

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 63-149A
Date Received:
Receipt No:
Received By: AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 01 2004

WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

SOUTH BOISE WATER CO Phone: (208)336-5508
C/O BARRY ESCHEN PRESIDENT
PO BOX 6005
BOISE ID USA 83707

2. Date of Priority: 06/01/1865

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
03N	03E	19	SW	SW	SW	ADA	
03N	02E	24	NE	NW	SE	ADA	

5. Description of diverting works:

Diversions from Boise River: (1) Diversion in 03N, 03E, Sec. 19, commonly known as "Chatburn", consisting of weir and control gate in south bank of Boise River, diverts water to a conveyance commonly known as "Loggers Creek"; (2) Diversions in 03N, 02E, Sec. 24, SE1/4: (a) commonly known as "Chronic" - wing dam and control gate: (b) berm with concrete amutment (these diversions are used as alternates to Chatburn). Rediversion from Loggers Creek: dam commonly known as "Larkey Dam" and control works in 03N, 02E, Sec. 24, NW1/4 into the conveyance commonly known as the "Rossi-Mill Ditch"

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE	01/01	12/31	40	
AESTHETIC	01/01	12/31	40	

7. Total Quantity Appropriated is:
40 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 02N	02E	14	NW	NW		WILDLIFE	
			SW	NW		WILDLIFE	
			SE	NW		WILDLIFE	
			NE	SW		WILDLIFE	
			SW	SW		WILDLIFE	
			NW	SE		WILDLIFE	
			SW	SE		WILDLIFE	
			NW	NW		AESTHETIC	
			SW	NW		AESTHETIC	
			SE	NW		AESTHETIC	
			NE	SW		AESTHETIC	
			SW	SW		AESTHETIC	
			NW	SE		AESTHETIC	
			SW	SE		AESTHETIC	
03N 02N	02E	15	SE	NW		AESTHETIC	
			NE	SW		AESTHETIC	
			NE	SE		AESTHETIC	
			NW	SE		AESTHETIC	
			SE	SE		AESTHETIC	
			SE	NW		WILDLIFE	
			NE	SW		WILDLIFE	
			NE	SE		WILDLIFE	
			NW	SE		WILDLIFE	
			SE	SE		WILDLIFE	
03N 02N	02E	23	NE	NE		WILDLIFE	
			NW	NE		WILDLIFE	
			NE	NW		WILDLIFE	
			NW	NW		WILDLIFE	
			NE	NE		AESTHETIC	
			NW	NE		AESTHETIC	
			NE	NW		AESTHETIC	
			NW	NW		AESTHETIC	
03N 02N	02E	24	SW	NE		AESTHETIC	
			NE	NW		AESTHETIC	
			NW	NW		AESTHETIC	
			SW	NW		AESTHETIC	
			NE	SE		AESTHETIC	
			NW	SE		AESTHETIC	
			SE	SE		AESTHETIC	
			SW	NE		WILDLIFE	
			NE	NW		WILDLIFE	
			NW	NW		WILDLIFE	
			SW	NW		WILDLIFE	
			NE	SE		WILDLIFE	
			NW	SE		WILDLIFE	
			SE	SE		WILDLIFE	
03N	03E	19	SW	SW		WILDLIFE	
			SW	SW		AESTHETIC	

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:

The property is owned by the shareholders of South Boise Water Company. The description of place of use represents lands to which the companys shares are appurtenant. An aerial photograph showing the service area boundary for South Boise Water Company is on file with IDWR, Western Region Office. The aesthetic use is non-consumptive. After use, water is returned to the Boise River through Loggers Creek and the Rossi-Mill Ditch. Claimant does not seek to exercise this right to the detriment of storage in any upstream reservoirs, or upstream irrigation diversions and agrees to subordinate the priority of this right to storage in Arrowrock, Anderson Ranch and Lucky Peak reservoirs during the non-irrigation season and to upstream irrigation diversions during the irrigation season.

TWO POINTS OF DIVERSION LOCATED IN T03N, R02E, S24, NENWSE.

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: 0

For Organizations:

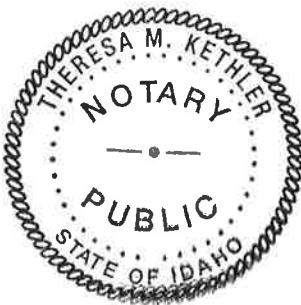
I do solemnly swear or affirm that I am President of
South Boise Water Co. Title
that I have signed the foregoing
document in the space below as President of
South Boise Water Co. Title
and that the statements contained in the
foregoing document are true and correct. Barry Eschen
Signature of Authorized Agent
President, So. Boise Water Co.
Title and Organization
11-29-04
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 29th
of November 2004

Theresa M. Kethler
Notary Public

Residing at Boise ID
My commission Expires 2-9-10



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 63-149A
Date Received: 9/10/2003
Receipt No: W030914
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SOUTH BOISE WATER CO Phone: (208)336-5508
C/O BARRY ESCHEN PRESIDENT
PO BOX 6005
BOISE ID USA 83707

2. Date of Priority: 06/01/1865

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	19	SW SW SW	ADA	
03N	02E	24	NE NW SE	ADA	

5. Description of diverting works:

Diversions from Boise River: (1) Diversion in 03N, 03E, Sec. 19, commonly known as "Chatburn", consisting of weir and control gate in south bank of Boise River, diverts water to a conveyance commonly known as "Loggers Creek"; (2) Diversions in 03N, 02E, Sec. 24, SE1/4: (a) commonly known as "Chronic" - wing dam and control gate: (b) berm with concrete amutment (these diversions are used as alternates to Chatburn). Rediversion from Loggers Creek: dam commonly known as "Larkey Dam" and control works in 03N, 02E, Sec. 24, NW1/4 into the conveyance commonly known as the "Rossi-Mill Ditch"

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
AESTHETIC	01/01	12/31	40	

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

8. Total consumptive use:

9. Non-irrigation uses: Aesthetic use of this water right occurs in Loggers Creek and the Rossi-Mill ditch.

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
02N	02E	14	NW	NW		AESTHETIC	
			SW	NW		AESTHETIC	
			SE	NW		AESTHETIC	
			NE	SW		AESTHETIC	
			SW	SW		AESTHETIC	
			NW	SE		AESTHETIC	
			SW	SE		AESTHETIC	
02N	02E	15	SE	NW		AESTHETIC	
			NE	SW		AESTHETIC	
			NE	SE		AESTHETIC	
			NW	SE		AESTHETIC	
			SE	SE		AESTHETIC	
02N	02E	23	NE	NE		AESTHETIC	
			NW	NE		AESTHETIC	
			NE	NW		AESTHETIC	
			NW	NW		AESTHETIC	
02N	02E	24	SW	NE		AESTHETIC	
			NE	NW		AESTHETIC	
			NW	NW		AESTHETIC	
			SW	NW		AESTHETIC	
			NE	SE		AESTHETIC	
			NW	SE		AESTHETIC	
			SE	SE		AESTHETIC	
03N	03E	19	SW	SW		AESTHETIC	

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: 63-148C, 63-150, 63-185, 63-242A, 63-243C, 63-283B, 63-284B, 63-2392A, 63-9386A, 63-9386B, 63-10305, 63-12079.

14. Remarks:

The property is owned by the shareholders of South Boise Water Company. The description of place of use represents lands to which the company's shares are appurtenant. An aerial photograph showing the service area boundary for South Boise Water Company is on file with IDWR, Western Region Office. The aesthetic use is non-consumptive. After use, water is returned to the Boise River through Loggers Creek and the Rossi-Mill Ditch. Claimant does not seek to exercise this right to the detriment of storage in any upstream reservoirs, or upstream irrigation diversions and agrees to subordinate the priority of this right to storage in Arrowrock, Anderson Ranch and Lucky Peak reservoirs during the non-irrigation season and to upstream irrigation diversions during the irrigation season.

15. Basis of Claim: Decreed

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

Date Received

Receipt Number

63-149A
9/10/03
W030914

RECEIVED

SEP 10 2003

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) South Boise Water Company Phone (208) 336-5508

Mailing Address P.O. Box 6005 c/o Barry Eschen, President Zip 83707

2. Date of Priority (Only one (1) per claim) 6/1/1865

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

4. a. Location of existing point of diversion is: Township 03N Range 03E Section 19.

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

Additional points of diversion if any: T.03N, R.02E, S.24, NE1/4, NW1/4, SE1/4, B.M., Ada County (2 diversions)
T.03N, R.02E, S.24, SW1/4, NW1/4, NW1/4, B.M., Ada County (rediversion)

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Diversions from Boise River: (1) Diversion in T.03N, R.03E, S.19, commonly known as "Chatburn", consisting of weir and control gate in south bank of Boise River, diverts water to a conveyance commonly known as "Loggers Creek;" (2) Diversions in T.03N, R.02E, S.24, SE1/4: (a) commonly known as "Chronic" - wing dam and control gate; (b) berm with concrete abutment (These diversions are used as alternates to Chatburn.). Rediversion from Loggers Creek: dam commonly known as "Larkey Dam" and control works in T.03N, R.02E, S.24, NW1/4 into the conveyance commonly known as the "Rossi-Mill Ditch."

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Aesthetic purposes from 1/1 to 12/31 amount 40 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 40 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Aesthetic use of this water right occurs in Loggers Creek and the Rossi-Mill Ditch.

10. Description of place of use: See Remarks

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03E	19											Ⓟ						
03N	02E	14					Ⓟ	Ⓟ	Ⓟ	Ⓟ		Ⓟ				Ⓟ	Ⓟ		
		15								Ⓟ	Ⓟ				Ⓟ	Ⓟ		Ⓟ	
		23	Ⓟ	Ⓟ			Ⓟ	Ⓟ											
		24			Ⓟ		Ⓟ	Ⓟ	Ⓟ						Ⓟ	Ⓟ		Ⓟ	

Total number of acres irrigated

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-148C, 63-150, 63-185, 63-242A, 63-243C, 63-283B, 63-284B, 63-2392A, 63-9386A, 63-9386B, 63-10305, 63-12079 or None ()

14. Remarks:

The property is owned by the shareholders of South Boise Water Company. The description of place of use represents lands to which the company's shares are appurtenant. An aerial photograph showing the service area boundary for South Boise Water Company is on file with IDWR, Western Region office. The aesthetic use is non-consumptive. After use, water is returned to the Boise River through Loggers Creek and the Rossi-Mill Ditch. Claimant does not seek to exercise this right to the detriment of storage in any upstream reservoirs, or upstream irrigation diversions and agrees to subordinate the priority of this right to storage in Arrowrock, Anderson Ranch and Lucky Peak reservoirs during the non-irrigation season and to upstream irrigation diversions during the irrigation season.

Last Name _____ Ident No. _____
15. Basis of Claim (check one) Beneficial Use _____ Posed Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 63-149

Court _____ Case Number _____ Decree Date 1/18/1906

Plaintiff v. Defendant Farmers Co-Operative Ditch Co. v. Riverside Irrigation District et al ("Stewart Decree")

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

Title _____

of South Boise Water Co. _____, that I have signed the foregoing

Organization

document in the space below as President

of South Boise Water Co.

Title

Organization

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

Signature of Authorized Agent Barry Eschen

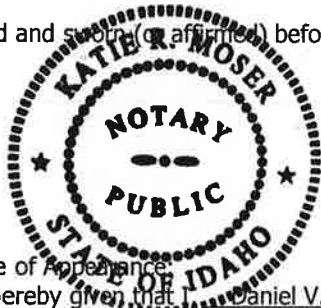
Title and Organization President, South Boise Water Company

Date 9-10-03

State of Idaho/or _____)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 10th day of September, 2003



Notary Public Katie R. Moser

Residing at Boise, Idaho

My Commission Expires 2/20/08

17. Notice of Appearance

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

Signature Daniel Steenson

Address P. O. Box 2773, Boise, ID 83701

Date 9-10-03

Last Name _____

Ident. Number _____

XVI

That the defendants W. H. RIDENBAUGH and A. ROSSI be, and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river in Sec. 24, T. 3 N. R. 2 E. B. M., for use upon lands situated in T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0148 469 inches, from June 1, 1865; and hereby designated as Right No. 16.

For use for manufacturing and general power purposes, in the following amount from the following date;

13290 inches, from June 1, 1865; and hereby designated as Right No. 17

63 0149

And it is hereby ordered that said quantity of water so awarded for manufacturing and general power purposes shall be used for such purposes only, and after such use shall be returned to Boise River.

And be adjudged to pay \$962.50 costs in addition to the costs incurred by them.

XVII

That the defendant THE DENVER & IDAHO LAND COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river near the head of what is known as the Ridenbaugh Mill Ditch, in Sec. 13, T. 3 N. R. 2 E. B.M., for use upon the E. 1/2 of SW 1/4 of Sec. 15, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0150

40 inches, from June 1, 1865; and hereby designated as Right No. 18. And be adjudged to pay \$2.80 costs in addition to the costs incurred by it

XVIII

That the defendant MARTHA BOWMAN be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point in NW 1/4 of SE 1/4, Sec. 12, and SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B M, through what is known as the Center Point Ditch, for use upon lots 2, 3 and 6 and NE 1/4 of SW 1/4, Sec. 31, T. 5 N. R. 4 W. B.M., in the following amount and from the following date;

144 inches, from June 1, 1865; and hereby designated as Right No. 19.

63 0151

And be adjudged to pay \$10.08 costs in addition to the costs incurred by her.

T.P.D. 50

RECORDED

JUN 21 1996

RECEIVED

OCT 10 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2007 OCT 4 PM 4 49

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

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT

)

) FINDINGS OF FACT AND

) CONCLUSIONS OF LAW

)

) FOR WATER RIGHT 63-00149A

I. FINDINGS OF FACT

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

On April 21, 2006, objections were filed to the *Director's Report* by the United States of America, Department of Interior, Bureau of Reclamation, and by the City of Boise Public Works Department. On July 31, 2007, the parties to the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-00149A be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Oct. 5, 2007



Theodore R. Booth
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

In Re SRBA

Case No. 39576

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

Water Right 63-00149A

FILED

2007 OCT 4 PM 4 49

NAME AND ADDRESS: SOUTH BOISE WATER CO
C/O BARRY ESCHEN PRESIDENT
PO BOX 6005
BOISE, ID 83707

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 40.00 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: 06/01/1865

POINT OF DIVERSION: T03N R02E S24 LOT 5 (NENWSE) Within Ada County
R03E S19 LOT 6 (SWSWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife	01-01 TO 12-31	40.00 CFS
	Aesthetic	01-01 TO 12-31	40.00 CFS

PLACE OF USE:	Wildlife	Within Ada County
T03N R02E S14	NWNW	SWNW
	SENW	LOT 9 (NESW)
	SWSW	LOT 10 (NWSE)
	SWSE	
S15	SENW	NESW
	NESE	NWSE
	SESE	
S23	NENE	NWNE
	NENW	NWNW
S24 LOT 6	(SWNE)	LOT 8 (NENW)
	NWNW	LOT 7 (SENW)
LOT 4	(NESE)	LOT 5 (NWSE)
LOT 4	(SESE)	
R03E S19 LOT 6	(SWSW)	
Aesthetic		Within Ada County
T03N R02E S14	NWNW	SWNW
	SENW	LOT 9 (NESW)
	SWSW	LOT 10 (NWSE)
	SWSE	

PLACE OF USE (continued)

S15	SENW	NESW
	NESE	NWSE
	SESE	
S23	NENE	NWNE
	NENW	NWNW
S24 LOT 6	(SWNE)	LOT 8 (NENW)
	NWNW	LOT 7 (SENW)
LOT 4	(NESE)	LOT 5 (NWSE)
LOT 4	(SESE)	
R03E S19 LOT 6	(SWSW)	

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

IF MEASURED OR CALCULATED BOISE RIVER FLOWS AT THE POINT OF DIVERSION ARE LESS THAN 240 CFS DURING NOVEMBER 15 TO MARCH 1, THE DIVERSION OF WATER UNDER THIS RIGHT SHALL BE LIMITED TO 10 CFS. MEASURED OR CALCULATED BOISE RIVER FLOWS AT THE POINT OF DIVERSION SHALL BE BASED ON GAUGED LUCKY PEAK DAM DISCHARGE MINUS THE GAUGED DIVERSION TO THE NEW YORK CANAL.

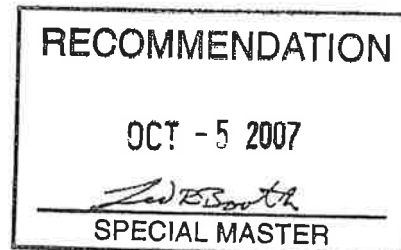
THIS RIGHT IS SUBORDINATE TO THE STORAGE OF WATER IN ARROWROCK RESERVOIR, ANDERSON RANCH RESERVOIR, LUCKY PEAK RESERVOIR AND LAKE LOWELL AND IS ALSO SUBORDINATE TO UPSTREAM IRRIGATION DIVERSIONS FROM THE BOISE RIVER.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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

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



2007 OCT 4 PM 4 49

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

In Re SRBA
Case No. 39576

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-00149A

On October 05, 2007, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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

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

DATED October 05, 2007.

DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2007 OCT 4 PM 4 49

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

In Re SRBA

Case No. 39576

)
)
)
)
CERTIFICATE OF MAILING

Water Right(s): 63-00149A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 05, 2007, with sufficient first-class postage prepaid to the following:

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

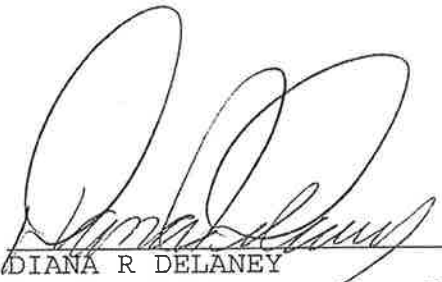
CITY OF BOISE PUBLIC WORKS
Represented by:
MATTHEW K. WILDE
PO BOX 500
BOISE, ID 83701-0500
Phone: 208-384-3870

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

CERTIFICATE OF MAILING

PAGE 1
10/04/07

SOUTH BOISE WATER CO
C/O BARRY ESCHEN PRESIDENT
PO BOX 6005
BOISE, ID 83707
Phone: 208-336-5508


DIANA R DELANEY
Deputy Clerk



U.S. Department of Justice

Environment and Natural Resources Division

DWG:DAJ

90-6-2-63c

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

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

July 30, 2007

RECEIVED
AUG 02 2007
DEPARTMENT OF
WATER RESOURCES

via FedEx Mail

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

Re: SRBA Case No. 39576
Subcase Nos. 63-149A

Dear Ms Delaney:

Enclosed is following original document for filing in the above listed subcase.

1. **STANDARD FORM 5 – STIPULATED ELEMENTS OF A WATER RIGHT**

Sincerely,

David A. Jarvis
Paralegal

Enclosure

DEPARTMENT OF
WATER RESOURCES

OBJECTOR(s):

City of Boise Public Works


Matthew K. Wilde
Attorney for Objector(s)

7/24/07
Date

IDWR Concurrence:


Jan Shurte
Adjudication Supervisor

7-6-07
Date


Nicholas B. Spender
Deputy Attorney General

7-10-07
Date

CERTIFICATE OF MAILING

I certify that on July 30, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

USDI Bureau of Reclamation
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Matthew K. Wilde
PO Box 500
Boise, ID 83701-0500
Attorney for City of Boise Public Works

South Boise Water Co
P.O. Box 6005
Boise, ID 83707
Attn: Barry Eschen, President

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



Signature of person or attorney mailing the form

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

SF5 RIGHT NO. 63-149A

RIGHT NUMBER: 63-149A

NAME AND ADDRESS:

SOUTH BOISE WATER CO
C/O EVELYN HOLDER SECRETARY
PO BOX 6005
BOISE ID 83707

SOURCE:

Source:

Tributary:

BOISE RIVER

SNAKE RIVER

QUANTITY:

40 000 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: 06/01/1865

POINT OF DIVERSION:

I03N R02E S24 Lot 5 NENWSW
Within ADA County

I03N R03E S19 Lot 6 SWSWSW
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

WILDLIFE

01/01 12/31

40 000 CFS

AESTHETIC

01/01 12/31

40 000 CFS

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

NBS

MW DL

PLACE OF USE:

WILDLIFE within ADA County

I03N R02E S14 NWNW
I03N R02E S14 SWNW
I03N R02E S14 SENW
I03N R02E S14 Lot 9 NESW
I03N R02E S14 SWSW
I03N R02E S14 Lot 10 NWSE
I03N R02E S14 SWSE
I03N R02E S15 SENW
I03N R02E S15 NESW
I03N R02E S15 NESE
I03N R02E S15 NWSE
I03N R02E S15 SESE
I03N R02E S23 NENE
I03N R02E S23 NWNE
I03N R02E S23 NENW
I03N R02E S23 NWNW
I03N R02E S24 Lot 6 SWNE
I03N R02E S24 Lot 8 NENW
I03N R02E S24 NWNW
I03N R02E S24 Lot 7 SENW
I03N R02E S24 Lot 4 NESE
I03N R02E S24 Lot 5 NWSE
I03N R02E S24 Lot 4 SESE
I03N R03E S19 Lot 6 SWSW

AESIHETIC within ADA County

I03N R02E S14 NWNW
I03N R02E S14 SWNW
I03N R02E S14 SENW
I03N R02E S14 Lot 9 NESW
I03N R02E S14 SWSW
I03N R02E S14 Lot 10 NWSE
I03N R02E S14 SWSE
I03N R02E S15 SENW
I03N R02E S15 NESW
I03N R02E S15 NESE
I03N R02E S15 NWSE
I03N R02E S15 SESE
I03N R02E S23 NENE
I03N R02E S23 NWNE
I03N R02E S23 NENW
I03N R02E S23 NWNW
I03N R02E S24 Lot 6 SWNE
I03N R02E S24 Lot 8 NENW
I03N R02E S24 NWNW
I03N R02E S24 Lot 7 SENW
I03N R02E S24 Lot 4 NESE
I03N R02E S24 Lot 5 NWSE
I03N R02E S24 Lot 4 SESE
I03N R03E S19 Lot 6 SWSW

ACRES TOTAL

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

IF MEASURED OR CALCULATED BOISE RIVER FLOWS AT THE POINT OF DIVERSION ARE LESS THAN 240 CFS DURING NOVEMBER 15 TO MARCH 1, THE DIVERSION OF WATER UNDER THIS RIGHT SHALL BE LIMITED TO 10 CFS. MEASURED OR CALCULATED BOISE RIVER FLOWS AT THE POINT OF DIVERSION SHALL BE BASED ON GAUGED LUCKY PEAK DAM DISCHARGE MINUS THE GAUGED DIVERSION TO THE NEW YORK CANAL.

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.

