclaim Deeds to convey to Boise Water Corp. for municipal use.
Approximately 38 acres will be retired from irrigation.

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use Continued on Page 3
- | | | | | | |
|----------|-----------|----------|------------|---------------|--|
| 63-00280 | 4-1-1865 | 1.80 cfs | Irrigation | 3/15 to 11/15 | |
| 63-00281 | 4-1-1865 | .50 | Irrigation | 3/15 to 11/15 | |
| 63-00282 | 3-15-1870 | .30 | Irrigation | 3/15 to 11/15 | |
| 63-00283 | 3-15-1870 | .70 | Irrigation | 3/15 to 11/15 | |
2. Total amount of water being transferred 7.27 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Boise River tributary to Snake River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
7	NW	SE	NE	14	3N	2E	Ada	63-00243E- BWC - Marden Street
								Ranney Collectors
6		NW	SW	29	3N	3E	Ada	Ridenbaugh Canal - SBMIC for all
		SE	NW	30	3N	3E	Ada	Bubb Canal other rights.

5. Lands irrigated or place of use: Rounding may cause some discrepancies in item 5.

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	
3N	2E	15														1.5	24.9	14.9	54.8
		22	6.5																6.5
		23					.7												.7
		22	17	7.9															24.9
		23					1.1												1.1
		23					9.5												9.5
		24									.5					3	1		4.5
																1.5			

Continued on Page 4

Total acres 246.6

PART 1

6. General Information:

a. Description of diversion system Canals for gravity irrigation; ranney collectors for Municipal use.

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:
37.4 Acres will not be irrigated within SBMIC area per Quitclaim Deeds.

d. Remarks:
This transfer will be limited by the acres and amounts of water defined in transfer #3755 and related analysis in transfer #3756, 3757.

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 FEB 17 1993

MISSOURI

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
<u>63-00284</u>	<u>3-1-1889</u>	<u>.84 cfs</u>	<u>Irrigation</u>	<u>3/15</u>	to <u>11/15</u>
<u>63-00242A</u>	<u>5-1-1889</u>	<u>.86 cfs</u>	<u>Irrigation</u>	<u>3/15</u>	to <u>11/15</u>
<u>63-00243A</u>	<u>5-1-1889</u>	<u>1.34 cfs</u>	<u>Irrigation</u>	<u>3/15</u>	to <u>11/15</u>
<u>63-00243E</u>	<u>5-1-1889</u>	<u>.93</u>	<u>Municipal</u>	<u>3/15</u>	to <u>11/15</u>

63-00243E to be conveyed to Boise Water Corporation per Quitclaim Deeds and contract between SBMIC and BWC.

Per transfer 3755: 63-0243A 2.27 cfs/ 91 acres = .024945 cfs/acre

In proposed split: Irrigation 53.6 acres x .024945 cfs/acre = 1.34 cfs
Municipal 37.4 acres x .024945 cfs/acre = .93 cfs
Total 2.27 cfs

Per transfer 3756: BWC received 148 acres with 682 afa, conditions of approval.
It follows: 682 afa/148 acres = 4.6 afa/acre.

For 63-0243E: 37.4 acres x 4.6 afa/acre = 172 afa.

For full verification of acres, rates, volumes, transfer 3755-3757.

^
see

RECEIVED

FEB 17 1993

FEB 17 1991

RECEIVED
APPLICATION

OCT 23 1990

APPLICATION FOR TRANSFER
OF WATER RIGHT

from

3755

Transfer No. 3756

TER RIGHT

APPROVED

PART 2

Pgs 5-7 display rights as
currently recorded per approval
of transfer No. 3755Name of applicant South Boise Mutual Irrigation Company, Ltd. Phone 344-9492
Western Regional Office
Post Office address c/o Richard D. Harland, Pres., 1507 Garfield, Boise, ID 83706