THIS RIGHT IS SUBORDINATE TO THE STORAGE OF WATER IN ARROWROCK RESERVOIR, ANDERSON RANCH RESERVOIR, LUCKY PEAK RESERVOIR AND LAKE LOWELL AND IS ALSO SUBORDINATE TO UPSTREAM IRRIGATION DIVERSIONS FROM THE BOISE RIVER.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE: 63-148C, 63-150, 63-185A, 63-185B, 63-164C, 63-2392C, 63-2392D, 63-9386B

Use of this right is also subject to the "Settlement Agreement in Snake River Basin Adjudication Subcase No. 63-149A Between Boise City and South Boise Water Company" recorded in the office of the Ada County Recorder on May 22, 2007, as Instrument No. 107073075.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-149

WATER IS DELIVERED THROUGH THE ROSSI-MILL DITCH AND AN UNNAMED STREAM KNOWN LOCALLY AS LOGGERS CREEK.

THIS RIGHT IS DESIGNATED IN THE STEWART DECREE AS NO 17



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

July 10, 2007

South Boise Water Co
PO Box 500
Boise, ID 83701-0500
Attn: Barry Eschen, President

RE: Subcase No. 63-149A

Dear Mr. Eschen:

Pursuant to the recent discussions, enclosed please find a document entitled "Standard Form 5 – Stipulated Elements of A Water Right" (commonly referred to as SF 5) which has a revised recommendation attached.

Please review the new recommendation, which is attached to the SF 5. If all the information is correct, please sign and date the first page of the original and **initial the changes** on the page entitled "*Idaho Department of Water Resources Recommended Water Rights Acquired Under State Law*". After you have signed and initialed the originals, please forward the original documents to attorney Matt Wilde at PO Box 500, Boise, ID 83701-0500. Mr. Wilde will then mail the SF 5 to the attorney for the United States Department of Justice.

If you have any questions regarding this process or the enclosed documents, please do not hesitate to call me at: 287-4814.

Sincerely,

Becky J. Harvey
Becky J. Harvey
Paralegal

/bh
Enclosures

cc via email: Jan Shurte, Western Region

Shurte, Jan

From: Shurte, Jan
Sent: Friday, July 06, 2007 8:25 AM
To: T B Eschen, MD; 'Matt Howard'; mwilde@cityofboise.org
Cc: Courtney, Andrea; Harvey, Becky; Spencer, Nick; emmettbrollier@hotmail.com; Shurte, Jan
Subject: RE: Round Draft Recommendation 63-149A

Attachments: 63-149A Draft Rec.doc



63-149A Draft
Rec.doc (39 KB)

Hi,

I decided to go ahead and split the remarks since Matt preferred it and no one else minded. I do not mind either. How does this look? If ok I will prepare the Amended Director's Report and cover page for signatures to go out today.

Thanks
Jan

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

From: T B Eschen, MD [mailto:teschen@anotterpress.com]
Sent: Sunday, July 01, 2007 8:56 AM
To: 'Matt Howard'; mwilde@cityofboise.org; Shurte, Jan
Cc: Courtney, Andrea; Harvey, Becky; Spencer, Nick; emmettbrollier@hotmail.com
Subject: RE: Round Draft Recommendation 63-149A

Jan:

South Boise Water Co. has no objection to your language or to splitting the one remark into two as Matt Howard has requested.

Thank you all for your contributions to resolving the issues concerning this right.

Barry

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

From: Matt Howard [mailto:mhoward@pn.usbr.gov]
Sent: Tuesday, June 26, 2007 10:11 AM
To: teschen@anotterpress.com; mwilde@cityofboise.org; Jan Shurte
Cc: Andrea Courtney; Becky Harvey; Nick Spencer
Subject: Re: Round Draft Recommendation 63-149A

Jan * The draft recommendation combines the two remarks Barry and I agreed to into one remark. While technically there is no problem with doing it that way, it struck me as a little confusing. If neither you nor Barry have any strong objections, I would prefer that the two remarks Barry and I agreed to be separated into separate paragraphs as follows:

THIS RIGHT IS SUBORDINATE TO THE STORAGE OF WATER IN
ARROWROCK RESERVOIR, ANDERSON RANCH RESERVOIR, LUCKY
PEAK RESERVOIR AND LAKE LOWELL AND IS ALSO SUBORDINATE TO
UPSTREAM IRRIGATION DIVERSIONS FROM THE BOISE RIVER.

IF MEASURED OR CALCULATED BOISE RIVER FLOWS AT THE POINT OF
DIVERSION ARE LESS THAN 240 CFS DURING NOVEMBER 15 TO MARCH

1, THE DIVERSION OF WATER UNDER THIS RIGHT SHALL BE LIMITED TO 10 CFS. MEASURED OR CALCULATED BOISE RIVER FLOWS AT THE POINT OF DIVERSION SHALL BE BASED ON GAUGED LUCKY PEAK DAM DISCHARGE MINUS THE GAUGED DIVERSION TO THE NEW YORK CANAL.

Other than the above-noted change, the draft recommendation looks fine. If you want to email me the SF5, I can print it out at this end and forward it to DOJ for signature. Thanks for preparing the SF5, Jan.

Matt.

>>> "Shurte, Jan" <Jan.Shurte@idwr.idaho.gov> 06/22/07 12:18 PM >>>
Hi Matt, Barry & Matt,

Would you look over the language I added to this recommendation to make sure it is what you wanted. Let me know any changes. I added the subordination clause with the changes as agreed in Other Provisions and added the language concerning the settlement agreement between the City and South Boise Water Company in explanatory. A copy of that agreement will then be placed in the file. I also removed the entire existing season of use remark originally recommended as it is basically being replaced by the subordination remark.

Let me know if you need any changes, otherwise I will forward this for signatures.

Thanks,
Jan

<<Recommendation 63-149A.doc>>

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

SF5 RIGHT NO. 63-149A

RIGHT NUMBER: 63-149A

NAME AND ADDRESS:

SOUTH BOISE WATER CO
C/O EVELYN HOLDER SECRETARY
PO BOX 6005
BOISE ID 83707

SOURCE:

Source:

Tributary:

BOISE RIVER

SNAKE RIVER

QUANTITY:

40.000 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: 06/01/1865

POINT OF DIVERSION:

T03N R02E S24 Lot 5 NENWSE
Within ADA County

T03N R03E S19 Lot 6 SWSWSW
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
WILDLIFE	01/01 12/31	40.000 CFS
AESTHETIC	01/01 12/31	40.000 CFS

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

PLACE OF USE:

WILDLIFE within ADA County

T03N R02E S14 NWNW
T03N R02E S14 SWNW
T03N R02E S14 SENW
T03N R02E S14 Lot 9 NESW
T03N R02E S14 SWSW
T03N R02E S14 Lot 10 NWSE
T03N R02E S14 SWSE
T03N R02E S15 SENW
T03N R02E S15 NESW
T03N R02E S15 NESE
T03N R02E S15 NWSE
T03N R02E S15 SESE
T03N R02E S23 NENE
T03N R02E S23 NWNE
T03N R02E S23 NENW
T03N R02E S23 NWNW
T03N R02E S24 Lot 6 SWNE
T03N R02E S24 Lot 8 NENW
T03N R02E S24 NWNW
T03N R02E S24 Lot 7 SENW
T03N R02E S24 Lot 4 NESE
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T03N R02E S24 Lot 4 SESE
T03N R03E S19 Lot 6 SWSW

AESTHETIC within ADA County

T03N R02E S14 NWNW
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T03N R02E S14 SENW
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T03N R02E S14 SWSW
T03N R02E S14 Lot 10 NWSE
T03N R02E S14 SWSE
T03N R02E S15 SENW
T03N R02E S15 NESW
T03N R02E S15 NESE
T03N R02E S15 NWSE
T03N R02E S15 SESE
T03N R02E S23 NENE
T03N R02E S23 NWNE
T03N R02E S23 NENW
T03N R02E S23 NWNW
T03N R02E S24 Lot 6 SWNE
T03N R02E S24 Lot 8 NENW
T03N R02E S24 NWNW
T03N R02E S24 Lot 7 SENW
T03N R02E S24 Lot 4 NESE
T03N R02E S24 Lot 5 NWSE
T03N R02E S24 Lot 4 SESE
T03N R03E S19 Lot 6 SWSW

ACRES TOTAL

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Shurte, Jan

From: Matt Howard [mhoward@pn.usbr.gov]
Sent: Tuesday, June 26, 2007 10:11 AM
To: teschen@anotterpress.com; mwilde@cityofboise.org; Shurte, Jan
Cc: Courtney, Andrea; Harvey, Becky; Spencer, Nick
Subject: Re: Round Draft Recommendation 63-149A

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Matt.

>>> "Shurte, Jan" <Jan.Shurte@idwr.idaho.gov> 06/22/07 12:18 PM >>>
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Thanks,
Jan

<<Recommendation 63-149A.doc>>

Shurte, Jan

From: Shurte, Jan
Sent: Friday, June 22, 2007 12:19 PM
To: 'mhoward@pn.usbr.gov'; 'teschen@anotterpress.com'; 'mwilde@cityofboise.org'
Cc: Shurte, Jan; Spencer, Nick; Harvey, Becky; Courtney, Andrea
Subject: Round Draft Recommendation 63-149A

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Let me know if you need any changes, otherwise I will forward this for signatures.

Thanks,
Jan



Recommendation
63-149A.doc

06/22/2007

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

RIGHT NUMBER: 63-149A

NAME AND ADDRESS: SOUTH BOISE WATER CO
C/O EVELYN HOLDER SECRETARY
PO BOX 6005
BOISE ID 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 40.000 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: 06/01/1865

POINT OF DIVERSION:

T03N R02E S24 NENWSE Lot 5 Within ADA County

T03N R03E S19 SWSWSW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE	01/01 12/31	40.000 CFS
AESTHETIC	01/01 12/31	40.000 CFS

PLACE OF USE: WILDLIFE in ADA County

T03N R02E S14	NWNW	T03N R02E S14	SWNW
T03N R02E S14	SENW	T03N R02E S14 Lot 9	NESW
T03N R02E S14	SWSW	T03N R02E S14 Lot 10	NWSE
T03N R02E S14	SWSE	T03N R02E S15	SENW
T03N R02E S15	NESW	T03N R02E S15	NESE
T03N R02E S15	NWSE	T03N R02E S15	SESE
T03N R02E S23	NENE	T03N R02E S23	NWNE
T03N R02E S23	NENW	T03N R02E S23	NWNW
T03N R02E S24 Lot 6	SWNE	T03N R02E S24 Lot 8	NENW
T03N R02E S24	NWNW	T03N R02E S24 Lot 7	SENW
T03N R02E S24 Lot 4	NESE	T03N R02E S24 Lot 5	NWSE
T03N R02E S24 Lot 4	SESE	T03N R03E S19 Lot 6	SWSW

ROUGH DRAFT

AESTHETIC in ADA County

T03N R02E S14	NWNW	T03N R02E S14	SWNW
T03N R02E S14	SENW	T03N R02E S14 Lot 9	NESW
T03N R02E S14	SWSW	T03N R02E S14 Lot 10	NWSE
T03N R02E S14	SWSE	T03N R02E S15	SENW
T03N R02E S15	NESW	T03N R02E S15	NESE
T03N R02E S15	NWSE	T03N R02E S15	SESE
T03N R02E S23	NENE	T03N R02E S23	NWNE
T03N R02E S23	NENW	T03N R02E S23	NWNW
T03N R02E S24 Lot 6	SWNE	T03N R02E S24 Lot 8	NENW
T03N R02E S24	NWNW	T03N R02E S24 Lot 7	SENW
T03N R02E S24 Lot 4	NESE	T03N R02E S24 Lot 5	NWSE
T03N R02E S24 Lot 4	SESE	T03N R03E S19 Lot 6	SWSW

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.

THIS RIGHT IS SUBORDINATE TO THE STORAGE OF WATER IN ARROWROCK RESERVOIR, ANDERSON RANCH RESERVOIR, LUCKY PEAK RESERVOIR AND LAKE LOWELL AND IS ALSO SUBORDINATE TO UPSTREAM IRRIGATION DIVERSIONS FROM THE BOISE RIVER. IF MEASURED OR CALCULATED BOISE RIVER FLOWS AT THE POINT OF DIVERSION ARE LESS THAN 240 CFS DURING NOVEMBER 15 TO MARCH 1, THE DIVERSION OF WATER UNDER THIS RIGHT SHALL BE LIMITED TO 10 CFS. MEASURED OR CALCULATED BOISE RIVER FLOWS AT THE POINT OF DIVERSION SHALL BE BASED ON GAUGED LUCKY PEAK DAM DISCHARGE MINUS THE GAUGED DIVERSION TO THE NEW YORK CANAL.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE: 63-148C, 63-150, 63-185A, 63-185B, 63-164C, 63-2392C, 63-2392D, 63-9386B.

Use of this right is also subject to the "Settlement Agreement in Snake River Basin Adjudication Subcase No. 63-149A Between Boise City and South Boise Water Company" recorded in the office of the Ada County Recorder on May 22, 2007, as Instrument No. 107073075.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-149

WATER IS DELIVERED THROUGH THE ROSSI-MILL DITCH AND AN UNNAMED STREAM KNOWN LOCALLY AS LOGGERS CREEK.

THIS RIGHT IS DESIGNATED IN THE STEWART DECREE AS NO 17

Have Becky send to BOR 1st
add Nick's special remark for the
City of Boise.

OTHER PROVISIONS ...

This right is subordinate to the storage of water in Arrowrock Reservoir, Anderson Ranch Reservoir, Lucky Peak Reservoir, and Lake Lowell and is also subordinate to upstream irrigation diversions from the Boise River

If measured or calculated Boise River flows at the point of diversion are less than 240 cfs during November 15 to March 1, the diversion of water under this right shall be limited to 10 cfs. Measured or calculated Boise River flows at the point of diversion shall be based on gauged Lucky Peak Dam discharge minus the gauged diversion to the New York canal.

Remove season of use remark
concerning irrigation remark. whole
remark.

USE OF THIS RIGHT IS ALSO SUBJECT TO THE
"SETTLEMENT AGREEMENT IN SNAKE RIVER BASIN
ADJUDICATION SUBCASE 63-00149A BETWEEN
BOISE CITY AND SOUTH BOISE WATER COMPANY"
RECORDED IN THE OFFICE OF THE ADA COUNTY
RECORDER ON MAY 22, 2007, AS INSTRUMENT
No. 107073075



**SETTLEMENT AGREEMENT IN SNAKE RIVER BASIN ADJUDICATION SUBCASE
63-00149A BETWEEN BOISE CITY AND SOUTH BOISE WATER COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That Boise City and South Boise Water Company, hereinafter "SBWC" do hereby agree that Boise City will withdraw its objection to the claim filed by SBWC (subcase number 63-00149A).

In consideration of Boise City withdrawing its objection, Boise City and SBWC do hereby agree that the water right recommended by the Idaho Department of Water Resources (IDWR) to SBWC, as owner, in subcase number 63-00149A shall be subject to the following language:

At least ninety (90) days prior to the filing of an Application for Transfer of Water Right 63-00149A, the owner shall issue a written notice of intent to file the Application to the City of Boise's Director of the Department of Parks and Recreation, and a separate notice to the Director of Public Works. The Boise River Resource Management and Master Plan shall be considered in any transfer.

Boise City and SBWC further agree that this Settlement Agreement shall be referenced in the IDWR Director's Report and any Partial Decree issued by Snake River Basin Adjudication and the above language shall act as a condition precedent to any application for transfer of the subject water right by the holder of said right, and that this Settlement Agreement shall be recorded in the records of Ada County, Idaho, for the purpose of such reference.

Boise City and SBWC further agree that this Settlement Agreement contains the entire agreement between the parties hereto and that the terms of this Settlement Agreement are contractual and not a mere recital.

DATED this 18th day of May, 2007.

DAVID H. BIETER, Mayor
Boise City, Idaho

DATED this 17 day of May, 2007.

EMMETT BROLLIER, President
South Boise Water Company

SETTLEMENT AGREEMENT IN SNAKE RIVER BASIN ADJUDICATION SUBCASE 63-00149A
BETWEEN BOISE CITY AND SOUTH BOISE WATER COMPANY

STATE OF IDAHO)

County of Ada)

On this 21ST day of May, 2007, before me, a Notary Public, personally appeared DAVID H. BIETHER, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.



[Signature]
Notary Public for the State of Idaho
Residing at ADA County, Idaho
My Commission expires: 2008

STATE OF IDAHO)

County of Ada)

On this 17 day of May, 2007, before me, a Notary Public, personally appeared EMMETT BROLLIER, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.



[Signature]
Notary Public for the State of Idaho
Residing at Boise County, Idaho
My Commission expires: 8-17-11

APPROVED AS TO FORM AND CONTENT:

[Signature]
MATTHEW K. WILDE
Assistant Boise City Attorney

SETTLEMENT AGREEMENT IN SNAKE RIVER BASIN ADJUDICATION SUBCASE 63-00149A
BETWEEN BOISE CITY AND SOUTH BOISE WATER COMPANY

BARRY SCANLAN

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

February 25, 2004

Mike Creamer
Givens Pursley
P.O. Box 2720
Boise, ID 83701

Subject: Boise River Baseflow Data

Dear Mike:

Several years ago, I conducted an investigation of baseflow to the Boise River between Lucky Peak Dam and Boise. The investigation consisted of evaluating river gains during times of zero or near-zero discharge from Lucky Peak Dam. USGS gaging station data and a USGS Water Resource Investigation report were reviewed.

Gage Data

USGS gage data are available for stations at Lucky Peak Dam and the Capitol Boulevard Bridge.

I evaluated gage data for the 1955, 1956, 1958, 1959, and 1960 water years. No data are available for Lucky Peak Dam prior to its construction in 1954. The gage data for 1957, 1961, and 1962 were not available in the files at my office. I believe that zero discharges from Lucky Peak were infrequent after 1962 because the Idaho Department of Fish and Game obtained 50,000 acre feet of Lucky Peak storage in 1963 for water quality and fishery maintenance.

1955 Water Year. Zero discharge at Lucky Peak occurred from October 17, 1954 through February 18, 1955. During this period, flow at Capitol Boulevard declined from 98 cfs on October 20 to an average of 13.9 cfs for the month of November, 12.5 cfs for the month of December, 9.7 cfs for the month of January, and 8.4 cfs for the first 18 days of February. These data suggest a baseflow range of 8 to 14 cfs.

1956 Water Year. Lucky Peak discharge was 1 cfs from October 16 through January 16. The average gain appears to be about 12 cfs during November, December, and January.

1958 Water Year. Lucky Peak releases averaged 75 cfs in November 1957 and 62.5 cfs in December 1955. Average flows at Capitol Boulevard during these two months were 88.5 cfs and 75.2 cfs, suggesting average monthly gains of 13.5 cfs and 12.7 cfs.

1959 Water Year. Zero discharge occurred at Lucky Peak from December 2 through December 31, 1958, followed by 1 cfs discharge from January 1 through February 1, 1959. Flow declined to

600 East River Park Lane, Suite 105
Boise, Idaho 83706



Telephone (208) 463-4141
Facsimile (208) 383-4141

BC - 100

February 25, 2004

a minimum of 6.0 on December 21 and a minimum of 4.8 cfs on January 3. Average flow during January was 7.0 cfs. These data suggest a baseflow of 5 to 7 cfs.

1960 Water Year. Zero discharge did not occur during the 1960 water year. However, during the months of November and December, the release from Lucky Peak was held constant at 50 cfs. Mean flows for November and December at the Capitol Boulevard Bridge were 61.5 and 60.9 cfs, respectively. These data suggest an approximate 11 cfs gain during these months. Lucky Peak releases were reduced to 1 cfs for a week in January. At the end of this week, a measurement of 8 cfs was made at Capitol Boulevard Bridge, suggesting a 7 cfs gain.

USGS 1971 Study

The USGS (Thomas and Dion, 1974) evaluated stream gains during a period of 1.0 cfs Lucky Peak discharge in November 1971. They found a gain of 16.7 cfs between Lucky Peak Dam and Capitol Boulevard Bridge. The portion of gain from seeps or very short drains was 11.7 cfs, while the remaining 4 cfs came from major drainage channels. Approximately 4.0 cfs of this gain occurred between Broadway Avenue and Capitol Boulevard.

Average gain in the 10.1 mile reach above Broadway Avenue is 1.3 cfs per mile. The gain upstream from Olson City (near the present site of Warm Springs Golf Course) averaged 0.9 cfs per mile. In the 2.8 miles between Olson City and Broadway Bridge, the gain averaged 2.2 cfs per mile. The rate of gain downstream from Broadway Bridge increases significantly.

Conclusion

The data summarized above suggests that the Boise River above Broadway Avenue is a gaining stream during low flow periods. Base flow in early fall, a few weeks after the irrigation season, is in the range of 10 to 15 cfs. Baseflow appears to stabilize between 5 and 10 cfs after a few months of low flow. There is insufficient data to determine the effect of river stage on river gains.

I can furnish the data cited above on request. Please call me with any questions.

Sincerely,


Terry M. Scanlan, P.E., P.G.

Shurte, Jan

From: Spencer, Nick
Sent: Thursday, June 14, 2007 12:50 PM
To: 'Diana Delaney'
Cc: Shurte, Jan
Subject: RE: South Boise Water Co

South Boise Water Company has signed a side deal with the City of Boise, which has resolved that objection. We'll put a remark on the water right description referencing that agreement. At the settlement conference we held between South Boise and the BOR an agreement was reached on the language that the parties could agree to that would resolve the BOR objection. Matt Howard was to supply the exact wording to Jan Shurte for inclusion on the SF-5. Last I heard, which was Monday, Jan had not yet received that language from Matt Howard. As soon as she does, we can complete the SF-5 and circulate it for signature. NBS

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

From: Diana Delaney [mailto:ddelaney@srba.state.id.us]
Sent: Thursday, June 14, 2007 12:31 PM
To: Spencer, Nick
Subject: South Boise Water Co

Any word about the SF5 for this subcase?

Diana Delaney
SRBA

6/18/2007

Shurte, Jan

Mod. Settlement Conf - 5/25/07

From: Shurte, Jan
Sent: Wednesday, May 16, 2007 12:35 PM
To: Spencer, Nick
Cc: Shurte, Jan; Harvey, Becky
Subject: FW: 149A objection

*City of Boise &
Jouch Boise May
Has reached an
agreement.*



63-149A - Draft
Settlement Pro...

Hi Nick,

Unfortunately they still have an objection to deal with from the Bureau. Barry is going to agree to a season of use statement that basically states "Diversion under this water right shall occur only as authorized by the Water District 63 Watermaster. He does not want the floodwater language in this one due to the period of use being year round and the floodwater language could impact their use. This is the ditch company that has an agreement with Fish & Game to divert 40 cfs for wildlife use. The aesthetics came from River Run also being involved in the agreement. Plus Barry Eschen submitted a ton of info showing the change from the sawmill to aesthetics and wildlife prior to 1987. Bureau is not objecting to the accomplished transfer or priority date of this right - yet.

Then, the other item that the Bureau wanted them to agree to is the remark shown in the attachment concerning the water right being subordinated to all storage and natural flow rights in the Bureau's name for 2007 and earlier. Barry is not willing to agree to that one at all.

So, he is negotiating with Matt and we may need a moderated settlement conference anyway. He is going to cc his emails with Matt Howard to me and I will forward to you for our information.

Jan

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

From: T B Eschen, MD [mailto:teschen@anotterpress.com] - 336-5508
Sent: Wednesday, May 16, 2007 12:00 PM
To: Shurte, Jan
Subject: FW: 149A objection

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

From: Matt Howard [mailto:mhoward@pn.usbr.gov]
Sent: Thursday, March 22, 2007 3:23 PM
To: teschen@anotterpress.com
Subject: Re: 149A objection

Barry *

I cannot agree with all the assertions you make below. There may be a misunderstanding. Perhaps that misunderstanding resulted from our discussing the proposed settlement language in the abstract rather than looking at the specific language. Why don't you take some time to review the draft settlement language, and then give me a call. Since our conversation this

morning, I made another change to accomodate your concern about possible subordination to "future" water rights. I look forward to hearing from you.

Matt Howard

>>> "Thomas B. Eschen, M.D." <teschen@anotterpress.com> 3/22/2007

2:36:19 PM

>>>

Matt:

I was caught by surprise by some of your call today as I understood it.

In previous conversations the Bureau has proposed two conditions be added to our right 149A.

1. That the right be subordinated to rights 63-3613, 63-3614, and 63-3618.

South Boise Water Co. has agreed to this.

2. Limiting the combined diversions of 63-149A and 63-9386B.

South Boise Water Co. has not agreed to this.

At the Initial Hearing held Jan. 15, which you personally were unable to attend, all parties present, including the representative of the Bureau, agreed to condition #1 above. My recollection is that no other issues were raised.

As I understood your conversation today, you are now proposing to include language regarding Federal water rights in general and diversion of water into Loggers Creek of Federal in-stream flows. I just checked my e-mail and have not received the e-mail I understood you were going to send. I may not have understood you correctly, or you may not have gotten my address correctly.

It strikes me as late to be bringing up more issues, but I will read and reply to anything you send.

I hope we can work together to maintain non-irrigation season flows in the Boise River. I think this is in South Boise's interest and the public

interest. Maybe it's naïve of me to think the Federal water rights were established to help maintain non-irrigation season flows, but this is my understanding. I don't see how South Boise's claim to esthetic water conflicts with the public interest or threatens the Federal rights.

I look forward to hearing from you.

Barry Eschen

Shurte, Jan

From: T B Eschen, M.D. [teschen@cableone.net]
Sent: Wednesday, May 16, 2007 12:30 PM
To: 'Matt Howard'
Cc: emmettbrollier@hotmail.com; dvs@ringertclark.com
Subject: RE: 149A objection

Matt:

The language in PURPOSE AND PERIOD OF USE appears to apply to irrigation diversions. I propose "Diversion under this water right shall occur only as authorized by the Water District 63 Watermaster." And delete the rest of the paragraph.

The language you propose "This water right is subordinate to all storage and natural flow water rights in Water District 63 with a priority date of 2007 or earlier where the name of the United States appears in the name and address section of the water right." In unacceptably broad. I propose "This water right is subordinated to rights 63-3613, 63-3614, and 63-3618."

Please let me know what you think.

Barry

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

From: Matt Howard [mailto:mhoward@pn.usbr.gov]
Sent: Thursday, March 22, 2007 3:23 PM
To: teschen@anotterpress.com
Subject: Re: 149A objection

Barry *

I cannot agree with all the assertions you make below. There may be a misunderstanding. Perhaps that misunderstanding resulted from our discussing the proposed settlement language in the abstract rather than looking at the specific language. Why don't you take some time to review the draft settlement language, and then give me a call. Since our conversation this morning, I made another change to accomodate your concern about possible subordination to "future" water rights. I look forward to hearing from you.

Matt Howard

>>> "Thomas B. Eschen, M.D." <teschen@anotterpress.com> 3/22/2007
2:36:19 PM
>>>
Matt:

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As I understood your conversation today, you are now proposing to include language regarding Federal water rights in general and diversion of water into Loggers Creek of Federal in-stream flows. I just checked my e-mail and have not received the e-mail I understood you were going to send. I may not have understood you correctly, or you may not have gotten my address correctly.

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I hope we can work together to maintain non-irrigation season flows in the Boise River. I think this is in South Boise's interest and the public interest. Maybe it's naïve of me to think the Federal water rights were established to help maintain non-irrigation season flows, but this is my understanding. I don't see how South Boise's claim to esthetic water conflicts with the public interest or threatens the Federal rights.

I look forward to hearing from you.

Barry Eschen

03/22/2007

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

RIGHT NUMBER: 63-149A

NAME AND ADDRESS: SOUTH BOISE WATER CO
C/O EVELYN HOLDER SECRETARY
PO BOX 6005
BOISE ID 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 40.000 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: 06/01/1865

POINT OF

DIVERSION: T03N R02E S24 NENWSE Lot 5 Within ADA County
T03N R03E S19 SWSWSW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE	01/01 12/31	40.000 CFS
AESTHETIC	01/01 12/31	40.000 CFS

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

PLACE OF USE: WILDLIFE in ADA County

T03N R02E S14	NWNW	T03N R02E S14	SWNW
T03N R02E S14	SENW	T03N R02E S14 Lot 9	NESW
T03N R02E S14	SWSW	T03N R02E S14 Lot 10	NWSE
T03N R02E S14	SWSE	T03N R02E S15	SENW
T03N R02E S15	NESW	T03N R02E S15	NESE
T03N R02E S15	NWSE	T03N R02E S15	SESE

T03N R02E S23	NENE	T03N R02E S23	NWNE
T03N R02E S23	NENW	T03N R02E S23	NWNW
T03N R02E S24 Lot 6	SWNE	T03N R02E S24 Lot 8	NENW
T03N R02E S24	NWNW	T03N R02E S24 Lot 7	SENW
T03N R02E S24 Lot 4	NESE	T03N R02E S24 Lot 5	NWSE
T03N R02E S24 Lot 4	SESE	T03N R03E S19 Lot 6	SWSW

AESTHETIC in ADA County

T03N R02E S14	NWNW	T03N R02E S14	SWNW
T03N R02E S14	SENW	T03N R02E S14 Lot 9	NESW
T03N R02E S14	SWSW	T03N R02E S14 Lot 10	NWSE
T03N R02E S14	SWSE	T03N R02E S15	SENW
T03N R02E S15	NESW	T03N R02E S15	NESE
T03N R02E S15	NWSE	T03N R02E S15	SESE
T03N R02E S23	NENE	T03N R02E S23	NWNE
T03N R02E S23	NENW	T03N R02E S23	NWNW
T03N R02E S24 Lot 6	SWNE	T03N R02E S24 Lot 8	NENW
T03N R02E S24	NWNW	T03N R02E S24 Lot 7	SENW
T03N R02E S24 Lot 4	NESE	T03N R02E S24 Lot 5	NWSE
T03N R02E S24 Lot 4	SESE	T03N R03E S19 Lot 6	SWSW

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.

This water right is subordinate to all storage and natural flow water rights in Water District 63 with a priority date of 2007 or earlier where the name of the United States appears in the name and address section of the water right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS SUBORDINATE TO THE STORAGE OF WATER IN
ARROWROCK RESERVOIR, ANDERSON RANCH RESERVOIR AND LUCKY
PEAK RESERVOIR AND IS ALSO SUBORDINATE TO UPSTREAM IRRIGATION
DIVERSIONS FROM THE BOISE RIVER.

WATER IS DELIVERED THROUGH THE ROSSI-MILL DITCH AND AN
UNNAMED STREAM KNOWN LOCALLY AS LOGGERS CREEK.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE: 63-148C, 63-150, 63-185A, 63-185B,
63-164C, 63-2392C, 63-2392D, 63-9386B.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-149

THIS RIGHT IS DESIGNATED IN THE STEWART DECREE AS NO 17

RECEIVED

APR 10 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2007 APR 9 PM 12 50

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

In Re SRBA) Subcase 63-00149A
)
Case No. 39576) ORDER SETTING MANDATORY
) SETTLEMENT CONFERENCE
)

The Court recognizes that formal litigation of subcases in the Snake River Basin Adjudication may impose an economic burden on parties. Settlement conferences often provide an opportunity to settle subcases and avoid a trial. These conferences can help open lines of communication, clarify issues, reveal the strengths and weaknesses of each party's legal position, identify areas of agreement and generate options for a mutually agreeable resolution of the dispute.

Each party and IDWR is required to be present with the individual having full settlement authority on every aspect of the contested subcase. Partnerships, corporations, limited partnerships, unincorporated associations and all governmental entities must have a responsible officer or partner with settlement authority in attendance, in addition to their attorney of record, unless written authority to settle has been given to the attorney and is presented to the Settlement Moderator. It is understood that objector United States of America, Department of Interior, Bureau of Reclamation may need to seek approval of any settlement through applicable governmental agency protocols.

Settlement Statement- Each party to this subcase shall submit a confidential "settlement statement" to Settlement Moderator Terrence A. Dolan on or before **Thursday, May 17, 2007, by 5:00 P.M.** The settlement statement should contain a cover letter instructing the Clerk of the Court to simply forward the statement to Special Master Dolan **without filing the document** with the Court. The contents of the settlement statement shall not be disclosed by the Settlement Moderator to the other

parties, the Court, or to Special Master Booth except with the express consent of the parties. The settlement statements shall not be filed with the Court or the Special Master and shall be disposed of as Settlement Moderator Dolan deems appropriate. The settlement statement shall contain the following information:

1. Identify the person(s) in addition to counsel of record, who shall attend the session with settlement authority.
2. The claimant shall disclose the legal and factual bases of his claim. (Please limit this disclosure to 5 pages including attachments)
3. The objector shall disclose the legal and factual bases of his objections. (Please limit each disclosure to 5 pages including attachments)
4. The Respondent shall disclose the legal and factual bases of its response (Please limit each disclosure to 5 pages including attachments)
5. Each party shall summarize the facts that are now settled or resolved and shall summarize those facts that remain in dispute.
6. Parties are encouraged to bring additional documents, maps or other information that may be helpful in the settlement discussions.

Failure to attend or attendance without settlement authority may result in sanctions by the court.

IT IS ORDERED that this subcase shall proceed with a SETTLEMENT CONFERENCE before Settlement Moderator Terrence A. Dolan, as follows:

DATE: **Wednesday, May 23, 2007**
TIME: **10:00 AM Mountain Time**
LOCATION: **IDWR Western Region Office
2735 Airport Way
Boise, Idaho**

Dated April 9, 2007



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

RECEIVED

FEB 23 2007

DEPARTMENT OF
WATER RESOURCES

SIXTH DISTRICT COURT - 149A
TWIN FALLS CO., IDAHO
FILED

2007 FEB 23 07 11 37

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

In Re SRBA

) Subcase No: 63-149A
)
)

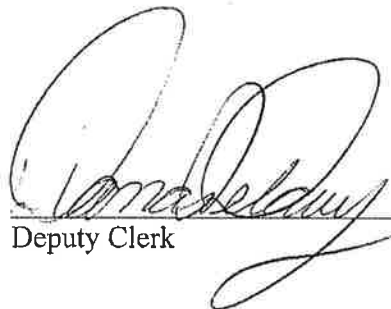
Case No. 39576

) NOTICE CHANGING LOCATION OF TRIAL
)
)

On February 2, 2007, this Court issued a *Trial Scheduling Order* setting trial in this matter for October 23, 2007, beginning at 9 a.m., at the Snake River Basin Adjudication Courthouse in Twin Falls, Idaho. Due to the Court's travel schedule, the location of this hearing has changed.

NOTICE IS GIVEN that trial in Subcase 63-149A will be held October 23, 2007, beginning at 9 a.m., at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho.

DATED February 23, 2007.


Deputy Clerk

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE CHANGING LOCATION OF TRIAL was mailed on February 23, 2007, with sufficient first-class postage to the following:

CITY OF BOISE PUBLIC WORKS

Represented by:
MATTHEW K. WILDE
PO BOX 500
BOISE, ID 83701-0500
Phone: 208-384-3870

USDI BUREAU OF RECLAMATION

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

SOUTH BOISE WATER CO
C/O BARRY ESCHEN PRESIDENT
PO BOX 6005
BOISE, ID 83707
Phone: 208-336-5508

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

RECEIVED
OCT 10 2006
CLERK OF DISTRICT COURT

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

In Re SRBA)
)
Case No. 39576)
)
)
)
_____)

A. Subcase 63-149A
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: City of Boise Public Works Department
Address: 150 N. Capitol Blvd. P.O. Box 500
Boise, Idaho 83701-0500
Daytime Phone: (208) 384-3870 Matt Wilde
Doug Strickling
Name & Address of Attorney, if any:
Matt Wilde ((208) 384-3870
Doug Strickling
Assistant City Attorneys
City of Boise
150 N. Capitol Blvd. P.O. Box 500
Boise, Idaho 83701-0500

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

Name: South Boise Water Co
Address: C/O Barry Eschen
PO Box 6005
Boise, ID 83707

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

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:

11. **I object because:**

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

E. **REASONS SUPPORTING EACH OBJECTION(S):**

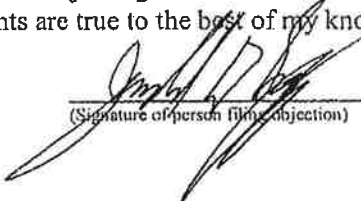
Based upon an extended period of nonuse, this water right should not exist based upon, but not limited to, forfeiture or abandonment under Idaho law. Additionally, the change in nature of use based upon an accomplished transfer pursuant to Idaho Code section 42-1425 is not permissible because of the injury to existing water rights.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

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

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


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:





Connie L. Whiteman

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

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on April 21, 2006 I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Name: South Boise Water Co
Address: C/O Barry Eschen
PO Box 6005
Boise, ID 83707

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf

RECEIVED

APR 25 2003

DEPARTMENT OF
"NATURAL RESOURCES"

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

In Re SRBA

Case No. 39576

A. Subcase 63-149A
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

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

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

Name & Address of Attorney, if any:

David W. Gehlert ((303)844-1386)

Trial Attorney, General Litigation Section

Environment and Natural Resource Division

U.S. Department of Justice

1961 Stout Street - 8th Floor

Denver, CO 80294.

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS REPORT

Name: South Boise Water Co

Address: C/O Barry Eschen
PO Box 6005
Boise, ID 83707

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

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:

10. **I object because:**

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

E. REASONS SUPPORTING EACH OBJECTION(S):

Potential injury to Boise City water rights. Potential injury to Boise City and its residents, including but not limited to negative impacts on wildlife (including winter fish habitat/survival), aesthetics, wastewater treatment facilities treatment costs.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

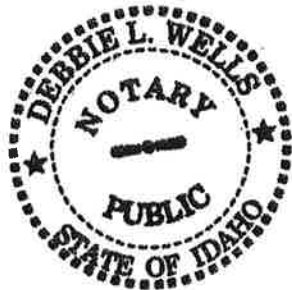
Chuck Mickelson, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

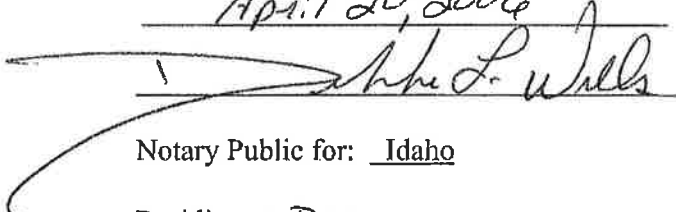
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



April 20, 2006


Notary Public for: Idaho

Residing at: Boise

My Commission Expires: 4-3-12

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on April 20, 2006 I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Name: South Boise Water Co
Address: C/O Barry Eschen
PO Box 6005
Boise, ID 83707

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf

12/07/2005

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

RIGHT NUMBER: 63-149A

NAME AND ADDRESS: SOUTH BOISE WATER CO
C/O BARRY ESCHEN PRESIDENT
PO BOX 6005
BOISE ID 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 40.000 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: 06/01/1865

POINT OF DIVERSION:

T03N R02E S24 NENWSE Lot 5 Within ADA County

T03N R03E S19 SWSWSW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE	01/01 12/31	40.000 CFS
AESTHETIC	01/01 12/31	40.000 CFS

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

PLACE OF USE: WILDLIFE Within ADA County

T03N R02E S14	NWNW	T03N R02E S14	SWNW
T03N R02E S14	SENW	T03N R02E S14 Lot 9	NESW
T03N R02E S14	SWSW	T03N R02E S14 Lot 10	NWSE
T03N R02E S14	SWSE	T03N R02E S15	SENW
T03N R02E S15	NESW	T03N R02E S15	NESE
T03N R02E S15	NWSE	T03N R02E S15	SESE
T03N R02E S23	NENE	T03N R02E S23	NWNE
T03N R02E S23	NENW	T03N R02E S23	NWNW
T03N R02E S24 Lot 6	SWNE	T03N R02E S24 Lot 8	NENW
T03N R02E S24	NWNW	T03N R02E S24 Lot 7	SENW
T03N R02E S24 Lot 4	NESE	T03N R02E S24 Lot 5	NWSE
T03N R02E S24 Lot 4	SESE	T03N R03E S19 Lot 6	SWSW

AESTHETIC Within ADA County

T03N R02E S14	NWNW	T03N R02E S14	SWNW
T03N R02E S14	SENW	T03N R02E S14 Lot 9	NESW
T03N R02E S14	SWSW	T03N R02E S14 Lot 10	NWSE
T03N R02E S14	SWSE	T03N R02E S15	SENW
T03N R02E S15	NESW	T03N R02E S15	NESE
T03N R02E S15	NWSE	T03N R02E S15	SESE
T03N R02E S23	NENE	T03N R02E S23	NWNE
T03N R02E S23	NENW	T03N R02E S23	NWNW
T03N R02E S24 Lot 6	SWNE	T03N R02E S24 Lot 8	NENW
T03N R02E S24	NWNW	T03N R02E S24 Lot 7	SENW
T03N R02E S24 Lot 4	NESE	T03N R02E S24 Lot 5	NWSE
T03N R02E S24 Lot 4	SESE	T03N R03E S19 Lot 6	SWSW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS SUBORDINATE TO THE STORAGE OF WATER IN
ARROWROCK RESERVOIR, ANDERSON RANCH RESERVOIR AND LUCKY
PEAK RESERVOIR AND IS ALSO SUBORDINATE TO UPSTREAM IRRIGATION
DIVERSIONS FROM THE BOISE RIVER.

WATER IS DELIVERED THROUGH THE ROSSI-MILL DITCH AND AN
UNNAMED STREAM KNOWN LOCALLY AS LOGGERS CREEK.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE: 63-148C, 63-150, 63-185A, 63-185B,
63-164C, 63-2392C, 63-2392D, 63-9386B.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-149

THIS RIGHT IS DESIGNATED IN THE STEWART DECREE AS NO 17

HISTORY OF RIGHT 63-149 South Boise Water Co.

December 15, 2003

Since its beginning as the Denver and Idaho Land Co. irrigation ditch, Loggers Creek has provided water for multiple uses—irrigation, water power, log transport, aesthetics and wildlife.

Enlarging and replacing the Denver and Idaho Ditch, the Isaacs ditch was completed in 1864 to provide waterpower for a flourmill located near what is now the southeast corner of Boise Avenue and Protest Rd. The Isaacs brothers sold to William Morris in 1865. In 1878 William Morris died and William Ridenbaugh inherited Morris Mills. William Ridenbaugh added a sawmill, deepened and re-worked the ditch to handle logs and by 1884 was bringing logs down the Boise River into Loggers Creek and down the ditch to the mill. In about 1890 he added a hydro-electric plant to the complex. In 1900 Alexander Rossi bought a 51% interest in the sawmill and converted it from waterpower to steam power, but continued to use the ditch to move logs to the sawmill. The sawmill closed in 1915, when all operations were moved to the Barber Mill. (History, pp. 48-51) The flourmill burned, probably in 1905.

Ridenbaugh named his power company Electric Power Company, Ltd. The company continued to provide hydropower from the site until it was combined into Oregon Light and Power in 1901. Oregon Light and Power was one of the companies united in 1916 to form Idaho Power. In 1916 Idaho Power completed a power-transmission link from the Twin Falls area to Boise via Grandview and Swan Falls. Idaho Power then closed small plants in the Boise area, such as the Electric Power Co. plant. (Legacy, pp. 25, 26, 45) The major flow entering the ditch was then returned to the Boise River (History p. 51), forming Lower Loggers Creek beginning at what is now called Larkey Dam, but a portion of the water continued to flow to the mill site in what was called the Ridenbaugh-Rossi Ditch.

William Ridenbaugh invested in multiple enterprises and his name appeared in many places, potentially causing confusion. The Isaacs ditch became the Ridenbaugh ditch then the Ridenbaugh-Rossi ditch. In common use it has been called Loggers Creek but now this name is used for the upper portion—Upper Loggers Creek-- (above Larkey Dam) and the return to the Boise River—Lower Loggers Creek. The portion of the original Loggers Creek that goes west from the current Larkey Dam is called the Rossi Mill Ditch, the Mill Ditch or sometimes the Ridenbaugh-Rossi Mill Ditch. This is not to be confused with the Ridenbaugh Canal, which diverts water from the Boise River further upstream and proceeds along the bench along Federal Way. In 1887 The Capitol Electric Light, Motor and Gas Co. built another hydro plant slightly to the west of the Electric Power Co. site near what is now the Park View Apartments. It used water from the Ridenbaugh canal and had a reservoir on the bench. (Legacy, p. 16) This plant closed in 1912 and the water stayed in the Ridenbaugh Canal, which was extended to the west, and the reservoir was developed as farmland. (History, p.104)

The court in Farmers' Co-operative Ditch Co. vs. Riverside Irrigation Dist., Ltd. (the Stewart Decree) recognized right No. 17 for 13290 inches for manufacturing and general power purposes (now 63-149 for 265.8 cfs for power and manufacturing). There has been an accomplished transfer of use from power and manufacturing to aesthetic and wildlife that began very early in ditch's history.

The earliest aesthetic use of Loggers Creek is undocumented. James Monroe Johnson built a house about 1908 on land that is now part of The Island in River Run, a current shareholder. (Barbara Little) In 1921 the Mode family built the Mode Country Club at the edge of Loggers Creek for use by their store employees and others. In 1929 they added a golf course along the creek, probably on land that is now part of The Springs subdivision, which is a stockholder in South Boise Water. (Arrowrock Historical Group) The original country club building burned in 1940. Fritz and Pat Bock's purchased the site and built a home on it, which also burned. They re-built and later sold to Bob and Alice Tullis, who still live on the site and are shareholders of South Boise Water. Other early residents along Loggers Creek included Fred Wigle (prior to 1934), the Rose family, Edna and George Myers and the Pecoras. Many homes were added along Loggers Creek in the period beginning in 1960. Marty and Wanda Nelson built in 1962; Irene Acheson, in about 1964; and Ken Nelson in 1967. Loggers Creek is now lined with homes and businesses that enjoy the location next to clean running water. Fish and Game has stocked Brown trout and students from BSU monitor the fish in certain reaches on a yearly basis.