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 The company proposes to transfer senior right to lands currently holding junior rights and vice versa. The junior right will then be available to be sold or conveyed to another water user. In addition, S.B. Mutual may begin to divert via the Ridenbaugh Canal and/or continue to use the Bubb Canal diversion.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	CONTINUED ON pg 6	Period of Use
63-00280	April 1, 1865	1.8 cfs	Irrigation	3/15	to 11/15
63-00281	April 1, 1865	.50 cfs	Irrigation	3/15	to 11/15
63-00282	March 15, 1870	.30 cfs	Irrigation	3/15	to 11/15
63-00283	March 15, 1870	.70 cfs	Irrigation	3/15	to 11/15

2. Total amount of water being transferred 7.27 cfs ~~3.03~~ 3.50 (Per Addendum to Attachment B 03/22/90) cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Boise River tributary to Snake River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal-South Boise Mutual Irr
06		NW	SW	29	3N	3E	Ada	Ridenbaugh Canal Co.

5. Lands irrigated or place of use:

CONTINUED ON pg. 7 ↓

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	
30	3N	2E	15													15	25	15	55
		22	7																7
10	281	22	18	8															26
10	282	24									10					13	5	1	14
10	283	22		7	12	16													35
10	284	22				9													9
		23					4												4

(see attachment A for remainder of 1

land list)

B. Description of right(s) or portion thereof, after the requested change

1. Right No.	Priority	Amount	Nature of Use	Period of Use
63-00284	March 1, 1889	.84 cfs	Irrigation	3/15 to 11/15
63-00242A	May 1, 1889	.86 cfs	Irrigation	3/15 to 11/15
63-00243A	May 1, 1889	2.27 cfs 3.50	Irrigation	3/15 to 11/15
63-00243B	May 1, 1889	3.03 cfs	Irrigation	3/15 to 11/15

Subsequently transferred
to Boise How Corp 3.30 cfs T. 3756 63-00243C
Hemlock .20 cfs T. 3757 63-00243D
(reduced to .18 cfs)

FEB 17 1993

LAND LIST ATTACHMENT

Description and location of place of use:

Sub
Total
— for
LS Water
Right

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS	for Water Right
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
63-00	242	A																		
3N	2E	23				25									18				43 ✓	
63-00	243A	*																		
3N	2E	23					16	20	30	25									91	
63-00280 to 63-00243A →																			284	
63-00	243B																			
3N	3E	19												L.6 5					5	
		30					L.4 21	L.3 1											22	
3N	2E	24									23	26		L.4 1	L.5 73	3	L.4 28	115* 104		
		25	6															6	148* 137	

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

PART 2

(Attach one copy for each right) Continued from page 7.

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00243A Decreed to _____
in case of _____ vs. _____
dated SEE in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3755 which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☒ Other Quitclaim Deeds

3. Source of water Boise River tributary to Snake River

4. Date or priority 5-1-1889

5. Water is used for the following purpose:

amount 2.27 cfs for Irrigation purposes from 3/15 to 11/15
(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 2.27 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
6		NW	SW	29	3N	3E	Ada	Ridenbaugh Canal
		SE	NW	30	3N	3E	Ada	Bubb Canal

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	
3N	2E	23					16	20	30	25									91

FEB 17 1993

Total acres 91

9. Describe any other water rights used for the same purpose as described above None

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 .93 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same as item A7 pg. 8.

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

3. 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	
3N	2E	23					12	19.4	4	2									37.4

Shows Jr. Water to be conveyed to BWC for Municipal

Total acres 37.4**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.34 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same as above.

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

3. 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	
3N	2E	23					4	.6	26	23									53.6

Shows Jr. water to be retained for irrigation

Total acres 53.6

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.**

SEE ATTACHMENT C FOR MAP LOCATIONS OF LANDS WHERE IRRIGATION WILL CEASE.

SEE MAPS IN TRANSFER FILES 3755 & 3756 FOR CONFIRMATION OF DIVERSION POINTS AND IRRIGATED ACRES.

RECEIVED
FEB 17 1993

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

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Municipal</u>	<u>.93 cfs</u>	<u>24 hrs/day</u>	<u>3/15 to 11/15</u>
				<u>to</u>

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

Approximately 65% of the diversion will return to the river in relatively good quality,
primarily as treated effluent discharged from Boise City Sewage treatment plants.