In 1917 five farmers established The South Boise Water Company to manage an irrigation system that obtained water from the Ridenbaugh-Rossi Mill Ditch. Over the next several years more farmers and residential lot owners using the Mill Ditch for water joined the system and transferred the title to their laterals to the company. The Denver and Idaho Land Co. maintained a separate right but its water was diverted through the same system to the Land Company's headgate near Protest Ave. Although the South Boise Water Company owned the water rights and the laterals it had to pay a fee to use the Mill ditch. In 1951 the Company purchased from Martha Reese the Ridenbaugh-Rossi Mill ditch and the wing dam in the Boise River.

The original headworks for Loggers Creek were modified in the early 1880's to include a log pond. These were periodically modified and repaired, including a major refurbishing of the wing dam by John Priest in the 1940's. In 1974 to prevent flooding, three whistle tubes were placed in the riverbank at the head of Loggers Creek and a levee built over them. South Boise Water Co. paid \$525 toward this effort. The whistle tubes were corrugated steel pipes 36 inches in diameter and 20 feet long. Water flow was regulated by raising and lowering plywood sheets over the upstream openings of the pipes.

In 1978 River Run Development Company and South Boise Water Company improved the headworks by replacing the whistle tubes with a concrete bank structure with three wheel gates (Chronic dam). In 1989 River Run Development Co., South Boise Water Co and the Idaho Department of Fish and Game extended the head of Loggers Creek upstream 5/8 mi. and built a new bank weir, Chatburn Weir, to control water flow into

Loggers Creek. Further downstream they added the Berm Gate where Loggers Creek passes through a levee. This serves as a control during flooding when water comes over the riverbank in the vicinity of the Chatburn Weir. The Development Co., the Water Co. and the Department executed the Loggers Creek Agreement (Three-Party Agreement), which provided for financing, regulation, and water supply of the project. This formally recognized the wildlife use of Loggers Creek.

The use of water for right 63-149 has been continuous since 1865. It initially provided power for a flour mill. Then came a sawmill and log transport. Then, electric power generation. The sawmill converted to steam and then closed and the flourmill burned in about 1905. However, power generation continued until 1916. By 1921 documented aesthetic use occurred and formal recognition of wildlife use occurred in 1989. Homes construction along Loggers Creek started by about 1908 and accelerated in the 1960's until the present when only a couple of potential sites are left.

Sources

History Along the Greenbelt, Jim Witherell, Idaho Centennial Project of Ada Co. Centennial Committee, 1989.

Legacy of Light—A History of Idaho Power Co., Susan Stacy, Idaho Power Co., 1991
Records of South Boise Water Company

Records of Arrowrock Historical Group (Barbara Perry Bauer)

Personal communications: Patty Bock Crandel, Ace Chatburn, Barbara Little, Wanda Nelson, Alice Tullis

Logger Creek (Marked)

LOCATION:
South Bikeway at Logger Creek.

In early Boise history, there were several cartels. One such comprised Alexander Rossi, William Morris, and Morris' nephew, William Ridenbaugh; these produced the Ridenbaugh Canal and Mount Morris (see Mount Morris). But more closely tied to the Greenbelt was A. Rossi & Co., and Ridenbaugh Lumber—the origin of Logger Creek. For it is not a creek at all, but the ditch dug to carry logs to the Rossi and Ridenbaugh sawmill.

The ditch dates to 1864, when the Isaacs Brothers erected a flour mill near what is now the intersection of Boise and Protest Avenues. The mill was waterwheel-powered and to power the wheel a small ditch was dug to the river. Initially called Isaacs' Ditch, it and the mill were sold to William Morris in 1865. Morris continued operating the plant as Morris Mills until his death in 1878. The plant then went to William Ridenbaugh.

Among many other endeavors Ridenbaugh was a partner in A. Rossi and Company, Boise's first permanent sawmill. The mill was established on far-off Schaffer Butte in 1869, with the Rossi retail yard in town. Morris became a partner in A. Rossi & Co. in 1872 and this part ownership, like the flourmill, passed to Ridenbaugh on Morris' death.

The Schaffer Butte mill burned down in 1882, and Rossi relocated the operation to Washoe on the Payette



River. Concurrently, Ridenbaugh formed Ridenbaugh Lumber adjacent to the flourmill, and began milling for both his company and local Rossi lumberyard. Borrowing the practice of Goodwin Lumber (see Goodwin Dam), Ridenbaugh Lumber began driving logs on the Boise river, ca. 1884.

The Ridenbaugh sawmill was mechanically patterned on the flourmill—waterwheel powered through a tail-race. But to float logs from river to mill, and sustain a millpond, the old Isaac's ditch had to be reworked. In some part rerouted, and in all parts deepened, the ditch became a major waterway called Ridenbaugh Ditch.

Water capacity of the ditch was enlarged enough that it would later serve another of Ridenbaugh's enterprises: the Electric Power Company, a powerhouse added to the Boise Avenue complex about 1890.

Rossi abandoned sawmill operations at Washoe in 1900. Rather than setting up a new mill in Boise, he bought 51% interest in the Ridenbaugh mill. Upgraded to steampower, the mill was then variously called the Rossi or Ridenbaugh mill, and both terms were correct. Likewise, the Ridenbaugh Ditch, too, acquired multiple names. From local slang came the term Logger Creek, attempting a standardized name. This is the name for the ditch which has been handed down—obscuring the proper names and purpose of the waterway.

One proper name has stuck, however. The road connecting the Mill with Broadway Avenue is still named Rossi Street.

Alexander Rossi died in 1907. The A. Rossi & Co. stumpage was sold that year to Barber Lumber (which

later became Boise Payette Lumber). But both Ridenbaugh and A. Rossi companies retained retail yards for several more years; presumably Ridenbaugh Lumber resumed milling for both firms. Ridenbaugh was associated with Boise Payette Lumber and soon after milling began at Barber in 1915 (see Barber), the Ridenbaugh mill was closed.

Also at this time arrived Idaho Power, which purchased and closed the Electric Power Company plant. And the flourmill was wholly obsolete. These events closed the Boise Avenue complex. Logger Creek was diverted back to the River near what is now ParkCenter, and the remainder through South Boise filled in about 1920.

SOURCES:

Idaho State Historical Society, Reference Series
594—William Ridenbaugh.

Idaho State Historical Society, Reference Series
597—Alexander Rossi.

H.T. French, *Idaho Gem of the Mountains*, The Lewis Publishing Company, Chicago, 1914.

Elliott, *History of the Idaho Territory*, Wallace W. Elliott & Company; San Francisco, 1884.

Jim Witherell, *The Log Trains of Southern Idaho*, Sundance Publications, Ltd., Denver, 1989.

Hugh Hartman, *The Founding Fathers of Boise*; NP, 1989.

05/16/89

8923126

LOGGERS CREEK AGREEMENT

(1989)

This Agreement is entered by and between South Boise Water Company, Inc., an Idaho non-profit corporation (the "Water Company"), the Idaho Department of Fish and Game, an agency of the State of Idaho ("IDFG"), and Columbia Willamette Development Company, Inc., an Oregon corporation, d/b/a River Run Development Company ("RRDC").

Recitals

1. The Water Company owns and operates an irrigation diversion dam on the Boise River in the NWSE $\frac{1}{4}$ section 24, T 3N, R 2E, B.M. (the "SBWC dam"). The SBWC dam diverts irrigation water from the river into Loggers Creek at that location through a gated concrete headworks structure known locally as the "Chronic Dam," which also is owned and operated by the Water Company. The Water Company also owns and operates a second irrigation diversion dam (the "Larkey Dam") at a point of redirection on Loggers Creek from which the Water Company's canal, known as the Ridenbaugh-Rossi Mill Ditch ("Mill Ditch"), carries water to the Water Company's shareholders and others. The Water Company also owns and operates a control facility in Loggers Creek known as the "Wigle Dam," which makes possible diversions from Loggers Creek to lands now included in certain of the River Run subdivisions. The locations of these facilities are more particularly identified on Exhibit A, which is attached to this Agreement. The Water Company desires to abandon the SBWC dam as a diversion structure and change its point of diversion to the new headworks, provided that: a) adequate irrigation diversion and delivery facilities can replace it and assure continued delivery of all of the Company's valid water rights and other waters which the Water Company is entitled or obligated to divert; and b) the Larkey, Wigle and Chronic Dams are not affected by the construction of the new facilities.

2. RRDC owns lands near the Boise River both upstream and downstream from the SBWC dam which RRDC has developed or seeks to develop for residential housing and other purposes (the "RRDC lands"). RRDC holds a water right for 20 cubic feet per second ("cfs") for fish and wildlife and aesthetic purposes (the "RRDC water right") which it diverts from Loggers Creek at various points below the Chronic Dam to serve water amenities within portions of the RRDC lands. As a part of its development plan, RRDC has constructed a channel for a stream (the "Loggers Creek extension") which will divert water from the Boise River in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ section 19, T 3N, R 3E, B.M., through a streambank diversion structure RRDC intends to build and which is described on Exhibit B (the "new headworks"). The Loggers Creek extension, which lies parallel to the Boise River, will

pass through a berm in the vicinity of the Chronic Dam by means of the structure described on Exhibit C (the "berm structure") and will discharge into the present Loggers Creek at a point some 100 feet downstream from the Chronic dam. RRDC intends to carry out further construction on the Loggers Creek extension so as to make it a stream that provides trout spawning and rearing habitat, wildlife habitat and aesthetic benefits to the RRDC lands and the surrounding area. RRDC intends to change the point of diversion of the RRDC water right to the new headworks and to secure the conveyance of the RRDC water right to the appropriate homeowners' associations within the RRDC lands.

3. IDFG is entitled to obtain the release of certain rates of flow from Lucky Peak Reservoir into the Boise River on a year-round basis in order to provide streamflows for fish and wildlife habitat (the "IDFG flows"). In order to serve fishery enhancement purposes in the water amenities on RRDC lands, IDFG has made a portion of the IDFG flows available for diversion by RRDC during those periods when flows in the Boise River are insufficient to fill the RRDC water right. In order to promote the construction or improvement of additional fish and wildlife habitat in the Boise River riparian area, IDFG desires to continue and formalize this arrangement by contracting for the use of some of the IDFG flows in the Loggers Creek extension.

4. The Water Company, IDFG and RRDC desire to enter into this Agreement in order to share responsibilities and to accommodate their respective interests with regard to the parties' water rights or entitlements, their water delivery obligations, the SBWC dam, the Loggers Creek extension, the new headworks, the berm structure, and the provision of flows for fish and wildlife habitat and aesthetics.

Agreement

THEREFORE, IN CONSIDERATION of the mutual covenants contained in this Agreement, the parties hereby agree as follows:

5. Construction of diversion facilities. Using such contractors as RRDC might choose, RRDC shall:

a. Construct the new diversion structure described on Exhibit B, which shall have a diversion capacity of not less than 60 cubic feet per second ("cfs") at such times when river flows immediately upstream from the new headworks are 500 cfs or more, and which shall be capable of diverting at least 40 cfs when such river flows are equal to or greater than 150 cfs.

b. Construct the Loggers Creek extension channel as shown on Exhibit A. Such channel shall be capable of carrying 60 cfs and shall include reasonable measures to provide fish and wildlife habitat and aesthetic amenities.

c. Construct the conduit structure through the berm as described on Exhibit C, which shall be capable of carrying a minimum of 60 cfs.

6. Water deliveries. Once RRDC has conveyed to it the new headworks and the berm structure (collectively, the "facilities") pursuant to paragraph 9, below, the Water Company shall have full responsibility and authority to operate the facilities. The Water Company shall operate the facilities so as to divert and deliver all amounts of water each of the parties is entitled to divert at all times their rights are in priority or otherwise entitled to be filled. Any party shall be entitled to have the facilities operated so as to divert and deliver any additional amount such party may be entitled to divert at such point of diversion from time to time, provided that such party has received the appropriate authorization to divert such additional waters and doing so does not unreasonably burden the facilities or injure the rights of parties to this Agreement.

7. Provision of IDFG flows. IDFG shall make available for diversion by the Water Company through the facilities, on a year-round basis, that amount of the IDFG flows needed, when added to those flows diverted pursuant to the water rights of others, to provide flows of at least 20 cfs in the reach of Loggers Creek (including the Loggers Creek extension) extending from the new headworks to Larkey Dam. RRDC shall be entitled to red divert up to 20 cfs of this 40 cfs on a year-round basis either under RRDC's water right or as a combination of diversions under the RRDC right and the IDFG flows, for the fish, wildlife and/or aesthetic purposes specified in the RRDC water right for use in the Loggers Creek extension and/or the River Run subdivisions. It is the intent of the parties that Loggers Creek in this reach shall have a year-round flow of not less than 40 cfs, and that the River Run diversions have year-round flows of not less than 20 cfs.

8. Ownership, operation and maintenance of facilities. Within 30 days after RRDC's contractor substantially completes construction of the facilities, it shall a) notify the Water Company and IDFG of such substantial completion by means of the signed Certificate of Substantial Completion, a specimen of which is attached as Exhibit D; and b) simultaneously convey to the Water Company all its right, title and interest in the facilities (including any interest in contractors' guarantees, warranties and/or performance bonds) to the Water Company in perpetuity by deed, assignment or other appropriate instrument, and also shall grant the Water Company an easement necessary to allow the Water Company to obtain access to the facilities and to the Loggers Creek extension. The Water Company shall accept all such instruments that are in proper form; upon such acceptance, the Water Company shall begin operating the facilities so

as to divert and deliver waters as specified in this Agreement and simultaneously cease diversions by means of the SBWC dam. Thereafter, and subject only to the condition in paragraph 9, the Water Company shall be solely responsible for the operation, maintenance, replacement and repair of the facilities, and shall carry out such responsibility so as to provide the flows specified in this Agreement. During all times when the facilities are being operated, the Water Company shall cause the gates on the Chronic dam to be closed and locked in a closed position.

9. SBWC's right of reconveyance. The Water Company shall be entitled to cancel this Agreement and reconvey the facilities and easement to RRDC if, prior to April 1, 1990 or after 120 days of actual experience operating and diverting water through the facilities, whichever occurs first: a) the facilities and/or Loggers Creek extension are shown to be inadequate to supply the water which the Water Company is obligated to divert and deliver pursuant to this Agreement; b) a licensed engineer confirms this inadequacy in writing; and c) the Water Company informs RRDC and IDFG in writing of the inadequacy and provides the engineer's confirmation within such time period. Within 30 days after the Water Company serves such notice, and unless the parties agree to an alternative course of action: d) the Water Company shall deliver to RRDC such instruments as will reconvey to RRDC the facilities and the easement; and e) RRDC shall, at its expense, file any applications necessary to restore the SBWC dam to its former condition. As soon as any necessary permits or approvals are received (and immediately if none are necessary), RRDC shall commence all actions necessary to place the Water Company in the same position it was in prior to the construction of the facilities, and shall pursue such activities diligently to completion. This shall include replacing or rebuilding the SBWC dam, or any appropriate part of it, if the dam has been breached or removed by such date.

10. Water Company diversions and deliveries. The Water Company shall be entitled to divert, through the facilities, all amounts to which it or those parties with whom it has a carriage agreement are entitled for irrigation purposes. In addition, the Water Company shall be entitled to divert, on a year-round basis, all amounts to which the Water Company or its shareholders have, or may acquire, a right for aesthetic or fish and wildlife purposes, provided that such additional amounts shall not unreasonably burden the facilities or injure the rights of other parties to this Agreement.

11. Removal of SBWC dam. After receiving title to the facilities, the Water Company may breach the SBWC dam, at its expense, in any manner it deems appropriate. If the facilities are adequate to supply the water which the Water Company is

entitled or obligated to carry, the Water Company shall breach or remove the SBWC dam as soon as feasible after the close of the 1989 irrigation season, but in no event any later than June 1, 1990.

12. Sharing of expenditures. The Water Company and IDFG shall contribute to costs and expenses of constructing the facilities. The Water Company shall convey to RRDC 100 shares in the Water Company and shall pay RRDC \$10,000. IDFG shall pay up to \$12,500. Within 30 days of receiving the certificate of substantial completion specified in paragraph 8, above, these parties shall pay RRDC as provided in this paragraph.

13. Changes of points of diversion and type of use. RRDC shall take all necessary actions, at its expense, to secure changes of points of diversion for the parties to entitle each to divert its water right or entitlement by means of the facilities. The Water Company shall investigate and pursue in good faith the possibility of broadening the type of use allowed under its 1865 water right to entitle it to divert and use water for aesthetic, instream and fish and wildlife purposes, and of obtaining a new water right for these purposes. Such efforts shall be undertaken at the Water Company's expense.

14. River Run and Spring Meadow Homeowners' Associations. The parties acknowledge that the River Run and Spring Meadow Homeowners' Associations ("Associations") shall succeed to RRDC's interests in all of RRDC's water rights, as well as RRDC's interests in this Agreement. The parties hereby agree that the Water Company shall have no obligation to deliver water under RRDC's water rights to RRDC, or its successor in interest, unless RRDC, or such successor, is a shareholder in the Water Company. The Water Company shall allow the Associations to become shareholders in the Water Company, provided that the Associations themselves, and not individual homeowners or Association members, shall be the shareholder in each case.

15. No obligations with respect to Loggers Creek below Larkey Dam. The parties acknowledge that there are several persons or entities, such as homeowners and businesses adjacent to Loggers Creek downstream from the RRDC lands, who benefit from diverted flows in Loggers Creek but who hold no right in or responsibility for such flows, and who have not contributed financially to the facilities and/or the protection or improvement of Loggers Creek or the Loggers Creek extension. Nothing in this Agreement shall be interpreted as recognizing or creating any right or entitlement in such persons or entities, or in others not parties to this Agreement or shareholders of the Water Company.

16. Responsibility for obtaining permits and approvals. RRDC shall have all responsibility for obtaining those permits and approvals necessary for the construction of the Loggers Creek extension, the berm structure and the headworks. The other parties shall cooperate fully with RRDC in obtaining any such permits or approvals.

17. Termination. This Agreement may be terminated by any party for good cause upon: a) providing one year's written notice of termination to the other parties; or b) the occurrence of any event giving rise to legal grounds for termination under Idaho law.

18. Recitals. The recitals set forth above are hereby incorporated by this reference.

19. Binding Effect. The rights and responsibilities set forth in this Agreement shall inure to and bind the parties hereto, their heirs, representatives, successors, and assigns, and also constitute covenants running with the land.

20. Headings. The section and other headings in this Agreement are inserted only for convenience and shall not control or affect the meaning or construction of this Agreement.

21. Waiver. Failure of either party at any time to require performance of any provision of this Agreement shall not limit the party's right to enforce the provisions, nor shall any waiver of any breach of any provision be a waiver of any succeeding breach of the provision itself or any other provision.

22. Entire Agreement. This Agreement, with the incorporation of the attached exhibits, is the entire agreement between the parties. No modification, variation or amendment shall be of any force or effect unless it is in writing and signed by the parties.

23. Notice. All notices under this Agreement shall be effective if mailed certified mail, return receipt requested, as follows (unless notice of a change of address is given pursuant hereto):

South Boise Water Company, Inc.
Dr. A. H. Chatburn, President
1729 Colorado Avenue
Boise, Idaho 83706

Idaho Department of Fish and Game
Attn: Stacy Gebhards
P.O. Box 25
Boise, Idaho 83707

Columbia-Willamette Development Company, Inc. d/b/a
River Run Development Company
671 E. River Park Lane.
Suite 200
Boise, ID 83706

24. Recording. Any party may, at its own expense, record this Agreement in the records of Ada County, Idaho.

25. Attorneys' Fees. If any action or attorneys' services are required to enforce any of the terms or conditions of this Agreement, it is agreed by the parties that the successful party in such action shall be entitled to receive its costs and expenses incurred, including reasonable attorneys', accountants' and experts' fees, whether such action be prosecuted to judgment or not.

This Agreement is effective as of the 16th day of May, 1989.

SOUTH BOISE WATER COMPANY, INC.

By: A. H. Chatburn
A. H. Chatburn, President

By: Amy Perry
Amy Perry, Secretary

IDAHO DEPARTMENT OF FISH AND
GAME

By: Jerry Mallet
for Jerry M. Conley

COLUMBIA-WILLAMETTE DEVELOPMENT
COMPANY, INC., d/b/a RIVER RUN
DEVELOPMENT COMPANY

By: Peter S. O'Neill
Peter S. O'Neill
President, Columbia-
Willamette Development
Company, Inc.

RECEIVED

JAN 18 1990

RRDC



RECEIVED

NOV 17 2003

WATER RESOURCES
WESTERN REGION

Stephen H. Sweet, P.E.
River Run Development Company
671 E. River Park Lane
Suite 200
Boise, Idaho 83706

January 15, 1990

Re: Discharge of Loggers Creek

Dear Steve,

I measured Loggers Creek on 12/9/89 below the new diversion and the discharge was 41 cubic feet per second (cfs). This measurement was made using 24 vertical cells over a 20-foot wide section of creek. During November and December I have also been measuring the stage and discharge of Loggers creek below the Spring Meadow Phase I bridge. Additional modifications to the Loggers Creek channel has increased the stage under the bridge by about 0.05 feet which is equivalent to about 3 to 7 cfs compared to the flow measured on 12/9/89. This means that the new upstream diversion should be supplying between 44 and 48 cfs to Loggers Creek. Kathy has informed me that the Fish and Game recently measured 35 cfs below the upper culvert. Depending on the measurement methods used, equipment, and conditions on the trash racks and culverts, a difference that large is possible. I think the important point is the fact that the new upstream diversion is outperforming the Chronic diversion by a large margin (see below).

It is interesting to compare the operation of the new upstream diversion to the old Chronic diversion. During the channel modifications in December of 1989, the new upstream diversion was shut off and the Chronic diversion was opened fully (all three gates open). The Chronic diversion was only able to attain a stage that was about 0.3 feet below that delivered by the new upstream diversion. Therefore, the new upstream diversion is delivering water at a higher rate than the Chronic diversion. If the gates of the Chronic diversion are opened while the new diversion is operating, water will flow from Loggers Creek to the Boise river through the Chronic diversion at a rate of 5 to 7 cubic feet per second (this was field tested). This is further evidence of the new diversions ability to deliver water and means at low water, the new upstream diversion can deliver much more water than the Chronic diversion (around 10 to 15 cubic feet per second more).

It is safe to say that the new upstream diversion is fully meeting my expectations. This potential for flow towards the Boise river has created potential safety hazard since the culverts on the Loggers creek side of the Chronic diversion are not protected to

prevent wildlife or perhaps people from being pulled towards the Chronic trash racks. I suggest that a trash rack be placed on the Loggers Creek side of the Chronic diversion of slightly larger opening than the existing trash rack. This would allow some flow-through to accommodate fish passage without creating a safety problem. Another option would be to weld the gates of the Chronic diversion shut. I would caution anyone from using the Chronic diversion without using one of the two options presented above while the new upstream diversion is in use since it will result in flow from Loggers Creek to the Boise river.

Sincerely,

Karl Gebhardt

Karl Gebhardt, P.E., P.H.

4356
Karl Gebhardt
1/15/90

05/09/2005

RECEIVED

JUN 07 2005

Department of Water Resources

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: 63-149A

SOUTH BOISE WATER CO
C/O BARRY ESCHEN PRESIDENT
PO BOX 6005
BOISE ID 83707

Telephone Number: (208)336-5508

RECEIVED

JUN 09 2005

WATER RESOURCES
WESTERN REGION

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: 6-2-05 SIGNATURE: Barry Eschen

Please print your name: Barry Eschen

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

SCANNED

JUN 08 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-149A V1

WATER RIGHT NUMBER: 63-149A V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	RINGERT CLARK S BRYCE FARRIS 455 S 3RD ST PO BOX 2773 BOISE, ID 83701 (208)342-4591
Current Owner	SOUTH BOISE WATER CO C/O BARRY ESCHEN PRESIDENT PO BOX 6005 BOISE, ID 83707 (208)336-5508

Priority Date: 06/01/1865

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>
WILDLIFE	01/01 to 12/31	40.000 CFS	
AESTHETIC	01/01 to 12/31	40.000 CFS	
	<u>Total Diversion:</u>	40.000 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L6 (SW1/4SW1/4SW1/4)	Sec. 19, Twp 03N, Rge 03E, B.M.
ADA County		
BOISE RIVER	L5 (NE1/4NW1/4SE1/4)	Sec. 24, Twp 03N, Rge 02E, B.M.
ADA County		

Place of UseWILDLIFE Within ADA County

T03N R02E S14	NWNW	T03N R02E S14	SWNW
T03N R02E S14	SENW	T03N R02E S14 Lot 9	NESW
T03N R02E S14	SWSW	T03N R02E S14 Lot 10	NWSE
T03N R02E S14	SWSE	T03N R02E S15	SENW
T03N R02E S15	NESW	T03N R02E S15	NESE
T03N R02E S15	NWSE	T03N R02E S15	SESE
T03N R02E S23	NENE	T03N R02E S23	NWNE
T03N R02E S23	NENW	T03N R02E S23	NWNW
T03N R02E S24 Lot 6	SWNE	T03N R02E S24 Lot 8	NENW
T03N R02E S24	NWNW	T03N R02E S24 Lot 7	SENW

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-149A V1

T03N R02E S24 Lot 4 NESE

T03N R02E S24 Lot 5 NWSE

T03N R02E S24 Lot 4 SESE

T03N R03E S19 Lot 6 SWSW

AESTHETIC Within ADA County

T03N R02E S14 NWNW

T03N R02E S14 SWNW

T03N R02E S14 SENW

T03N R02E S14 Lot 9 NESW

T03N R02E S14 SWSW

T03N R02E S14 Lot 10 NWSE

T03N R02E S14 SWSE

T03N R02E S15 SENW

T03N R02E S15 NESW

T03N R02E S15 NESE

T03N R02E S15 NWSE

T03N R02E S15 SESE

T03N R02E S23 NENE

T03N R02E S23 NWNE

T03N R02E S23 NENW

T03N R02E S23 NWNW

T03N R02E S24 Lot 6 SWNE

T03N R02E S24 Lot 8 NENW

T03N R02E S24 NWNW

T03N R02E S24 Lot 7 SENW

T03N R02E S24 Lot 4 NESE

T03N R02E S24 Lot 5 NWSE

T03N R02E S24 Lot 4 SESE

T03N R03E S19 Lot 6 SWSW

Conditions of Approval:

1. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
2. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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.

Remarks:

1. Explanatory THIS RIGHT IS DESIGNATED IN THE STEWART DECREE AS NO 17
2. Explanatory THIS RIGHT IS SUBORDINATE TO THE STORAGE OF WATER IN ARROWROCK RESERVOIR, ANDERSON RANCH RESERVOIR AND LUCKY PEAK RESERVOIR AND IS ALSO SUBORDINATE TO UPSTREAM IRRIGATION DIVERSIONS FROM THE BOISE RIVER.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-149A V1

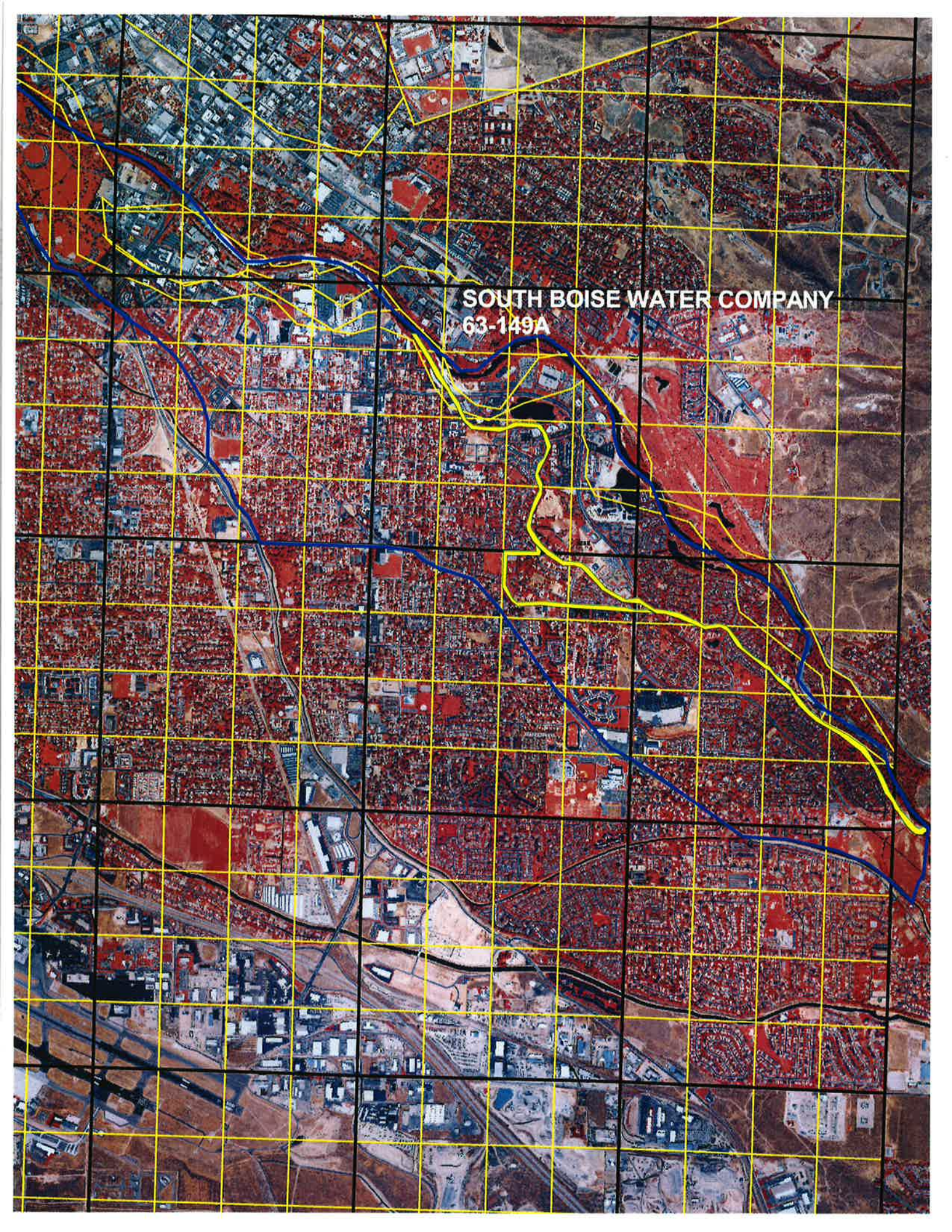
3. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE: 63-148C, 63-150, 63-185A, 63-185B, 63-164C, 63-2392C, 63-2392D, 63-9386B.
4. Explanatory WATER IS DELIVERED THROUGH THE ROSSI-MILL DITCH AND AN UNNAMED STREAM KNOWN LOCALLY AS LOGGERS CREEK.
5. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-149

Comments:

1. mcase 7/21/2004 POD

Comment: Correlated PODID 609161 from SpatialDataID 342583 to SpatialDataID 302100

Water Supply Bank:

An aerial photograph of a city area, likely South Boise, overlaid with a yellow grid. A blue line and a yellow line trace paths across the map, possibly representing waterways or utility lines. The text "SOUTH BOISE WATER COMPANY" and "63-149A" is printed in white in the upper right quadrant.

SOUTH BOISE WATER COMPANY
63-149A

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

Prior to Field Exam

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

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-149AOwner: South Boise Water Co. Phone No. 336-5508 = Barry Eschen, PresCurrent Address: Same

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

Accompanied by: _____

PRIORITY DATE

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

Priority date, per claimant, is: 6-1-1865 = same as decreed

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

Source: Boise River Tributary to Sage 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

Description of diverting works

See 63-148C**OVERLAP REVIEW**Other water rights with the same point of diversion: See 63-148C

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

Types _____ Additional comments: _____

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

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	3E	19											✓						

Overlap with other water rights: _____

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

Delivery System Narrative: _____

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

The use of this water occurs within Loggers Creek and the Rossi-Mill ditch.

Designated as right no. 17.

This right is part of decreed right 63-149 decreed for manufacturing and power. The pesthetic use herein is the result of an accomplished change in use and is based on a contract interest. The company has

with the FDF&G (see attached) for 40cfs diversion into Loggers Creek during the non-irrigation season. This right is subordinate to upstream Boise River storage and other diversions.

See the attached "History of Right 63-149" for additional information concerning the converted use and the "Loggers Creek Agreement" dated 5-16-1989.

The claim was amended 11-29-04 to add wildlife as a use.

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Mel Schulte

63-149A

XVI

That the defendants W. H. RIDENBAUGH and A. ROSSI be, and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river in Sec. 24, T. 3 N. R. 2 E. B. M., for use upon lands situated in T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0148 460 inches, from June 1, 1865; and hereby designated as Right No. 16.

For use for manufacturing and general power purposes, in the following amount from the following date;

13290 inches, from June 1, 1865; and hereby designated as Right No. 17.

63 0149

And it is hereby ordered that said quantity of water so awarded for manufacturing and general power purposes shall be used for such purposes only, and after such use shall be returned to Boise River.

And be adjudged to pay \$962.50 costs in addition to the costs incurred by them.

XVII

That the defendant THE DENVER & IDAHO LAND COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river near the head of what is known as the Ridenbaugh Mill Ditch, in Sec. 13, T. 3 N. R. 2 E. B.M., for use upon the E. 1/2 of SW 1/4 of Sec. 15, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0150

40 inches, from June 1, 1865; and hereby designated as Right No. 18. And be adjudged to pay \$2.80 costs in addition to the costs incurred by it.

XVIII

That the defendant MARTHA BOWMAN be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point in NW 1/4 of SE 1/4, Sec. 12, and SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B M, through what is known as the Center Point Ditch, for use upon lots 2, 3 and 6 and NE 1/4 of SW 1/4, Sec. 31, T. 5 N. R. 4 W. B.M., in the following amount and from the following date;

144 inches, from June 1, 1865; and hereby designated as Right No. 19.

63 0151

And be adjudged to pay \$10.08 costs in addition to the costs incurred by her.

RECORDED

JUN 21 1996

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-149

WATER RIGHT NUMBER: 63-149

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	W H RIDENBOUGH

	, ZZ
Current Owner	A ROSSI
	, ZZ

Priority Date: 06/01/1865

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	265.800 CFS	
	<u>Total Diversion:</u>		265.800 CFS	

Location of Point(s) of Diversion
BOISE RIVER

Place of UseConditions of Approval:Remarks:

1. General P/U IN T3N, R2E.
P/D IN S24, T3N, R2E.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-149

WATER RIGHT NUMBER: 63-149

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	W H RIDENBOUGH
	, ZZ
Current Owner	A ROSSI
	, ID

Priority Date: 06/01/1865

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	265.800 CFS	
		<u>Total Diversion:</u>	265.800 CFS	

Location of Point(s) of Diversion
BOISE RIVER

Place of UseConditions of Approval:Remarks:

1. General P/U IN T3N, R2E.
P/D IN S24, T3N, R2E.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-149

Dates and Other Information:

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

Element Reviewed/Verified Dates:

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

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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SOUTH BOISE WATER COMPANY

24

POD

19

NWSE

SWSW
LT 6

POD



*Draft copy for review**150
149*

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

Date Received

Receipt Number

*Decreed use is power and
manufacturing for 265,80 cfs.
why 40 cfs only claimed?
How do we quantify 40 cfs only for
aesthetic use? What did the use
change?*

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 05 2003

WATER RESOURCES
WESTERN REGION

Please type or print clearly

*Have Nick review claim!*1. Name of Claimant (s) South Boise Water Company Phone (208) 336-5508Mailing Address P.O. Box 6005 c/o Barbara Garrett, Secretary Zip 837072. Date of Priority (Only one (1) per claim) 6/1/18653. Source of water supply (a) Boise River
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 03N Range 03E Section 19SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of AdaAdditional points of diversion if any: T.03N, R.02E, S.24, NE1/4, NW1/4, SE1/4, B.M., Ada County (2 diversions)
T.03N, R.02E, S.24, SW1/4, NW1/4, NW1/4, B.M., Ada County (rediversion)

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Two diversions from Boise River: (1) Diversion in T.03N, R.03E, S.19, commonly known as
"Chatburn": weir and control gate in south bank of Boise River, diverts water to a conveyance commonly known as "Loggers Creek." (2)
Diversion in T.03N, R.02E, S.24, SE1/4: (a) commonly known as "Chronic" - wing dam and control gate; (b) berm with concrete abutment. These
diversions are used as alternates to Chatburn. Rediversions from Loggers Creek: (1) dam commonly known as "Larkey Dam" and control works in
T.03N, R.02N, S.24, NW1/4 into the conveyance commonly known as the "Rossi-Mill Ditch."

6. Water is claimed for the following purposes:

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

For Aesthetic purposes from 1/1 to 12/31 amount 40 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 40 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Aesthetic use of this water right occurs in Loggers Creek and the Rossi-Mill Ditch.

10. Description of place of use: See Remarks

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03E	19											J						
02N	02E	14						J	J	J	J		J			J	J		
		15								J	J				J	J		J	
		23	J	J			J	J							J	J		J	
		24			J		J	J	J						J	J		J	

Total number of acres irrigated

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

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

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

63-148C, 63-150, 63-185, 63-09386A, 63-09386B, 63-242A, 63-243C, 63-283B, 63-284B, 63-2392A, 63-10305, 63-12079 or None ()

14. Remarks:

The property is owned by the shareholders of South Boise Water Company. The description of place of use represents lands which have historically been irrigated, and to which the company's shares are appurtenant. An aerial photograph showing the service area boundary for South Boise Water Company is on file with IDWR, Western Region office. The aesthetic use is non-consumptive. After use, water is returned to the Boise River through Loggers Creek and the Rossi-Mill Ditch. Claimant does not seek to exercise this right to the detriment of storage in any upstream reservoirs, or upstream irrigation diversions and agrees to subordinate the priority of this right to storage in Arrowrock, Anderson Ranch and Lucky Peak reservoirs during the non-irrigation season and to upstream irrigation diversions during the irrigation season.

Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posed Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 63-149

Court _____ Case Number _____ Decree Date 1/18/1906
 Plaintiff v. Defendant Farmers Co-Operative Ditch Co. v. Riverside Irrigation District et al ("Stewart Decree")

16. Signature (s)

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

Number of attachments _____

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

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

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

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

Signature of Authorized Agent _____
 Title and Organization _____ Date _____

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

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

Notary Public _____
 Residing at _____
 My Commission Expires _____

17. Notice of Appearance:

Please Print Name

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

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

11-3-03

Meeting with Dave +. Nib, Jan + Barry Eschen
Aesthetic Uses - 63-149A - SBWC.

* The key component in this claim is the subordination clause.

1. Lumber mill ended about 1910 - Barry will provide confirmation of change of use to aesthetic
 2. Power use ended about 1926? - Barry will provide documents to confirm change to aesthetics.
 3. 40 cfs is based on agreement between IDF + G. SBWC Co., + River Run - Barry will provide copy
-

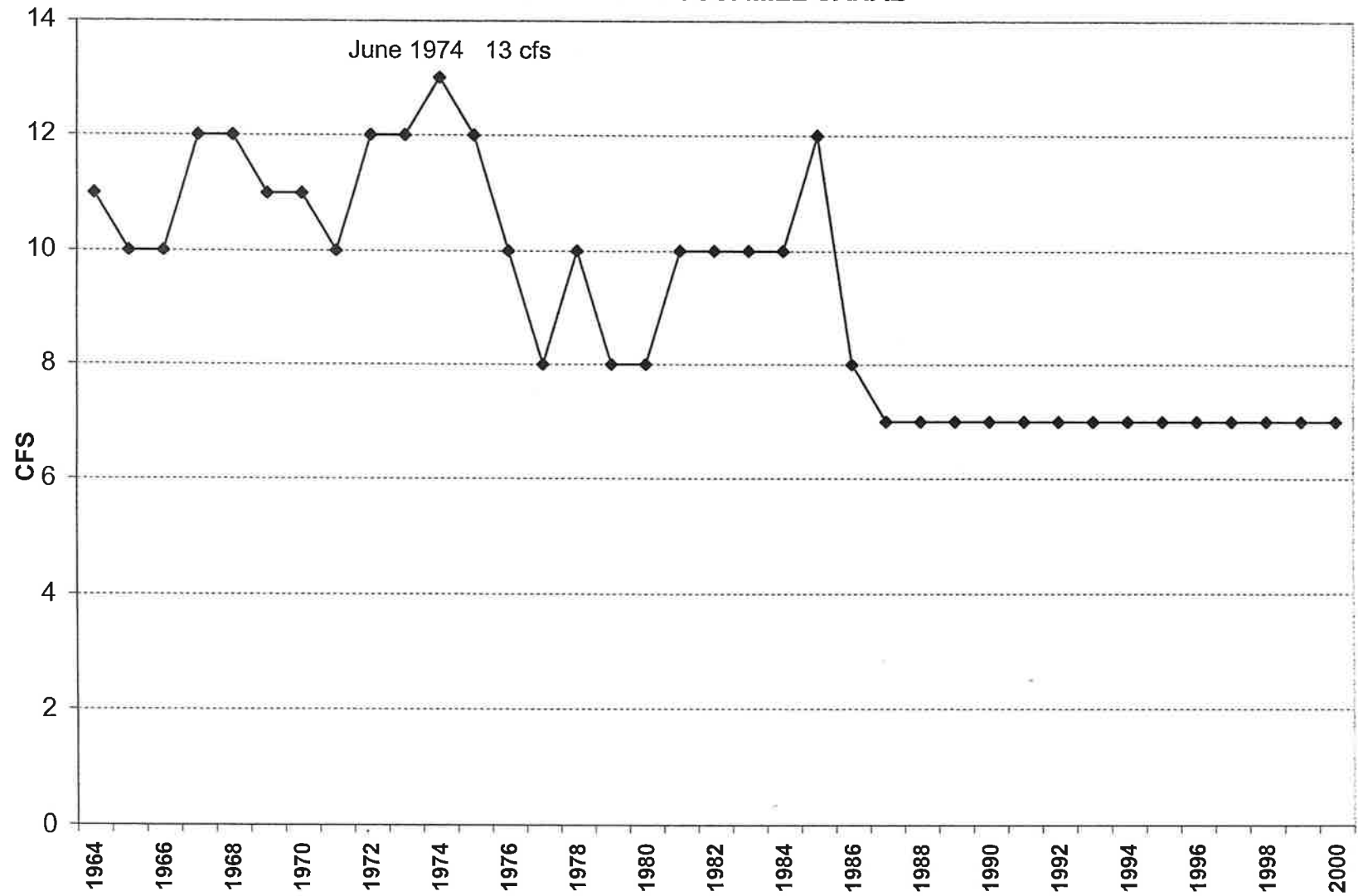
4. All other added aesthetic uses by SBWC + BCCC will not be allowed because of expanded use.
 - a - if no irrigation the aesthetic diversion would have to be diverted -
 - b - aesthetics is incidental to the irrigation - don't need a specific component.
 - c - water is not diverted specifically for aesthetic - - - The right is an irrigation right.
-

4-5-04

They want to add Wildlife as a use to
63-149A - will amend claim

MAXIMUM MONTHLY DIVERSION 1964-2000

13204060 ROSSI MILL CANAL



13204060	HISTORIC DIVERSION OF ROSSI MILL CANAL						(CFS)						
W-YR	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ANN
1964	0	0	0	0	0	0	5	8	10	10	11	10	54
1965	3	0	0	0	0	0	7	10	10	10	8	8	56
1966	3	0	0	0	0	0	7	10	10	10	8	5	53
1967	3	0	0	0	0	0	0	10	12	11	10	8	54
1968	3	0	0	0	0	0	5	11	12	10	7	7	54
1969	2	0	0	0	0	0	5	11	10	10	10	8	56
1970	2	0	0	0	0	0	2	10	10	10	11	7	51
1971	2	0	0	0	0	0	3	10	10	10	10	10	54
1972	3	0	0	0	0	0	3	8	12	11	10	7	54
1973	3	0	0	0	0	0	5	11	12	10	10	7	58
1974	0	0	0	0	0	0	3	10	13	10	10	7	53
1975	2	0	0	0	0	0	0	8	12	10	10	10	51
1976	3	0	0	0	0	0	3	8	10	10	8	7	49
1977	3	0	0	0	0	0	3	7	7	7	8	7	41
1978	0	0	0	0	0	0	3	8	10	8	10	8	48
1979	3	0	0	0	0	0	3	8	8	8	7	7	45
1980	3	0	0	0	0	0	3	7	8	8	8	8	46
1981	3	0	0	0	0	0	3	10	8	10	8	8	51
1982	3	0	0	0	0	0	3	10	10	10	10	10	56
1983	3	0	0	0	0	0	3	10	8	10	10	8	53
1984	5	0	0	0	0	0	3	10	8	8	8	10	53
1985	3	0	0	0	0	0	7	11	12	10	8	12	63
1986	5	0	0	0	0	0	3	7	7	8	7	5	41
1987	3	0	0	0	0	0	3	7	7	7	7	7	40
1988	3	0	0	0	0	0	3	7	7	7	7	7	40
1989	3	0	0	0	0	0	3	7	7	7	7	7	40
1990	3	0	0	0	0	0	5	7	7	7	7	7	41
1991	3	0	0	0	0	0	3	7	7	7	7	7	40
1992	3	0	0	0	0	0	3	5	5	7	7	7	36
1993	3	0	0	0	0	0	3	7	5	7	7	7	38
1994	3	0	0	0	0	0	3	7	7	7	7	7	40
1995	3	0	0	0	0	0	3	7	7	7	7	7	40
1996	3	0	0	0	0	0	3	7	7	7	7	7	40
1997	3	0	0	0	0	0	3	7	7	7	7	7	40
1998	3	0	0	0	0	0	3	7	7	7	5	7	38
1999	3	0	0	0	0	0	3	7	7	7	7	7	40
2000	3	0	0	0	0	0	3	7	7	7	7	7	40
AVERAGE:													
1964-2000	3	0	0	0	0	0	4	8	9	8	8	8	47

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Source	Water Use(s)	Source Table
63	148	C	Decreed	1865-06-01	9.13	BOISE RIVER	AESTHETIC, IRRIGATION	SOUTH BOISE WATER CO (Current)
63	149	A	Decreed	1865-06-01	40	BOISE RIVER	AESTHETIC	SOUTH BOISE WATER CO (Current)
63	150		Decreed	1865-06-01	0.8	BOISE RIVER	AESTHETIC, IRRIGATION	SOUTH BOISE WATER CO (Current)
63	185	B	Decreed	1871-06-01	1.06	BOISE RIVER	AESTHETIC, IRRIGATION	SOUTH BOISE WATER CO (Current)
63	2392	C	License	9/13/1927	1.5	WASTE WATER	AESTHETIC, IRRIGATION	SOUTH BOISE WATER CO (Current)

10.99 cfs = decreed irrigation = 549.5 acres @ .02
 claimed irrigated acres = 871.53 (add .25 acres missed)
 assessment base = 638.74 acres
 total shareholder recorded acres = 872.38
 1939 adjusted acres = 233.64 acres

SOUTH BOISE WATER COMPANY

ADDITIONAL INFORMATION

DATE: AUGUST 23, 2004

BY: MEL SCHULTE

The main contact for South Boise Water is the company president, Barry Eschen (336-5508). Barry was very helpful in providing information needed in reviewing their claims and is very knowledgeable about the company and delivery system. The firm of Ringert & Clark, Dan Steenson and Bryce Farris, represent South Boise Water.