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

None anticipated. This transfer should not increase, and may lessen, the consumptive
use under this water right. This transfer also has been designed to leave ample
carriage water in the South Boise Mutual system.

Above information extracted from previous BWC transfer 3756 (for 63-00143C).

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.

[Signature]
 (Signature of Applicant)

Subscribed and sworn to before me this 28 day of October, 19 92.

[Signature]
 (Notary Public)

My commission expires 12-8-94

FOR DEPARTMENT USE ONLY

Transfer contains 11 pages and 45 attachments

Received by SL Date 10/28/92 Protest filed by _____

Prelim. check by _____ Fee \$50

Receipted by ORT Date 7/6/92 #W015019

Published in Idaho Statesman Copies of protest forwarded by _____

Pub. dates 11/19 & 11/26/92 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

by DET

Copy of transfer sent to lien holder _____

Application by SL per applicant's request.

MICROFILMED

FEB 17 1993

05/16/2005

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

RIGHT NUMBER: 63-283A

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: 0.700 CFS
157.500 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: 04/01/1870

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	0.700 CFS 157.50 AFY

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.

*- Transfer
gives
volume.
? on
it.*

PLACE OF USE:

246.6 ACRES TOTAL

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

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

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

WATER IS DELIVERED THROUGH BUBB CANAL.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-242B, 63-243F, 63-243G, 63-280, 63-281, 63-282, 63-284A & 63-2392E.

NOTICE OF ERROR
REPLY

05/09/2005 RECEIVED
JUN 24 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: 63-283A

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 G. Matthews

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-283A V1

WATER RIGHT NUMBER: 63-283A 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
Original Owner	AMELIA EISLEY ID

Priority Date: 04/01/1870

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	0.700 CFS	157.50 AF
	<u>Total Diversion:</u>	0.700 CFS	157.50 AF

<u>Location of Point(s) of Diversion</u>		
BOISE RIVER	SE1/4NW1/4	Sec. 30, Twp 03N, Rge 03E, B.M.
ADA County		

Place of Use

Conditions 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 63-283A 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, 63-243F, 63-243G, 63-280, 63-281, 63-282, 63-284A & 63-2392E.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 246.6 ACRES WITHIN THE BOUNDARY OF THE 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 completeClaim No(s) 03-283AOwner: South Boise Mutual Ins Phone No. See 03-242B

Current Address: _____

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

Accompanied by: _____

PRIORITY DATE

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

Priority date, per claimant, is: 4-1-1870 as decreed

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

The decree specifies 1870 as a priority date
and transfer 4048 assigns a 4-1-1870 date.

Source: Boise River Tributary to Snake River

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

POINT OF DIVERSION

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

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
			SE	NW	30	3N	3E	Ada	GPS & USGS map

Description of diverting works

See 63-242B**OVERLAP REVIEW**Other water rights with the same point of diversion: See 63-242B

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

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:☒ No change NA☐ 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
35 acres																				
TWP	RGE	SEC		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: See 63-242B

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 for additional information
The priority date, diversion rate, AFA and POD were
established in approved transfer 4048.
63-283B is a competing claim without validity and
will be disallowed.

[illegible]

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:

4-29-03

FIELD EXAMINER:

McL Schulte

63-283A

D.L. = delivery loss

Basin	Sequence	Suffix	Basis	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!

62- +

15

63-283A

IN THE DISTRICT COURT OF THE SEVENTH
JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF CANYON.

.....
Farmers Co-operative Ditch Company,
a corporation,

Plaintiff,

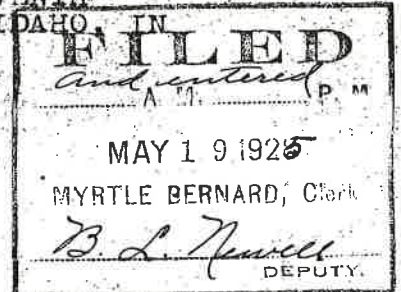
v.

Riverside Irrigation District,
Limited, et al., (said action being
commonly known as the Boise River
Priority Suit.)