The boundary and place of use for South Boise Water is an area in Southeast Boise that has experienced a great deal of residential and commercial development through the years. Most of the individual uses are small lawn and garden areas.

The number of acres recommended is the same as the number of acres claimed plus .25 acres missed in the claim. The number of acres claimed is based on the historical number of acres irrigated as described in the company's shareholder records and equals 872.38 acres. The 872.38 acres is pre-1939. Since then the company has adjusted the number to 638.74 assessed acres. Based on either the assessed number of acres or the historical number of acres the company delivers less than one inch per acre and less than one inch per share.

SBWC claimed an aesthetic component in addition to their irrigation component. The aesthetic component was disallowed because the aesthetic use is incidental to the irrigation use and to allow the aesthetic use would be an enlargement.

63-149A is a unique claim. It is based on an accomplished change in use for decreed right 63-149 that was awarded for manufacturing and general power production in the Stewart decree. SBWC contends that part (40 cfs) of the original right has historically been diverted into Loggers Creek since the manufacturing and power production ended in the 1920's. The water diverted for the aesthetic use is supported by a 1989 contract with IDF&G that allows 40 cfs to be provided from IDF&G's storage contract in Lucky Peak Reservoir and diverted through Loggers Creek. The contract provides that the 40 cfs diversion is subordinate to all upstream diversions and subordinate to storage rights upstream. Based on the information provide by the company, it was decided in a meeting with Dave Tuthill, Nick Spencer and Barry Eschen that we could recommend 63-149A with a subordination condition attached.

The company maintains two POD's, one is their main diversion and the second is a back up. Both were verified by GPS.

MTS

South Boise Water

1. ~~Exclude Section 9 (Ann Morrison Park & Albion Park) from boundary.~~
2. Add: S11, SWS 11 = .25 ac. to claim?
3. How many acres? $871.53 = \text{claim?}$ $872.38 = \text{total in shareholder records?}$ $638.74 = \text{current assessed base acres?}$
4. Aesthetics?
 - a - If allowed for year around will cause a problem for water master and IF&G's minimum flow for fish & wildlife.
 - b.

SOUTH BOISE WATER CO.--Shareholders by 1/4 1/4						
Numb	Street	Last Name	First Name	Acre	Map	Sec
1910	UNIVERSITY DR.	BSU		3.00	SESE	10
1910	UNIVERSITY DR.	BSU		22.00	SESW	10
1910	UNIVERSITY DR.	BSU		6.00	SWSE	10
1300	CAPITOL BLVD	BOISEAN MOTEL		4.25	SWSW	10
1910	UNIVERSITY DR.	BSU		7.00	SWSW	10
				11.25		
1070	LEADVILLE	RIVERVIEW HOMES		0.25	SWSW	11
1070	LEADVILLE	RIVERVIEW HOMES			SWSW	11
	RIVER RUN	RIVER RUN HOMEOWNERS ASSN.		20.00	SWSW	13
210	MALLARD	MALLARD PLACE		0.24	NESE	14
	1939 adjust			21.45	NESW	14
1410	DIVISION	ARGUINCHONA	AGUSTIN & ANN	0.14	NESW	14
400	HIGHLAND	PRIEST	ROD	6.30	NESW	14
400	HIGHLAND	PRIEST	ROD	2.70	NESW	14
400	HIGHLAND	WESTBRIDGE SUBDIVISION		1.10	NESW	14
404	HIGHLAND	DELBERT HURST PROP.		9.30	NWSE	14
404	HIGHLAND	DELBERT HURST PROP.		2.70	NESW	14
405	HIGHLAND	KENDALL	VADER	0.21	NESW	14
407	HIGHLAND	ROGERS	R.W.	0.21	NESW	14
409	HIGHLAND	SIMMONS	COLLEEN	0.22	NESW	14
414	HIGHLAND	RODELL	STEVEN	0.55	NESW	14
424	HIGHLAND	DAUGENTI	SUSAN	0.35	NESW	14
502	HIGHLAND	GARRETT	M.C.		NESW	14
505	HIGHLAND	ROGERS	R.W.		NESW	14
506	HIGHLAND	HATFIELD	ANITA	0.28	NESW	14
510	HIGHLAND	FISHER	DOUGLAS & MAK NAE	0.19	NESW	14
515	HIGHLAND	PRIEST BROS. MACHIINE		1.00	NESW	14
520	HIGHLAND	BORROMEO	PHIL	0.14	NESW	14
530	HIGHLAND	CHRIS	PAPIRO	0.40	NESW	14
366	HOWE	WANNER	GLENN S.	0.14	NESW	14
418	HOWE	COTTLE	BRENT J.	0.25	NESW	14
422	HOWE	DARRINGTON	LYN	0.25	NESW	14
504	HOWE	TULLOCH	ROBERT	0.44	NESW	14
508	HOWE	THOMPSON	PAT & PHYLLIS	0.25	NESW	14
512	HOWE	SCHIRK	FLORENCE	0.25	NESW	14
518	HOWE	THOMPSON	ORVILLE	0.48	NESW	14
				37.30	→ 21.45 =	15.85
1070	LEADVILLE	RIVERVIEW HOMES		3.00	NWNW	14
1070	LEADVILLE	RIVERVIEW HOMES			NWNW	14
	1939 adjust			11.00	NWSE	14
119	HIGHLAND	SMITH	HORACE & JUDY	0.60	NWSE	14
120	HIGHLAND	PENDERGRAFT	ROBERT		NWSE	14
127	HIGHLAND	SIMMONS	EDWARD	?	NWSE	14
200	HIGHLAND	WIGLE	WILBER	?	NWSE	14
201	HIGHLAND	SMITH	HORACE		NWSE	14
211	HIGHLAND	MAIS	MARY ANN	1.00	NWSE	14
1617	HIGHLAND	GUTHRIE	CLIFF	0.14	NWSE	14
220	HIGHLAND LN	PRIEST	M. RODNEY	1.10	NWSE	14
248	HIGHLAND LN	GAUMER	JOHN & RENETTE	0.38	NWSE	14
173	MALLARD	HUNTINGTON APT.		9.30	NWSE	14
				23.52	- 11.0 =	12.52
	1939 adjust			21.00	NWSW	14
1400	BROADWAY AVE	BIVENS	G.C.	0.14	NWSW	14
1420	BROADWAY AVE	HESSE	NETTIE	0.07	NWSW	14
1422	BROADWAY AVE	CHRISTON	ERNEST	0.14	NWSW	14
1428	BROADWAY AVE	JENSEN	OLVE	0.14	NWSW	14
1508	BROADWAY AVE	FARRELL	CHESTER	0.14	NWSW	14
1512	BROADWAY AVE	LPTW PARTNERSHIIP	JOE PRICE	0.28	NWSW	14
1516	BROADWAY AVE	GEARHART	DAVID	0.14	NWSW	14
1520	BROADWAY AVE	BREEN	VINCE	0.14	NWSW	14
1310	COLORADO	COBLE	C.H.	0.14	NWSW	14
1314	COLORADO	RUNDELL	O.G.	0.14	NWSW	14
1316	COLORADO	HILL	LINDA	0.21	NWSW	14
1317	COLORADO	SEITZ	CASPER	0.14	NWSW	14
				0.14	NWSW	14

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OCT 07 2003
WATER RESOURCES
WESTERN REGION

Numb	Street	Last Name	First Name	Acre	Map	Sec
1418	COLORADO	SNODGRASS	LARA	0.14	NWSW	14
1426	COLORADO	JONES	DENNIS	0.14	NWSW	14
1430	COLORADO	LITSTER	JOSEPH	0.14	NWSW	14
1519	COLORADO	HETHERINGTON	WILLIAM H.	0.21	NWSW	14
1521	COLORADO	WARR	EDWARD	0.21	NWSW	14
1343	DIVISION	MURPHY	SHANNON	0.17	NWSW	14
1401	DIVISION	SMITH	HARRY	0.14	NWSW	14
1501	DIVISION	RODGERS	RHONDA J.	0.22	NWSW	14
711	HIGHLAND	HAWLEY	C.A.	0.18	NWSW	14
900	HIGHLAND	RILEY	PATRICK	0.14	NWSW	14
1120	HIGHLAND	COLE	GEORGE	1.48	NWSW	14
1305	LEADVILLE	ADAMS	GLENN	0.14	NWSW	14
1311	LEADVILLE	FEDDERSOHN	RICHARD & BONNIE	0.46	NWSW	14
1317	LEADVILLE	FOSTER	LEE	0.14	NWSW	14
1321	LEADVILLE	CONKLIN	DONALD & TAMARA	0.19	NWSW	14
1323	LEADVILLE	BOUWENS	RONALD R.	0.14	NWSW	14
1327	LEADVILLE	PYLES	KENNETH	0.14	NWSW	14
1401	LEADVILLE	LAMBERT	MIKE	0.22	NWSW	14
1407	LEADVILLE	HALL	SCOTT	0.22	NWSW	14
1411	LEADVILLE	KOPISCHKE	DENISE	0.22	NWSW	14
1413	LEADVILLE	KOWALCZYK		0.14	NWSW	14
1414	LEADVILLE	HOLTZ & TAYLOR, LLC		0.17	NWSW	14
1417	LEADVILLE	LYON	LEWIS & NANCY	0.14	NWSW	14
1507	LEADVILLE	HORNBECK	TWILA	0.14	NWSW	14
1511	LEADVILLE	COWE	RUSSEL	0.14	NWSW	14
1515	LEADVILLE	CATHOLIC CHURCH		0.21	NWSW	14
1517	LEADVILLE	RAUSCH	RONALD	0.08	NWSW	14
1519	LEADVILLE	MCCLAIN	MRS.	0.13	NWSW	14
1521	LEADVILLE	RAUSCH	RONALD	0.13	NWSW	14
1308	LONGMONT	HAROIAN	JANET	0.14	NWSW	14
1419	LONGMONT	RECORDS	EDWARD	0.14	NWSW	14
1420	LONGMONT	BOREN	LEE	0.14	NWSW	14
				29.63	21.0 = 8.63	
1210	DIVISION	KIRTLEY	DOLLY	0.14	SENW	14
1306	DIVISION	COLTON	GEORGE & EFFIE	0.42	SENW	14
				0.56		
1980	MYERS	LITTLE	BARBARA	2.00	SESE	14
	1939 adjust			9.19	SESW	14
1628	DIVISION	COLTON	PERRY	0.25	SESW	14
1702	DIVISION	BUTLER	IDA	0.30	SESW	14
1730	DIVISION	THOMPSON APPLIANCE		0.09	SESW	14
1802	DIVISION	SHINTANI	JAMIE	0.17	SESW	14
1808	DIVISION	KNIGHT	JESSE	0.17	SESW	14
1810	DIVISION	JENSEN	GERALD	0.17	SESW	14
1607	GEKELER LANE	STOCKHILL	MICHAEL	0.31	SESW	14
1619	GEKELER LANE	PIFARI	DAVID	0.39	SESW	14
1701	GEKELER LANE	GAUGENTI	JOSEPH	0.31	SESW	14
1719	GEKELER LANE	KURTZ	THOMAS & JILL	0.48	SESW	14
262	HOWE COURT	REYNOLDS	BRET	0.26	SESW	14
1570	LOGGERS CREEK LN	SMITH	HORACE & JUDY	2.82	SESW	14
1511	LONDONER	PECORA	MACE & LYLA JEAN	1.30	SESW	14
1520	LONDONER	GARRETT	HUCK & MARILYN	1.00	SESW	14
1525	LONDONER	YANKE	RALPH	1.00	SESW	14
1529	LONDONER	STRUCKMAN	JAMES	0.19	SESW	14
1529	LONDONER	STRUCKMAN	JAMES	1.31	SESW	14
1580	LONDONER	GARRETT	GARY	1.00	SESW	14
1602	LONDONER	REED	RICK & ANN	0.16	SESW	14
1613	LONDONER	WILLIAMS	FRANK	0.18	SESW	14
1619	LONDONER	PINNEY	FLOYD	0.75	SESW	14
1630	LONDONER	MCCONNELL	HAROLD & VERA	0.32	SESW	14
1630	LONDONER	MCCONNELL	HAROLD & VERA	2.50	SESW	14
1700	LONDONER	MELLON	DON & PATRICIA	0.30	SESW	14
1717	LONDONER	ST CLAIR	BOB	1.50	SESW	14
1800	LONDONER	CANUS LANDHOLDINGS	(KETCHUM, ID)	6.00	SESW	14
303	WARREN	WINKLER	DEAN	0.48	SESW	14
304	WARREN	PINNEY	FLOYD		SESW	14
310	WARREN	RYAN-HAYS	LETITIA K.	0.16	SESW	14
311	WARREN	MARTIN	LIZ & MIKE	0.28	SESW	14
314	WARREN	ROBERTS	WILSON	0.16	SESW	14
322	WARREN	LEAVITT	CLOYD & JERILYN	0.49	SESW	14
406	WARREN	STRICKLAND	STEVE & SHERRY	0.48	SESW	14
406	WARREN			0.25	SESW	14
			THOMAS & DIANE	1.00	SESW	14

Numb	Street	Last Name	First Name	Acre	Map	Sec
419	WARREN	GERLACH	RICHARD C.	0.75	SESW	14
420	WARREN	PRIEST	JOHN & RODNEY	0.27	SESW	14
504	WARREN	YOUNGBLOOD	KEITH	0.50	SESW	14
131	WILLIAMS	BOESIGER	RICHARD & KRISTEN	0.41	SESW	14
139	WILLIAMS	HAENER	NORMA	0.44	SESW	14
408	WILLIAMS	FERRANTI	UBALDO	1.24	SESW	14
504	WILLIAMS	YOUNGBLOOD	RONALD K.	0.32	SESW	14
508	WILLIAMS	HOMAN	MICHAEL	0.21	SESW	14
603	WILLIAMS	SHATTO	C.J.	0.08	SESW	14
611	WILLIAMS	MCCOY	CHARLES	0.06	SESW	14
				39.75		
	1939 adjust			12.00	SWNE	14
	PARKCENTER	PARKS & REC.		10.10	SWNE	14
	PARKCENTER	PARKS & REC.	PARKCENTER POND	8.70	SWNE	14
				30.80		
	1939 adjust			14.00	SWNW	14
620	BEACON	STRICKLAND	J.H.	0.59	SWNW	14
803	BEACON	LEATHAM	DALE & ANITA	0.14	SWNW	14
1200	BROADWAY AVE	HOLLIDAY	I.G.	0.14	SWNW	14
1210	BROADWAY AVE	KOHNEKE	MARY	0.14	SWNW	14
1228	BROADWAY AVE	DENMAN	LILA	0.14	SWNW	14
1115	COLORADO	SANDERS	ROYAL	0.14	SWNW	14
1202	COLORADO			0.14	SWNW	14
1208	COLORADO	DEWING	JOHN	0.07	SWNW	14
1210	COLORADO	REAL ESTATE INVESTORS		0.18	SWNW	14
1211	COLORADO	BROWN	KATE	0.14	SWNW	14
1217	COLORADO	TOMPSON	ROBERT	0.14	SWNW	14
1220	COLORADO	BEBB	ETTA	0.21	SWNW	14
1222	COLORADO	BARNES	ELMA	0.14	SWNW	14
1227	COLORADO	BAINES	RICHARD	0.14	SWNW	14
1207	DIVISION	GEYER	BILL & PATRICIA	0.14	SWNW	14
1211	DIVISION	STOCKER	CHARLOTTE	0.22	SWNW	14
1213	DIVISION	GRAVES	ADLINE	0.14	SWNW	14
1108	LEADVILLE	DEWING	JOHN	0.16	SWNW	14
1118	LEADVILLE	CHATBURN	ACE	0.21	SWNW	14
1200	LEADVILLE	DAVIDSON	JOHN & LAURIE ANN	0.21	SWNW	14
1203	LEADVILLE	DAVIS	FLORENCE	0.14	SWNW	14
1205	LEADVILLE	DAVIDSON	JOHN	0.14	SWNW	14
1208	LEADVILLE	TROWBRIDGE	STELLA	0.14	SWNW	14
1218	LEADVILLE	DIMICK	J.M.	0.14	SWNW	14
1220	LEADVILLE	SECCORD	CHARLES	0.28	SWNW	14
1226	LEADVILLE	COLTON	PERRY & EFFIE	0.14	SWNW	14
1231	LEADVILLE	NICHOLSON	FRANK	0.14	SWNW	14
1201	LONGMONT	FESLER	IVAN	0.14	SWNW	14
1202	LONGMONT	VAN HOOGEN TRUST		0.14	SWNW	14
1206	LONGMONT	LIBERTY	GLEN	0.10	SWNW	14
1209	LONGMONT	CHICHESTER	MORLIN	0.10	SWNW	14
1210	LONGMONT	CARON	MELVIN	0.11	SWNW	14
1215	LONGMONT	RIDINGER	MILLIE	0.14	SWNW	14
1219	LONGMONT	LANE	MARJORIE	0.21	SWNW	14
1230	LONGMONT	BINGHAM	BONNIE	0.14	SWNW	14
600	ROSSI	BETZOLD	FLORENCE	0.14	SWNW	14
705	ROSSI	ENDECOTT	R.B.	0.21	SWNW	14
				20.08		
	1939 adjust			0.00	SWSE	14
	NELSON RVR PKWY	NELSON	KEN	13.79	SWSE	14
99	PARKWAY	SMITH	BRAD & TINA	0.50	SWSE	14
101	PARKWAY	HOLLENBAUGH	KEN & SUE	0.50	SWSE	14
110	PARKWAY	WILKERSON	JUSTIN & BONNIE	0.42	SWSE	14
120	PARKWAY	TORRES	PAMELA	0.53	SWSE	14
128	PARKWAY	KING	JOHN L.	0.44	SWSE	14
140	PARKWAY	SIMPLOT	CLAUDIA SIMPLOT & JAME	0.51	SWSE	14
150	PARKWAY	SCHAEFFER	BONNIE	0.29	SWSE	14
160	PARKWAY	HARDER	ROBERT & SARA	0.37	SWSE	14
170	PARKWAY	STEARNS, JR	DAVID R.	0.38	SWSE	14
180	PARKWAY	GRIEF	EARL & KATHY	0.39	SWSE	14
190	PARKWAY	O'CONNOR	JAMES M.	0.38	SWSE	14
250	SCHMEIZER LANE	STEARNS	DAVID & KRISTI BRIT	0.51	SWSE	14
252	SCHMEIZER LANE	BAMBIC	BRITT & CYNTHIA	1.66	SWSE	14
254	SCHMEIZER LANE	AITCHISON	EDGAR	0.31	SWSE	14
267	SCHMEIZER LANE	KOONTZ	ROBERT J.	1.36	SWSE	14
271	SCHMEIZER LANE	COMBS	JAY	1.00	SWSE	14

30.56

18.8

6.08

Numb	Street	Last Name	First Name	Acre	Map	Sec
315	SCHMEIZER LANE	BRADY	BRENT	0.75	SWSE	14
316	SCHMEIZER LANE	MURPHY	DOROTHY	4.39	SWSE	14
333	SCHMEIZER LANE	ICENHOWER	JOE & LORIE	0.53	SWSE	14
415	SCHMEIZER LANE	ZAMZOW	DOUGLAS S.	0.33	SWSE	14
459	SCHMEIZER LANE	MCCONNELL	FRANK & LAVERNE	0.14	SWSE	14
460	SCHMEIZER LANE	NEWMAN	HAROLD D.	1.00	SWSE	14
500	SCHMEIZER LANE	PARK CENTER PROPERT	CHRIS KORTE	0.50	SWSE	14
				31.98		
	1939 adjust			18.00	SWSW	14
706	BOISE AVE	CHATBURN	ACE H.	0.19	SWSW	14
716	BOISE AVE	DAVIES	RON & JUNE	0.19	SWSW	14
804	BOISE AVE	GARTON	LEE ANN	0.22	SWSW	14
818	BOISE AVE	ZUBIZAZETA	FERMIN	0.30	SWSW	14
900	BOISE AVE	PELTON	MARY	0.14	SWSW	14
1602	BROADWAY AVE	LAMMERS	PETER & MARY	0.14	SWSW	14
1606	BROADWAY AVE	JOHNSON	RULON	0.14	SWSW	14
1610	BROADWAY AVE	JENKINS	DAVID	0.13	SWSW	14
1614	BROADWAY AVE	HOBDEY	HAROLD	0.15	SWSW	14
1616	BROADWAY AVE	UREZAR	BALBINO	0.14	SWSW	14
1630	BROADWAY AVE	POTERT	LESSIE	0.14	SWSW	14
1629	COLORADO	RIELLEY	BERNARD C.	0.14	SWSW	14
1630	COLORADO	MILLER	RUTH	0.14	SWSW	14
1704	COLORADO	NELSON	ROGER & CAROLYN	0.14	SWSW	14
1707	COLORADO	DICKEY	JOANNA	0.14	SWSW	14
1708	COLORADO	STEIN	BRAD & JAN	0.22	SWSW	14
1711	COLORADO	HEMPHILL	CHARLES & DIANE	0.22	SWSW	14
1712	COLORADO	ANDREWS	DANIEL	0.07	SWSW	14
1716	COLORADO			0.14	SWSW	14
1720	COLORADO	LONG	KEN	0.14	SWSW	14
1721	COLORADO	CRAMER	MABEL	0.14	SWSW	14
1722	COLORADO	HADLEY	DOUGLAS & SONJA	0.14	SWSW	14
1729	COLORADO	CHATBURN	ACE H.	0.28	SWSW	14
1800	COLORADO	ATLAKSON	PHILIP & CAROL	0.14	SWSW	14
1801	COLORADO	MARBLE CREEK I TOWNHS		2.00	SWSW	14
1806	COLORADO	BOYENGER	NEIL	0.14	SWSW	14
1816	COLORADO	MAY	ORVILLE	0.14	SWSW	14
1701	DIVISION	SCHWASINGER	LAVONNA	0.14	SWSW	14
1707	DIVISION	RUDAI	SHERRI A.	0.29	SWSW	14
1717	DIVISION	MILLER	FRANCIS	0.22	SWSW	14
1721	DIVISION	ARNOLD	E.E.	0.14	SWSW	14
1727	DIVISION	LANG, JR.	CHARLES	0.29	SWSW	14
1807	DIVISION	MCCOY	CHARLES	0.14	SWSW	14
1815	DIVISION	MOORE	DONAL L.	0.14	SWSW	14
1823	DIVISION	MARBLE CREEK II TOWNH	GARY ALEXANDER	0.70	SWSW	14
303	HOWE	GRIFFITHS	I.	0.19	SWSW	14
309	HOWE	MILLER	AGNUS	0.19	SWSW	14
315	HOWE	ANDERSON	JOY	0.29	SWSW	14
319	HOWE	KJERSTAD	HEATHER	0.26	SWSW	14
325	HOWE	KNAPTON	R.J.	0.16	SWSW	14
1608	LEADVILLE	GILLUM	MRS. ERNEST	0.28	SWSW	14
1609	LEADVILLE	BRUKER	HARRY	0.21	SWSW	14
1616	LEADVILLE	SMITH	MARY	0.14	SWSW	14
1617	LEADVILLE	MANNING	SETH	0.17	SWSW	14
1620	LEADVILLE	HOLTZCLAW	FRANCIS	0.14	SWSW	14
1628	LEADVILLE	ANDERSON	PAUL W.	0.14	SWSW	14
1706	LEADVILLE	GAUTSCHI	THOMAS	0.14	SWSW	14
1708	LEADVILLE	WILCOX	DARLENE	0.14	SWSW	14
1716	LEADVILLE	JOHNSON	DAVID & KIM	0.14	SWSW	14
1720	LEADVILLE	LINDERER	ARLENE	0.22	SWSW	14
1722	LEADVILLE	LINDERER	ARLENE	0.29	SWSW	14
1801	LEADVILLE	CONNELL DVLP. CO.		0.34	SWSW	14
1811	LEADVILLE	TAYLOR	DOROTHY	0.26	SWSW	14
1705	LONGMONT	PREW	LOUIS	0.14	SWSW	14
1709	LONGMONT	PREW	LOUIS	0.14	SWSW	14
1721	LONGMONT	ESKELDSO	GOLDA J.	0.14	SWSW	14
1725	LONGMONT	MURPHY	MARILYN	0.16	SWSW	14
701	WARREN	SABALA	TONY	0.22	SWSW	14
				30.77		
1910	UNIVERSITY DR.	BSU		33.00	NENE	15
1512	CHRISWAY	BROLIER	EMMETT	0.29	NENW	15
1411	JUANITA	CAYLOR	JOHN	0.14	NENW	15
1801	UNIVERSITY DR.	UNIVERSITY CHRISTIAN C		3.90	NENW	15
				8.00	NENW	15