Defendants,

✓ S. Glee Hardies and Amelia Eisley
(substituted in place of C. H. Foster,
intervenor)

Intervenors.
.....



JUDGEMENT AND DECREE.

THIS CAUSE, came on regularly for trial upon the answer and cross-complaint of the above named intervenor, C. H. Foster, the said intervenor appearing in person and by his counsel Cavanah, Blake and MacLane, said intervenor having been heretofore, by consent of all parties to this action and by the order of this Court, permitted to intervene in this action and file herein his answer and cross-complaint and asked to proceed with the trial, all of the parties to said suit having heretofore, under stipulation, answered and denied the allegations of said answer and cross-complaint of said intervenor, and the several parties being before the Court, all present consented to the hearing of the evidence in the above entitled cause, and since the submission of the evidence S. Glee Hardies and Amelia Eisley have become the owners of the premises and water rights as hereinafter stated, and an order of this Court having been made substituting the said S. Glee Hardies and Amelia Eisley in the place of the said C. H. Foster as defendants and intervenors herein,

WHEREUPON, Witnesses were ~~present~~ and testified in behalf of said intervenor, and documentary evidence intro-

JUN 21 1926

duced, and no other evidence was introduced by any of the parties to said cause upon said hearing, upon the said answer and cross-complaint of said intervenor, the evidence being closed, the cause was submitted to the Court for its consideration and decision, and the Court having filed its findings of fact and conclusions of law, from which it appears that all the material facts stated in said answer and cross-complaint in intervention are sustained and that the matters so alleged and proved are sufficient in law to entitle the said intervenors, S. Glee Hardies and Amelia Easley, to the relief prayed for in their said answer and cross-complaint in intervention; that said intervenors are the owners of the lands described in their said answer and cross-complaint in intervention, and that they are entitled to the use of water in the Boise river and its tributaries in the amounts claimed in their said answer and cross-complaint in intervention and as hereinafter stated; and it further appearing that all the material allegations in said answer and cross-complaint in intervention are true, and that said intervenors have a priority of right to the use of 25 inches of water, beginning with the irrigation season of 1865, and, also, with priority to 50 inches more of said waters, beginning with the irrigation season of 1870, and, also, with priority of 42 inches more of said waters beginning with the month of March, 1889, as hereinafter stated, and the Court having been fully advised in the premises.

It is ordered, adjudged and decreed, that the lands hereinafter described are arid in character and require the artificial application of water to render them valuable for agricultural purposes;

That the quantity of water required for the successful cultivation and irrigation of said lands, measured at the intake of the Canal or ditch of the "Bubb Canal" on the south-

erly bank of Boise river and where such bank is intersected by the line between Township 3 North of Range 2 East and Township 3 North of Range 3 East, is one inch of water per acre.

That the above mentioned one inch of water per acre is understood to be in the same status as the one inch of water per acre in the judgement rendered in the above entitled action, on or about January 19, 1906, and is subject to such modifications and temporary orders as this Court may make for the above entitled case;

63 0281 And it is further ordered, adjudged and decreed, that the said intervenor, S. Glee Hardies, be, and she is hereby, awarded the use of the water of the Boise river and the tributaries thereof upon the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 24, Township 3, North Range 2 East Boise Meridian, in Ada County, Idaho, subject to the above modifications, of 25 inches of water beginning with the irrigation season of 1865, and, also, with priority to 15 inches more of said waters beginning with the irrigation season of 1870, and the said ^{Arelia} Wisley is awarded the use of the water of

63 0282 said river and its tributaries upon the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), and Lots 5 and 6 in Section 24, Township 3 North Range 2 East, Boise Meridian, in Ada County,

63 0283 Idaho, with priority of 35 inches of said water beginning with the irrigation season of 1870, and also with priority of 42

63 0284 inches more of said waters beginning with the month of March, 1889, and which said 77 inches of water is included in the decree heretofore entered herein, all of said waters herein awarded to said parties are to be carried through the Canal or ditch known as the said "Bubb Canal", and diverted from Boise river at the point of the intake of said canal at a point on the southerly bank of said Boise river near where such bank is intersected

JUN 21 1996

by the line between Township 3 North of Range 2 East and Township 3 North of Range 3 East, and running thence in a westerly direction along the South bank of said river to a point in Section 24, Township 3 North of Range 2 East about 80 rods North from the South line of said Section and running thence in a westerly direction about two miles, in the quantities aforesaid, of water measured under a four inch pressure, and upon the following described lands situated in the County of Ada, State of Idaho:

The Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section twenty-four (24) Township 3 North Range 2 East, Boise Meridian, in Ada County, Idaho, also:

The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Lots 5 and 6 in Section 24, Township 3 North, Range 2 East, Boise Meridian, in Ada County, Idaho.

STATE OF IDAHO,
County of Canyon, } ss.

I, Myrtle Bernard, Clerk of the District Court and Ex-officio Recorder of the County of Canyon, State of Idaho, do hereby certify that the foregoing copy of Judgment and Decree in case of Farmer Co-operative Ditch Company v. Riverside Irrigation District, Ltd. et al, defend and ~~B. Glee Hardies and Amelia Easley~~ Intervenor has been compared by me with the original, and that it is a correct transcript therefrom, and of the whole of such original Judgment and Decree.

.....as the same appears
.....on file and on record.....in my office

In TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this 1st
day of September, 1928.

Myrtle Bernard
Clerk of the District Court and Ex-officio Recorder.
By Herrie Dietrich Deputy.

Ed. L. Bryan.
District Judge.

JUN 21 1996

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-283

WATER RIGHT NUMBER: 63-283

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

Priority Date: 04/01/1870

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	0.700 CFS	157.50 AF
	<u>Total Diversion:</u>	0.700 CFS	157.50 AF

Location of Point(s) of Diversion

BOISE RIVER	SE1/4NW1/4	Sec. 30, Twp 03N, Rge 03E, B.M.
ADA County		
BOISE RIVER	L6 NW1/4SW1/4	Sec. 29, Twp 03N, Rge 03E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T03N R02E S22	NWNE 6.9	T03N R02E S22	SWNE 12.0
T03N R02E S22	SENE 11.0	T03N R02E S23	NENW 0.7
T03N R02E S23	NWNW 0.4	T03N R02E S23	SWNW 4.0
Total Acres: 35			

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. 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.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. 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.
5. 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:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-283

Comments:

1. CURTIS 2/9/1993 Trans. #4048

Comment: Trans. #4048 was filed to change the place of use under this right and other SBMIC rights to allow part of their junior rights to be conveyed to Boise Water Corp. for municipal use.

Dates and Other Information:

Licensed Date:

Decreed Date: 5/11/1925

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Formal Action Date:

State or Federal:

Owner Name Connector:

Water District Number: 63

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-283

WATER RIGHT NUMBER: 63-283

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	AMELIA EISLEY
	, ID

Priority Date: 03/15/1870

Basis:

Status: See Remarks

<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	0.700 CFS	
	<u>Total Diversion:</u>		0.700 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L6 (NW1/4SW1/4)	Sec. 29, Twp 03N, Rge 03E, B.M.
ADA County		
BOISE RIVER	SE1/4NW1/4	Sec. 30, Twp 03N, Rge 03E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T03N R02E S22	NWNE	7.0	T03N R02E S22	SWNE	12.0
T03N R02E S22	SENE	16.0			
Total Acres: 35					

Conditions of Approval:Remarks:

1. General THIS RIGHT HAS BEEN SPLIT AND CLAIMED AS FOLLOWS: A63-00283A, SOUTH BOISE MUTUAL, 0.70 CFS ON 35.0 ACRES A63-00283B, O NEILL, 0.92 CFS ON 50.2 ACRES

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-283A

WATER RIGHT NUMBER: 63-283A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	AMELIA EISLEY
	, ID
Current Owner	SOUTH BOISE MUTUAL IRRIGATION CO LTD C/O DALE MILTON 1120 CHAMBERLAIN BOISE, ID 83706 (208)344-3062

Priority Date: 04/01/1870

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	03/15 to 11/15	0.700 CFS	157.50 AF
	<u>Total Diversion:</u>	0.700 CFS	157.50 AF