31.98

12.77

Numb	Street	Last Name	First Name	Acre	Map	Sec
2055	UNIVERSITY DR.	BSU	Added	0.33	NENW	15
				12.66		
	1939 adjust			21.00	NESE	15
1429	BROADWAY AVE	PAVLAT	M.M.	0.22	NESE	15
1503	BROADWAY AVE	WEIS	B.J.	0.35	NESE	15
1521	BROADWAY AVE	SHELLEY	PHIL	0.14	NESE	15
1301	DENVER	ROSE	IRA	0.14	NESE	15
1508	DENVER	CARTER	W.A.	0.21	NESE	15
1515	DENVER	BUCHANAN	BEA	0.14	NESE	15
1516	DENVER	MURPHY'S		0.36	NESE	15
1518	DENVER	MURPHY'S		0.35	NESE	15
1521	DENVER	FISHER	BELLE	0.14	NESE	15
1525	DENVER	RICE	DEAN	0.21	NESE	15
1530	DENVER	HOENE	ROBERT	0.17	NESE	15
1531	DENVER	GERBER	GENE	0.14	NESE	15
1301	EUCLID	TINGLEY	ADA	0.14	NESE	15
1305	EUCLID	HAMMES	ANGELINA	0.22	NESE	15
1317	EUCLID	GEARHART	CLAYTON	0.22	NESE	15
1319	EUCLID	EUCLID CHURCH OF THE	DAVID TISH, SR.	0.80	NESE	15
1407	EUCLID	GROBERG	DAVID	0.22	NESE	15
1408	EUCLID	CATON	KEITH	0.15	NESE	15
1409	EUCLID	RAUSCH	RONALD	0.14	NESE	15
1426	EUCLID	SCANLAN	DENNIS	0.35	NESE	15
1515	EUCLID	COCHRANE	CINDY & JERE P.	0.30	NESE	15
1405	GRANT			0.28	NESE	15
1415	GRANT	LONT	GRACIA	0.21	NESE	15
1416	GRANT			0.21	NESE	15
1421	GRANT	OLIVER	JOE	0.17	NESE	15
1427	GRANT	MERCER	EDWIN	0.14	NESE	15
1428	GRANT	JONES	H.C.	0.21	NESE	15
1499	GRANT	GRIGGS	H.	0.14	NESE	15
1501	GRANT			0.14	NESE	15
1512	GRANT	GREEN	KELLEY	0.14	NESE	15
1513	GRANT	WILLIAMS	AGNES	0.14	NESE	15
1516	GRANT	DOTSON	GERTRUDE	0.14	NESE	15
1518	GRANT	JEFFRIES	F.H.	0.14	NESE	15
1521	GRANT	RODENSPIEL	KIMBERLY	0.14	NESE	15
1525	GRANT	DODDS	ANTHONY & PATRICIA	0.14	NESE	15
1526	GRANT	ALLEN	EARL	0.14	NESE	15
1527	GRANT	RADAKOVICH	STEVE	0.12	NESE	15
1578	GRANT	PERRY	JENNIFER L.	0.14	NESE	15
1308	MANITOU	FRANCIS	CHARLES	0.14	NESE	15
1316	MANITOU	MACOMB	JACK	0.14	NESE	15
1510	MANITOU	MILLER	JACOB B.	0.38	NESE	15
				29.51	- 21.0 =	8.51
	1939 adjust			15.79	NESW	15
1843	BOISE AVE	EAGLE POINTE APTS	K. ALLEN PETERSON	4.50	NESW	15
1491	OAKLAND	BSU		3.88	NESW	15
1507	OAKLAND	BSU		4.32	NESW	15
				28.49	- 15.79 =	12.7
1910	UNIVERSITY DR.	BSU		1.39	NWNE	15
1910	UNIVERSITY DR.	BSU		12.31	NWNE	15
1910	UNIVERSITY DR.	BSU	PHYSICAL PLANT	17.30	NWNE	15
				31.00		
	UNIVERSITY DR.	CHRISTOPHERSON CHRIS		23	NWNW	15
	1939 adjust			20.00	NWSE	15
1501	BOISE AVE	SCHULTZ	JAMES	0.14	NWSE	15
1509	BOISE AVE	SMITH	BRENT	0.21	NWSE	15
1708	BOISE AVE	LAMB	ELSIE	0.12	NWSE	15
1711	BOISE AVE	PORTER	SAMUEL	0.20	NWSE	15
1715	BOISE AVE	HURST	JAMES L	1.00	NWSE	15
1808	BOISE AVE	GALEY	FRANK	0.19	NWSE	15
1816	BOISE AVE	MAY	ORVILLE	0.19	NWSE	15
1822	BOISE AVE	JENSEN	CHARLES	0.13	NWSE	15
1824	BOISE AVE	CARRINGER	CLOYD	0.12	NWSE	15
1415	BROADWAY AVE	OPPEL	CARL	0.14	NWSE	15
1419	BROADWAY AVE	ROBERTS	LEWIS	0.28	NWSE	15
1702	HIGHLAND	GUTHRIE	CLIFF	0.58	NWSE	15
1714	HIGHLAND	DORIUS	REX & SHEILA	0.57	NWSE	15
1611	LINCOLN	BSU		0.14	NWSE	15
				0.22	NWSE	15

Numb	Street	Last Name	First Name	Acre	Map	Sec
1309	MANITOU	WATSON	ROBERT & PHYLLIS	0.14	NWSE	15
1315	MANITOU	MCLENNA	DENNIS	0.14	NWSE	15
1321	MANITOU	ZOMORODI-CARPENTER	RENEE	0.29	NWSE	15
1329	MANITOU	LAYSHURE TRUST		0.14	NWSE	15
				24.94	-20.0 =	
	1939 adjust			25.00	SENE	15
1212	BEACON	BSU		0.28	SENE	15
1216	BEACON	BSU		0.14	SENE	15
1202	BELMONT	BSU		0.14	SENE	15
1226	BELMONT	BSU		0.07	SENE	15
1375	BELMONT	BSU		0.14	SENE	15
1111	BROADWAY AVE	RICH	CLIFFORD	0.20	SENE	15
1115	BROADWAY AVE	BENTSON	JULIA	0.21	SENE	15
1119	BROADWAY AVE	MUDD	WILLIAM H.	0.14	SENE	15
1125	BROADWAY AVE	WILSON	ROBERT	0.22	SENE	15
1007	DENVER	BSU		0.56	SENE	15
1025	DENVER	BSU		0.14	SENE	15
1027	DENVER	BSU		0.14	SENE	15
1106	DENVER	CHURCH OF CHRIST		0.32	SENE	15
1108	DENVER	KEY BANK		0.15	SENE	15
1113	DENVER	BSU		0.14	SENE	15
1116	DENVER	CPK ASSOCIATES		0.67	SENE	15
1117	DENVER	BSU		0.14	SENE	15
1118	DENVER	BSU		0.14	SENE	15
1119	DENVER	BSU		0.14	SENE	15
1005	EUCLID	BSU		1.38	SENE	15
1014	EUCLID	BSU		0.14	SENE	15
1019	EUCLID	BSU		0.15	SENE	15
1111	EUCLID	VAN DUYN	THOMAS	0.14	SENE	15
1113	EUCLID	BSU		0.14	SENE	15
1129	EUCLID	BSU		0.14	SENE	15
1136	EUCLID	BSU		0.14	SENE	15
1138	EUCLID	BSU		0.14	SENE	15
1210	EUCLID	SLOTTEN	MONTY JOE	0.14	SENE	15
1212	EUCLID	CSORBA	PAUL	0.14	SENE	15
1216	EUCLID	BRIGHTWELL	ERMA	0.14	SENE	15
1220	EUCLID	HOLTZ	ERIC	0.22	SENE	15
1226	EUCLID	KING	ROBERT	0.21	SENE	15
1156	EUCLID	BSU	Added	0.14	SENE	15
1156	EUCLID	BSU	Added	0.14	SENE	15
1015	GRANT	BSU		0.58	SENE	15
1020	GRANT	TARTER	JERRY L.	0.14	SENE	15
1021	GRANT	BSU		0.14	SENE	15
1022	GRANT	WATSON	ROBERT	0.22	SENE	15
1023	GRANT			0.14	SENE	15
1023	GRANT	BSU	Added	0.14	SENE	15
1103	GRANT	BSU		0.14	SENE	15
1105	GRANT	BSU		0.14	SENE	15
1107	GRANT	BSU		0.21	SENE	15
1111	GRANT	BSU		0.21	SENE	15
1018	GRANT	BSU		0.21	SENE	15
1119	GRANT	BSU		0.21	SENE	15
1202	GRANT	MARSH	DOROTHY	0.11	SENE	15
1213	GRANT	BARNES	ELMA	0.21	SENE	15
1020	MANITOU	BSU		0.14	SENE	15
1024	MANITOU	BSU		0.14	SENE	15
1014	ROSSI	PAUL	HOWARD	0.29	SENE	15
1212	ROSSI	MCGILL	SHARON	0.14	SENE	15
1103	UNIVERSITY DR.	BSU		0.14	SENE	15
1173	UNIVERSITY DR.	BSU		0.50	SENE	15
1375	UNIVERSITY DR.	BSU		2.47	SENE	15
				39.20	-25.0 =	
	1939 adjust			7.50	SENE	15
1946	BOISE AVE	BSU		1.00	SENE	15
1107	OAKLAND	SCHMIDT	ROBERT	0.16	SENE	15
1123	OAKLAND	TAYLOR	MARGARET	0.29	SENE	15
1211	OAKLAND	JENSEN	CHARLES	0.11	SENE	15
1648	REINHART DRIVE	REED	ALFRED	0.13	SENE	15
1650	REINHART DRIVE	HEDRICK	HOWARD & ANTONIA	0.13	SENE	15
1788	WOODBIDGE LANE	WOODBIDGE COMMUNI		2.50	SENE	15
				11.82	-7.5 =	
	1939 adjust			7.00	SESE	15
				0.11	SESE	15

4.94

14.2

4.32

Num	Street	Last Name	First Name	Acre	Map	Sec
1212	BOISE AVE	PETERS	LEE ANN	0.15	SESE	15
1216	BOISE AVE	SWANDER	ED & KAY	0.62	SESE	15
1220	BOISE AVE	WOODWORTH	EVERETT	0.24	SESE	15
1607	BROADWAY AVE	JACKSON'S TEXACO		0.14	SESE	15
1611	BROADWAY AVE	REED	ALFRED	0.14	SESE	15
1615	BROADWAY AVE	SULANKE	ROBERT	0.28	SESE	15
1601	DENVER	COMPTON	JACK	0.14	SESE	15
1602	DENVER	STECKMAN	JOHN	0.14	SESE	15
1608	DENVER	ORBIN	EARL	0.14	SESE	15
1612	DENVER	INZER	MINNIE	0.22	SESE	15
1617	DENVER	CLUFF	CURTIS	0.22	SESE	15
1621	DENVER	MEYERS	ROY	0.14	SESE	15
1629	DENVER	TUBBS	KIRK & HEIDI	0.14	SESE	15
				10.12	- 7 =	
	1939 adjust			1.71	SESW	15
1491	OAKLAND	BSU		2.29	SESW	15
				4.00	- 1.71 =	
	1939 adjust			11.00	SWNE	15
1400	BEACON	RUNDELL	O.G.	0.14	SWNE	15
1520	BEACON	LOCOCO	JOE & DIANE	0.14	SWNE	15
1830	BEACON	BSU		0.48	SWNE	15
1426	BELMONT	BSU	PartOf1451University	0.14	SWNE	15
1504	BELMONT	BSU	PartOf1515University	0.14	SWNE	15
1510	BELMONT	BSU	PartOf1515University	0.14	SWNE	15
1550	BELMONT	BSU	PartOf1515University	0.14	SWNE	15
1001	LINCOLN	BSU		0.30	SWNE	15
1002	LINCOLN	BSU		0.30	SWNE	15
1003	LINCOLN	RAMSEY	ARTHUR	0.21	SWNE	15
1010	LINCOLN	BSU		0.15	SWNE	15
1014	LINCOLN	BSU		0.15	SWNE	15
1015	LINCOLN	BSU		0.28	SWNE	15
1023	LINCOLN	BSU		0.14	SWNE	15
1025	LINCOLN	REXROAD	LEON	0.14	SWNE	15
1101	LINCOLN	BSU		0.14	SWNE	15
1102	LINCOLN	BSU		0.25	SWNE	15
1109	LINCOLN	BSU		0.16	SWNE	15
1115	LINCOLN	BSU		0.17	SWNE	15
1123	LINCOLN	BSU		0.14	SWNE	15
1125	LINCOLN	BSU		0.09	SWNE	15
1131	LINCOLN	BSU		0.22	SWNE	15
1206	LINCOLN	MORSE	ELDON	0.21	SWNE	15
1206	LINCOLN	MORSE	ELDON	0.14	SWNE	15
1216	LINCOLN	MORSE	WILLIAM	0.30	SWNE	15
1001	MANITOU	BSU		0.14	SWNE	15
1009	MANITOU	BSU		0.14	SWNE	15
1015	MANITOU	BSU		0.14	SWNE	15
1017	MANITOU	BSU		0.10	SWNE	15
1021	MANITOU	BSU		0.22	SWNE	15
1029	MANITOU	BSU		0.14	SWNE	15
1113	MANITOU	THOMPSON	J.H.	0.14	SWNE	15
1113	MANITOU	BSU		0.14	SWNE	15
1117	MANITOU	BSU		0.14	SWNE	15
1223	MANITOU	CASONE	ALBERT	0.15	SWNE	15
1005	MICHIGAN	BSU		0.14	SWNE	15
1006	MICHIGAN	BSU	PartOf1515University	0.22	SWNE	15
1009	MICHIGAN	BSU		0.14	SWNE	15
1010	MICHIGAN	BSU	PartOf1515University	0.14	SWNE	15
1014	MICHIGAN	BSU	PartOf1515University	0.14	SWNE	15
1020	MICHIGAN	BSU	PartOf1515University	0.14	SWNE	15
1024	MICHIGAN	BSU	PartOf1515University	0.07	SWNE	15
1107	MICHIGAN	BSU		0.07	SWNE	15
1109	MICHIGAN	BSU		0.14	SWNE	15
1131	MICHIGAN	WHITE	GARY	0.14	SWNE	15
1201	MICHIGAN	KUYKENDALL	AL	0.28	SWNE	15
1211	MICHIGAN	ALPHA PROPERTIES		0.18	SWNE	15
1214	MICHIGAN	TRUMBO	DALE & GLENDA	0.17	SWNE	15
1218	MICHIGAN	RHINARD	MICHAEL	0.22	SWNE	15
1010	OAKLAND	THOMAS	STEVEN & LINDA	0.07	SWNE	15
1408	ROSSI	MARTIN	CLARENCE	0.05	SWNE	15
1410	ROSSI	FRANCIS	CHARLES A.	0.09	SWNE	15
1416	ROSSI	FRAVEL	ALYSSA	0.00	SWNE	15
1451	UNIVERSITY DR.	BSU		0.14	SWNE	15
1453	UNIVERSITY DR.	BSU	PartOf1451University	0.14	SWNE	15
	UNIVERSITY DR.	BSU	PartOf1451University			

3.12

2.29

Numb	Street	Last Name	First Name	Acre	Map	Sec
1515	UNIVERSITY DR.	BSU		1.40	SWNE	15
1605	UNIVERSITY DR.	BSU		0.15	SWNE	15
1695	UNIVERSITY DR.	BSU		0.31	SWNE	15
1003	VERMONT	BSU	PartOf1515University	0.14	SWNE	15
1004	VERMONT	BSU	PartOf1451University	0.14	SWNE	15
1005	VERMONT	BSU	PartOf1515University	0.14	SWNE	15
1013	VERMONT	BSU	PartOf1515University	0.14	SWNE	15
1017	VERMONT	BSU	PartOf1515University	0.14	SWNE	15
1020	VERMONT	BSU	PartOf1451University	0.14	SWNE	15
1021	VERMONT	BSU	PartOf1515University	0.36	SWNE	15
1024	VERMONT	BSU	PartOf1451University	0.14	SWNE	15
1110	VERMONT	BSU		0.14	SWNE	15
1116	VERMONT	BSU		0.28	SWNE	15
1120	VERMONT	BSU		0.14	SWNE	15
1130	VERMONT	BSU		0.14	SWNE	15
1208	VERMONT	ORTON	GLENN	0.14	SWNE	15
1213	VERMONT	WEIR	LEWIS	0.22	SWNE	15
1217	VERMONT	BAILEY	DONALD	0.14	SWNE	15
1221	VERMONT	MITCHELL	BILL	0.22	SWNE	15
				24.70	-11.0 =	
401	CHESTER	BOARDWALK TOWNHOUSES			NENE	23
526	CHESTER	BOARDWALK CONDOMINIUMS		3.00	NENE	23
1980	MYERS	LITTLE	BARBARA	1.10	NENE	23
1980	MYERS	LITTLE	BARBARA	7.48	NENE	23
1980	MYERS	LITTLE	BARBARA	23.35	NENE	23
1984	MYERS	LITTLE	BARBARA	0.71	NENE	23
530	PARKWAY COURT	JENKINS	EDWARD	0.26	NENE	23
550	PARKWAY COURT	BURKE EWINS	CATHERINE	0.23	NENE	23
570	PARKWAY COURT	BRANDT	EDWIN R.	0.22	NENE	23
585	PARKWAY COURT	LYNCH	THOMAS	0.21	NENE	23
590	PARKWAY COURT	BARR	ROBERT & BERYL	0.24	NENE	23
618	PARKWAY COURT	KOONTZ	KURTIS J.	0.21	NENE	23
619	PARKWAY COURT	MEADOWS	CRAIG	0.31	NENE	23
642	PARKWAY COURT	NEW BILLING		0.24	NENE	23
643	PARKWAY COURT	JLG BUILDERS		0.24	NENE	23
664	PARKWAY COURT	NEW BILLING		0.22	NENE	23
665	PARKWAY COURT	NEW BILLING		0.25	NENE	23
686	PARKWAY COURT	BLOOMER	DONALD & YVONNE	0.22	NENE	23
700	PARKWAY COURT	SMITH	HARVEY	0.19	NENE	23
726	PARKWAY COURT	BARI	MOHAMMAD	0.31	NENE	23
748	PARKWAY COURT	NEW BILLING		0.29	NENE	23
772	PARKWAY COURT	SALLADAY	G. LANCE & CYNDY	0.43	NENE	23
608	PENNSYLVANIA ST	MOWBRAY	JIM	1.20	NENE	23
740	PENNSYLVANIA ST	BAKER	DENNIS	1.2	NENE	23
413	PROVIDENT	HAY	BEVERLY	0.24	NENE	23
439	PROVIDENT	LANSING LEE	PHOEBE	0.19	NENE	23
467	PROVIDENT	REPELL	JAMES & JUDITH	0.17	NENE	23
491	PROVIDENT	NELSON	NANCY J.	0.19	NENE	23
513	PROVIDENT	BONAKDAR	ALI & PARIVASH	0.16	NENE	23
531	PROVIDENT	CROCKETT	CYNCY & MICHAEL	0.17	NENE	23
555	PROVIDENT	JONES	PEGGY JO	0.20	NENE	23
581	PROVIDENT	GRIMES	VALERIE JO	0.28	NENE	23
	RIVER RUN	RIVER RUN HOMEOWNERS ASSN.		5.00	NENE	23
				33.75		
	1939 adjust			13.00	NENW	23
404	BOISE AVE	WOOLARD	ROBERT T.	0.32	NENW	23
238	PARLIAMENT W CT	ADAIR	DONALD H.	0.23	NENW	23
1602	PRIEST	ADAMS	TERRY	0.20	NENW	23
1606	PRIEST	WILLIAMS	LEWIS	0.17	NENW	23
				13.92	-13.0 =	
	1939 adjust			0.00	NWNE	23
200	PARKWAY	STUECKLE	DUANE	0.80	NWNE	23
212	PARKWAY	BAIR	DONALD & EDNA	0.41	NWNE	23
218	PARKWAY	WILLIAMS	LEWIS	0.44	NWNE	23
312	PARKWAY	BISHOP	JAMES & SALLY	0.32	NWNE	23
318	PARKWAY	BOCK	LESLIE & MARY KIMMELL	0.38	NWNE	23
324	PARKWAY	SERVER	JOEL B.	0.34	NWNE	23
400	PARKWAY	PENNY	DAVID & CRISTY	0.33	NWNE	23
410	PARKWAY	HALL	DALE & PATRICIA	0.38	NWNE	23
166	PENNSYLVANIA	CHADWICK	GARY	0.83	NWNE	23
198	PENNSYLVANIA ST	CHADWICK	GARY	0.71	NWNE	23
270	PENNSYLVANIA ST	PK CTR ASSEM OF GOD		1.68	NWNE	23
270	PENNSYLVANIA ST	PK CTR ASSEM OF GOD		1.68	NWNE	23