Location of Point(s) of Diversion

BOISE RIVER	SE1/4NW1/4	Sec. 30, Twp 03N, Rge 03E, B.M.
ADA County		
BOISE RIVER	L6 NW1/4SW1/4	Sec. 29, Twp 03N, Rge 03E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T03N R02E S22	SENE	6.3	T03N R02E S23	NENW	4.0
T03N R02E S23	NWNW	2.7			
Total Acres: 13					

Conditions of Approval:Remarks:

1. General THIS WATER CARRIED IN THE BUBB CANAL WITH P/D AT INTAKE.
2. Quantity THIS WATER RIGHT WHEN COMBINED WITH ALL OTHER WATER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 4.5 AFA PER ACRE FOR THE LANDS ABOVE.
3. General THE AMOUNT OF WATER TRANSFERRED TO THE RANNEY COLLECTORS IS 172 ACRE FEET PER ANNUM, DIVERTED AT A RATE NOT IN EXCESS OF .93 CFS WITH A PRIORITY OF 5/1/1889.
4. General CLAIM AMENDED PER TRANSFER 4048 APPROVED 2/16/1993.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-283B

WATER RIGHT NUMBER: 63-283B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	AMELIA EISLEY
	, ID
Current Owner	PETER S O NEILL 671 E RIVER PARK LN STE 200 BOISE, ID 83706

Priority Date: 04/01/1870

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	1/01 to 12/31	0.920 CFS	
	<u>Total Diversion:</u>	0.920 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NW1/4NW1/4	Sec. 24, Twp 03N, Rge 02E, B.M.
ADA County		
BOISE RIVER	NE1/4NW1/4	Sec. 24, Twp 03N, Rge 02E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T03N R02E S13	NWSW	1.0	T03N R02E S13	SWSW	4.0
T03N R02E S23	NENE	1.0	T03N R02E S24	NWNE	2.0
T03N R02E S24	SWNE	4.0	T03N R02E S24	NENW	8.0
T03N R02E S24	NWNW	10.0	T03N R02E S24	SWNW	8.4
T03N R02E S24	SENE	11.8			
Total Acres: 50.2					

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



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

07-Dec-1992

RICHARD D HARLAND
SOUTH BOISE MUTUAL IRRIGATION CO
1507 GARFIELD
BOISE ID 83706

Re: Identification Number Change for a Notice of Claim in the
Snake River Basin Adjudication (SRBA)
Ada County - Claim Nos.: A63-00283A and A63-00284A

Dear Mr. Harland,

The identification numbers of the Notices of Claim to a Water Right references above have been changed from A63-00283 and A63-00284 to A63-00283A and A63-00284A. The Idaho Department of Water Resources assigns identification numbers to claims that will allow processing without duplication or confusion; this change does not affect the claims in any other way.

Enclosed are computer-generated copies of the claims with the new identification numbers. Refer to these record numbers in any future inquiries or correspondence. Please do not hesitate to contact this office, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Roxanne McCarthy'.

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

Enclosures:
copy of Notice of Claim (2)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

63-242A
243A
243B

63-280
281
282
283A
284A

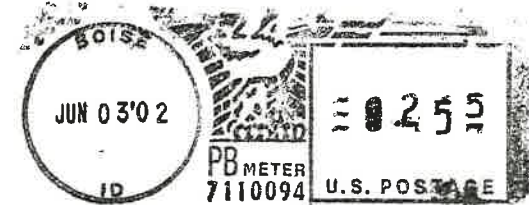
1100 Burnett Dr.
Nampa 83651

Sent again 6/12/02

NOT DELIVERED
AS ADDRESSED,
UNABLE TO FORWARD

SOUTH BOISE MUTUAL
C/O RICHARD D HARLAND
1507 GARFIELD
BOISE ID 83706

PRESORTED
FIRST CLASS



RECEIVED
JUN 11 2002
WATER RESOURCES
WESTERN REGION

DAAGTME 6372078092



T03N, R03E

Barber

**POINT OF DIVERSION
SOUTH BOISE MUTUAL IRRIGATION**

SENW

Mile 58

30

2760

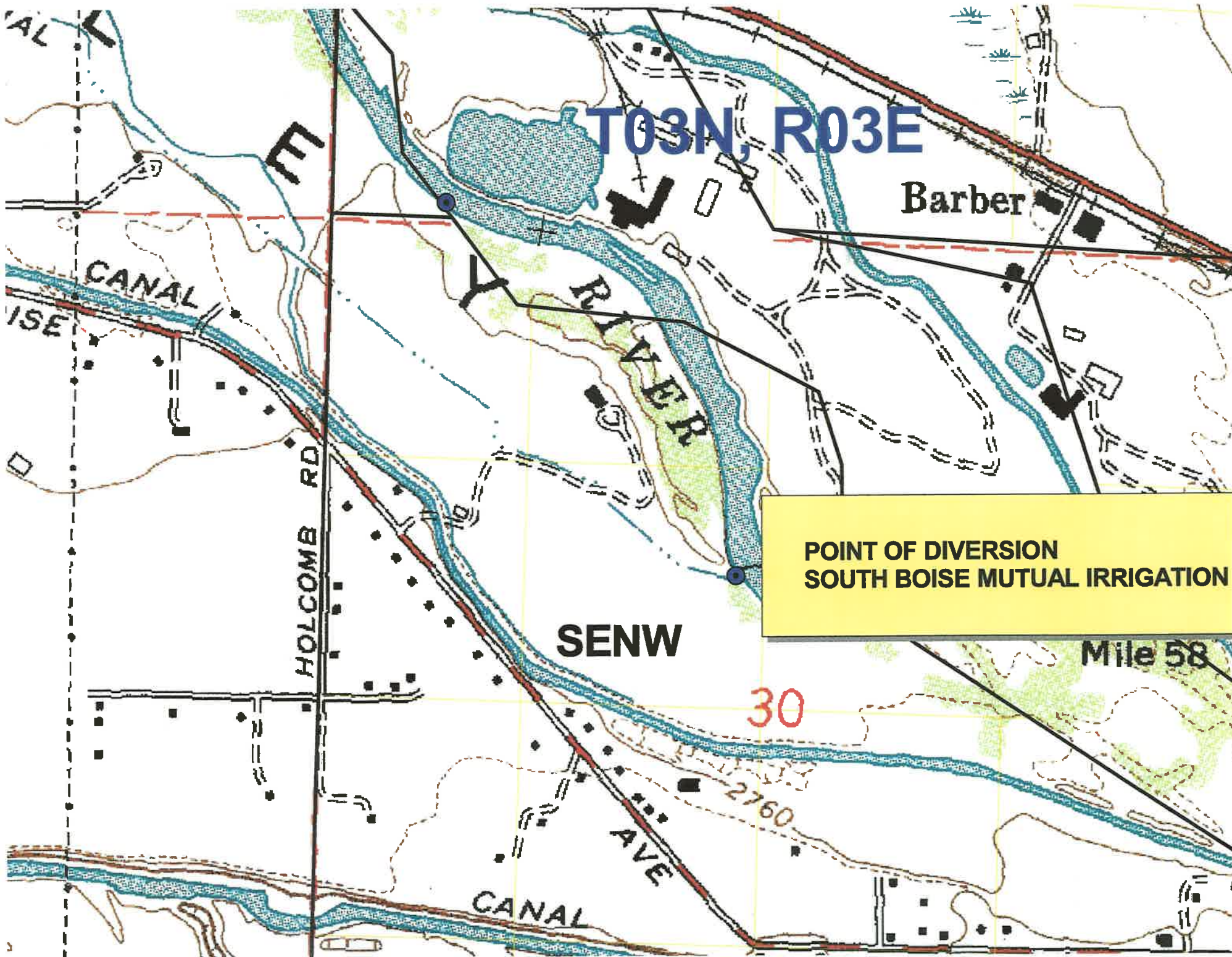
AVE

CANAL

HOLCOMB RD

CANAL

ISE



03N,02E

SOUTH BOISE MUTUAL IRRIGATION BOUNDARY MAP

15

14

22

23

24