13.70

.92

Numb	Street	Last Name	First Name	Acre	Map	Sec
270	PENNSYLVANIA ST	PK CTR ASSEM OF GOD		1.68	NWNE	23
320	PENNSYLVANIA ST	OTTO	BRUCE R.	1.08	NWNE	23
350	PENNSYLVANIA ST	COOMBA	TRUDY	1.08	NWNE	23
350	PENNSYLVANIA ST	COOMBA	TRUDY	1.08	NWNE	23
350	PENNSYLVANIA ST	COOMBA	TRUDY	1.08	NWNE	23
115	PROVIDENT	ESCHEN	THOMAS & MARIA	1.00	NWNE	23
115	PROVIDENT	ESCHEN	THOMAS & MARIA	1.60	NWNE	23
203	PROVIDENT	CHADWICK	ECHO	0.72	NWNE	23
221	PROVIDENT	CHADWICK	GARY	0.63	NWNE	23
255	PROVIDENT	HARDT TRUST	PAUL HARDT	0.82	NWNE	23
299	PROVIDENT	OTTO	HERBERT & CAROL	0.50	NWNE	23
333	PROVIDENT	OTTO	BRUCE R.	0.51	NWNE	23
341	PROVIDENT	BORGHOLTHAUS	DON	0.52	NWNE	23
				15.08	- 0,0 =	
	1939 adjust			5.00	NWNW	23
1903	DIVISION	ALAM	MAMDOUH & BIRTTA	0.31	NWNW	23
1913	DIVISION	BYRNE	JOHN & JUDY	0.31	NWNW	23
				5.62	- 5,0 =	
2082	PEBBLECREEK LN	FREEMAN	JOHN C.	0.31	NENW	24
	RIVER RUN	RIVER RUN HOMEOWNERS ASSN.		31.42	NENW	24
2047	SPRINGBROOK LANE	SPENCER	WILLIAM H.	0.29	NENW	24
				32.02		
	SPRING MEADOW	SPRING MEADOW & CROSS CREEK ASSN.		12.00	NESE	24
	RIVER RUN	RIVER RUN HOMEOWNERS ASSN.		8.00	NWNE	24
	AVERY SPRINGS	THE SPRINGS HOMEOWNERS ASSN.		0.10	NWNW	24
2035	CREEKSIDE LANE	CHRISTENSEN	JACK	0.41	NWNW	24
2059	CREEKSIDE LANE	SCHWARZ	ROBERT H.	0.38	NWNW	24
2069	CREEKSIDE LANE	PIERCE	DEAN & LINDA	0.45	NWNW	24
802	PENNSYLVANIA LN	BLAINE	JOHN R.	0.62	NWNW	24
804	PENNSYLVANIA LN	RICHARDS	WOODY & ANNE SCHORZM	0.55	NWNW	24
806	PENNSYLVANIA LN	O'CONNOR	DOUGLAS & JANICE	0.39	NWNW	24
930	PENNSYLVANIA ST	TSAL	DONNY & JULIANA	0.61	NWNW	24
1000	PENNSYLVANIA ST	TULLIS	J. ROBERT	2.07	NWNW	24
	RIVER RUN	RIVER RUN HOMEOWNERS ASSN.		32.62	NWNW	24
2094	WHITE PINE	STEWART	J.H. & EVELYN	0.14	NWNW	24
				38.34		
	SPRING MEADOW	SPRING MEADOW & CROSS CREEK ASSN.		28.00	NWSE	24
	PARKCENTER	PARKS & REC.	BAGLY PARK	2.00	NWSW	24
	PARKCENTER	PARKS & REC.	BAGLY PARK	5.00	SENE	24
	AVERY SPRINGS	THE SPRINGS HOMEOWNERS ASSN.		1.00	SENE	24
	AVERY SPRINGS	THE SPRINGS HOMEOWNERS ASSN.		3.00	SENE	24
	AVERY SPRINGS	THE SPRINGS HOMEOWNERS ASSN.		0.50	SENE	24
2075	PEBBLECREEK LN	ALVERSON	DALE	0.24	SENE	24
2111	PEBBLECREEK LN	SCHNEID	JOHN	0.33	SENE	24
2146	PEBBLECREEK LN	GILMORE	KEITH	0.41	SENE	24
1200	PENNSYLVANIA				SENE	24
	RIVER RUN	RIVER RUN HOMEOWNERS ASSN.		10.00	SENE	24
	SPRING MEADOW	SPRING MEADOW & CROSS CREEK ASSN.		10.00	SENE	24
				25.48		
	SPRING MEADOW	SPRING MEADOW & CROSS CREEK ASSN.		30.40	SESE	24
	RIVER RUN	RIVER RUN HOMEOWNERS ASSN.		15.00	SWNE	24
	SPRING MEADOW	SPRING MEADOW & CROSS CREEK ASSN.		5.72	SWNE	24
2244	SWALLOWTAIL LANE	DROULARD	KENNETH	0.28	SWNE	24
				21.00		
	AVERY SPRINGS	THE SPRINGS HOMEOWNERS ASSN.		4.00	SWNW	24
	SPRING MEADOW	SPRING MEADOW & CROSS CREEK ASSN.		2.00	SWSE	24
	BOWN CROSSING			4.00	NENE	25
	BOWN CROSSING			0.10	NENE	25
				4.10		
	BOWN CROSSING			12.00	NWNW	30
	BOWN CROSSING			0.10	NWNW	30
				12.10		

15.08

6.2

233.64 = 1939 adjust
acres

638.74 assessed acres

872.38 total acres

8-2-04

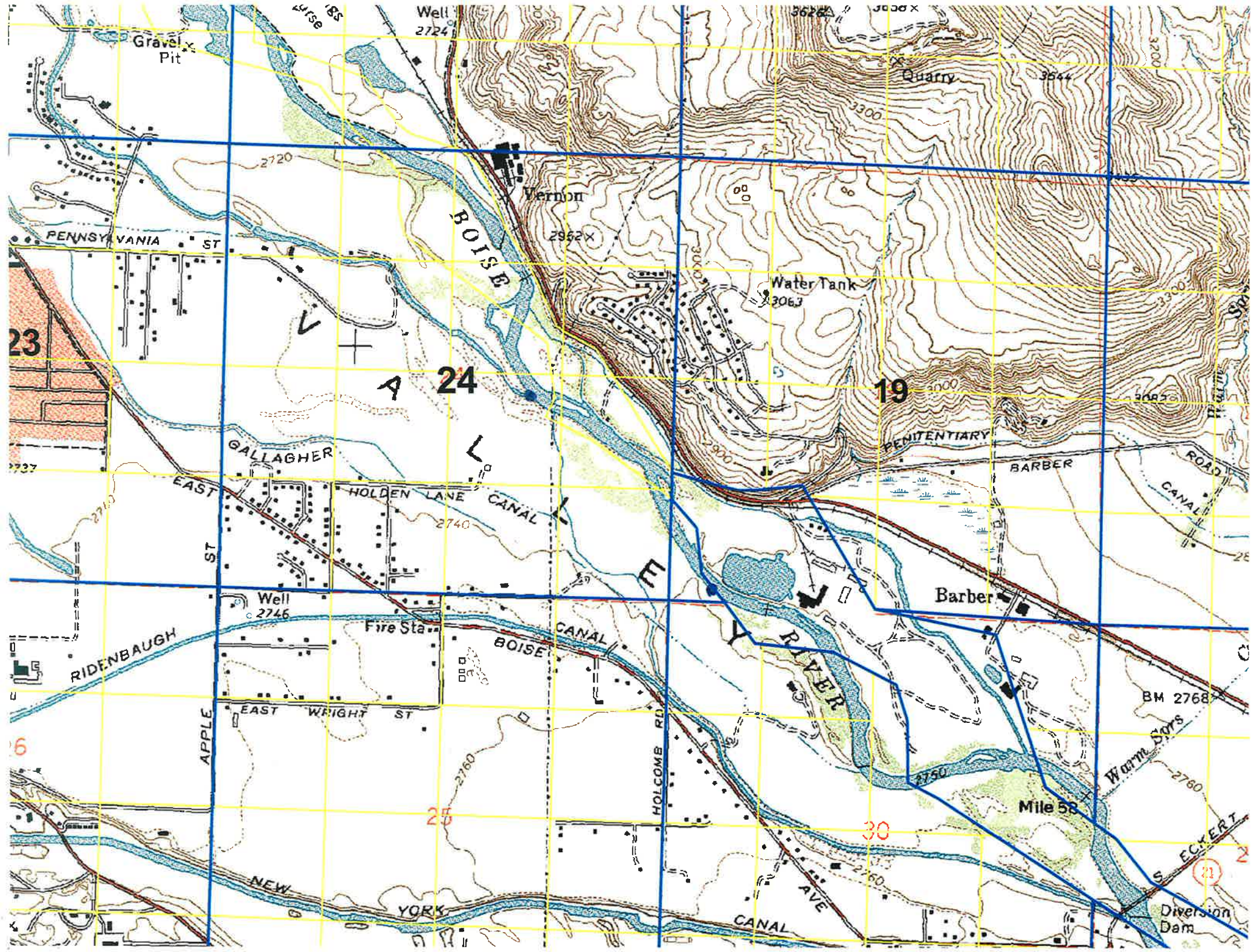
POD search 3N, 2E, 24, NWS e

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Source	Water Use(s)	Source Table	Source Table
63	148	C	Decreed	1865-06-01	9.13	BOISE RIVER	IRRIGATION	SOUTH BOISE WATER CO (Current)	wrAdjudicationRecommendation
63	149	A	Decreed	1865-06-01	40	BOISE RIVER	AESTHETIC	SOUTH BOISE WATER CO (Current)	wrAdjudicationRecommendation
63	150		Decreed	1865-06-01	0.8	BOISE RIVER	IRRIGATION	SOUTH BOISE WATER CO (Current)	wrAdjudicationRecommendation
63	185	A	Decreed	1871-06-01	0.74	BOISE RIVER	IRRIGATION	MEEVES WATER USERS ASSOCIATION (Current)	wrAdjudicationRecommendation
63	185	B	Decreed	1871-06-01	1.06	BOISE RIVER	IRRIGATION	SOUTH BOISE WATER CO (Current)	wrAdjudicationRecommendation
63	2392	C	License	9/13/1927	1.5	WASTE WATER	IRRIGATION	SOUTH BOISE WATER CO (Current)	wrAdjudicationRecommendation
63	2392	D	License	9/13/1927	0.3	WASTE WATER	IRRIGATION	MEEVES WATER USERS ASSOCIATION (Current)	wrAdjudicationRecommendation

63-164C = Boise City claim

POD search 3N, 3E, 19, SWSW

Source Ta App.ID



Fax Cover

From: Barry Eschen
208-343-6703 (phone and FAX)
Alternative FAX 208-495-2329
115 Provident Dr., Boise, ID 83606-4017

To: Mel Schulte

Organization Regional Office - Dept Water Res.

FAX: 334-2348

☒ 2 Pages including cover

☐ Pages including cover

If this is not the proper office for the material enclosed, please destroy it and notify me immediately. Thank you.

*25 acres in SWSW - add to 148C
and*

aesthetic + wildlife - add to 149A

*→ boundary to include down Morrison and
Kathryn Albertson Parks.*

Receipt Details for ID W013261

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
4/30/1991 2:02:05 PM	4/30/1991	Western	\$540.00	Check
Payer		SOUTH BOISE WATER CO.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1249			
Card Expiration Date	Credit Card Transaction #		

Comment ADDITIONAL FEE TO AMEND A63-00148

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$100.00	LATE FEE	410162	9337	0 0		6490
\$440.00	ADDITIONAL FEE TO AMEND A63-00148	410162	9337	0 0		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Receipt Details for ID W011520

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/21/1990 9:20:39 AM	3/21/1990	Western	\$380.00	Check
Payer	SOUTH BOISE WATER CO.			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1170			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$380.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

63-2392

Licence = 15.4 cfs.

Watermaster record = 15.0 cfs.

Credits per Watermaster records:

	Board of Control = 49%	=	7.35 cfs
B	Redenbaugh (Non-Mer.) = 24%	=	3.6 "
	Bubb (South Boise Mut.) = 15%		2.25
C	Rossi Mill (South Boise Water) = 10%		1.5
D	Meeves = 2%		.30
	100%		15.0

AJ claims

→ A	- 2392 A (O'Neill)	.92 cfs	20%3 + 00%4
B	- 2392 B (Nampa-Meridian)	4.63	(3.6 + 1.03)
D	(Meeves)	.30	
C	(South Boise Water)	1.5	

Not described in water master records as having an interest in this right

DISTRIBUTION OF DRAINAGE WATER
TO VARIOUS CANALS

CHART NO. 6

DRAINAGE DISTRICT NO. 2

	PERCENT OF TOTAL		PERCENT OF TOTAL
FARMERS UNION	20.99	CANYON COUNTY	12.68
BOISE VALLEY	10.03	BALLENTYNE	3.04
NEW DRY CREEK	9.47	BOISE CITY	3.01
NEW UNION	1.21	CONSUMERS	.11
MIDDLETON CANAL	35.00	LITTLE PIONEER	4.46

THE CREDITS GIVEN ABOVE ARE BASED ON A DRAINAGE FLOW OF 100 SECOND FEET.

JUDGE BRINK ORDERS, AUGUST, 1928, GIVES 90 INCHES ADDITIONAL TO FARMERS UNION.

DRAINAGE DISTRICT NO. 3

	PERCENT OF TOTAL		PERCENT OF TOTAL
BOARD OF CONTROL	49.00	ROSSI MILL	10.00
RIDENBAUGH	24.00	MEEVES	2.00
BUBB (SOUTH BOISE MUTUAL)	15.00		

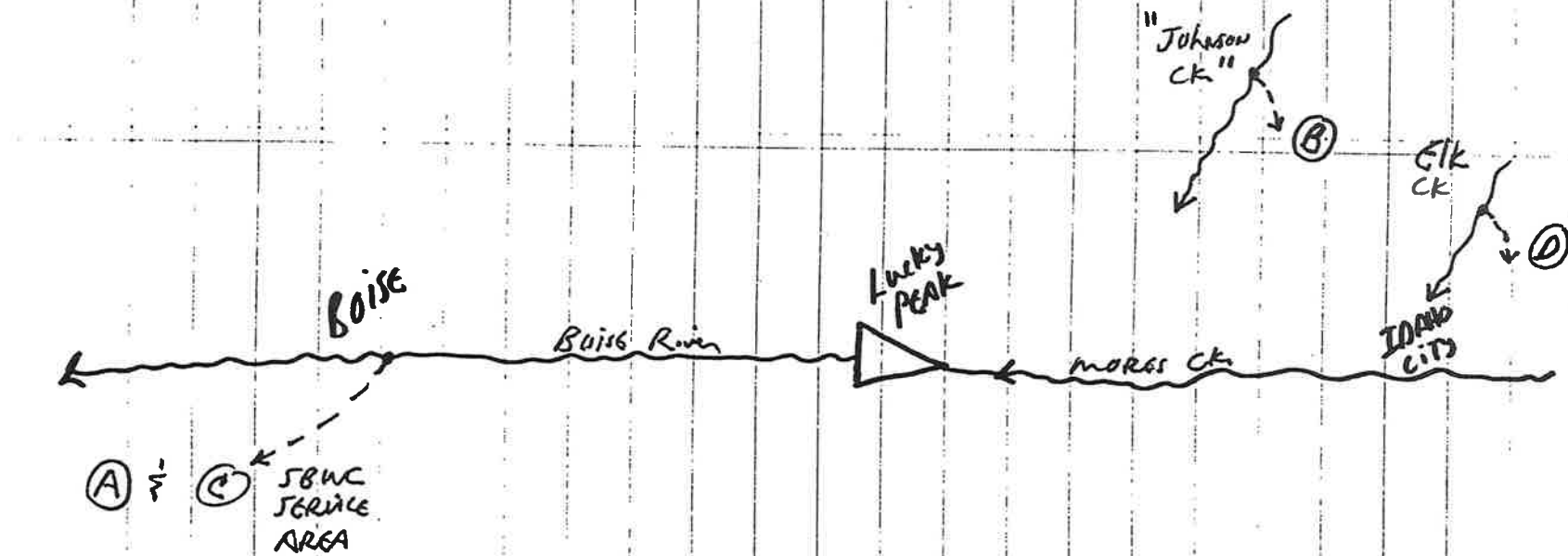
THE CREDITS GIVEN ARE BASED UPON A DRAINAGE DISCHARGE OF 15 SECOND FEET.

DRAINAGE DISTRICT NO. 4

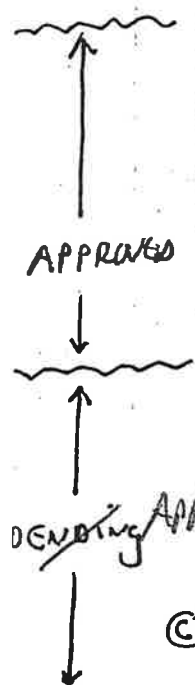
THURMAN MILL	570.98 INCHES
RIDENBAUGH	51.34 "
WARM SPRINGS SLOUGH	127.68 "

THE CREDITS ABOVE ARE BASED ON A DRAINAGE DISCHARGE OF 750 INCHES, AND THE AMOUNTS ARE A DIRECT COURT ORDER.

SCHEMATIC FOR RIGHT 63-00148
(not to scale)



STATUS:



63-00148 SBWC 9.20 cfs

T. 3918

but stayed per
1997 order

① SBWC 9.18 cfs

T. 4259

① SBWC 3.18 cfs 159.2 Acres

T. 5084

③ SBWC
3.13 cfs
156.5 Acres

② Ladd .02 cfs
1/4 Acre, new summa
& priority

"Johnson Creek"
= Ladd's
Station

(PETITION TO RECONSIDER
FILED April, 1997; pending
Reconsideration - will more
water &/or acres be recognized?)

④ Basin School Dist. Elk Creek
.05 cfs
2.7 Acres, new summa & priority

-52
8/20/98
8/24/01
update

SBWC

SBWC

14

South Boise Water Co

291 total acres digitized

South Boise Mutual Irrigation

SBWC

South Boise Mutual Irrigation

BasinNumber	SequenceNum	SplitSuffix	OrganizationName	Agent
63	✓ 148	C	SOUTH BOISE WATER CO	Mel
63	✓ 150		SOUTH BOISE WATER CO	Mel

SB W Co.

P.O. Box 6005
83707

Contact = Barry Eschen, Pres.
115 ~~President~~ Dr.
Providence
83706.

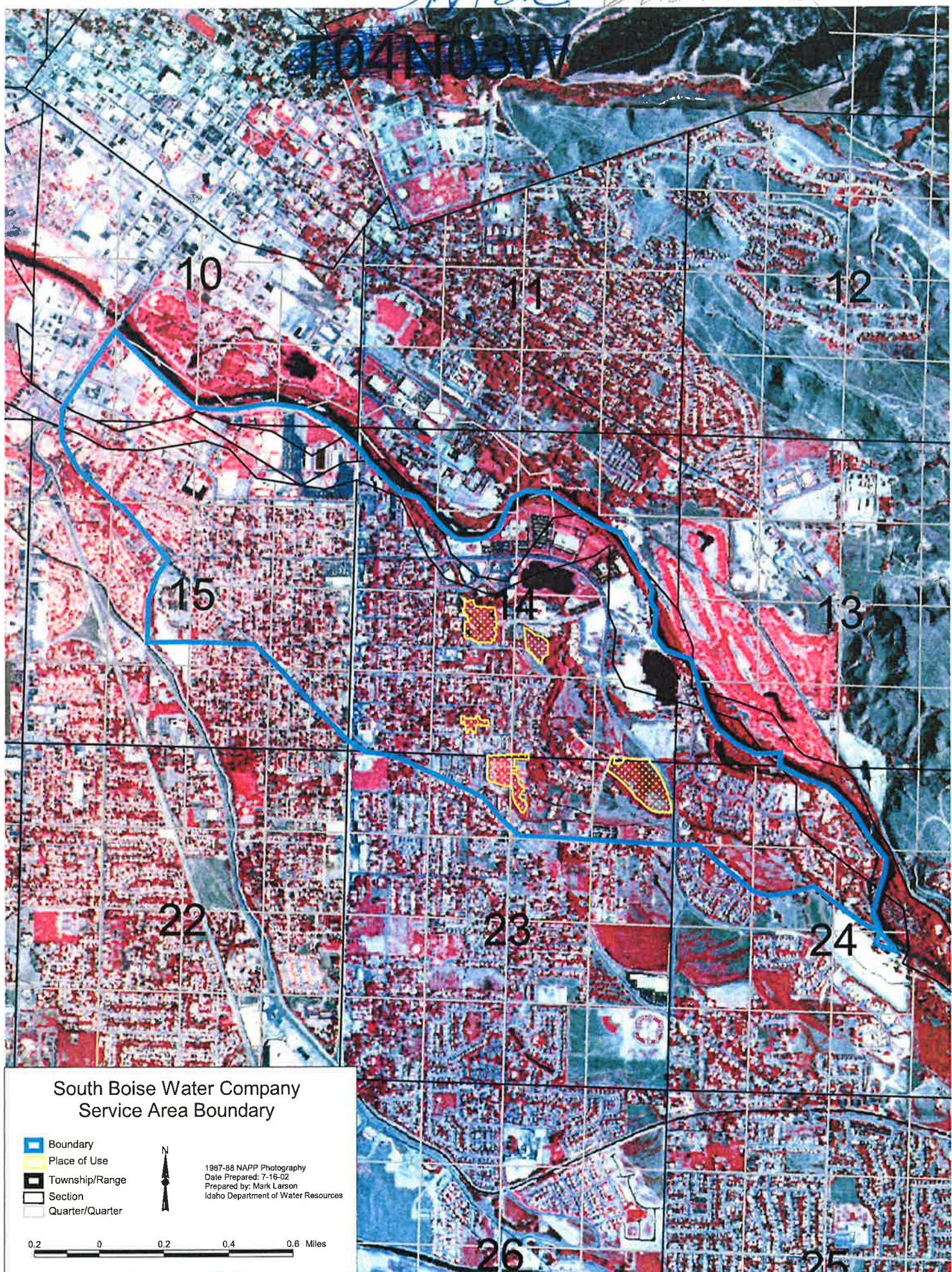
336-5508 -

Aces irrigated for 148C were fine tuned
in the transfer process by Steve L & the
company - additional documents in the SO
vault file.

Does one system (main ditch) serve all?
How many POD's? where?

3N, 2E

T04N03W



South Boise Water Company
Service Area Boundary

- Boundary
- Place of Use
- Township/Range
- Section
- Quarter/Quarter

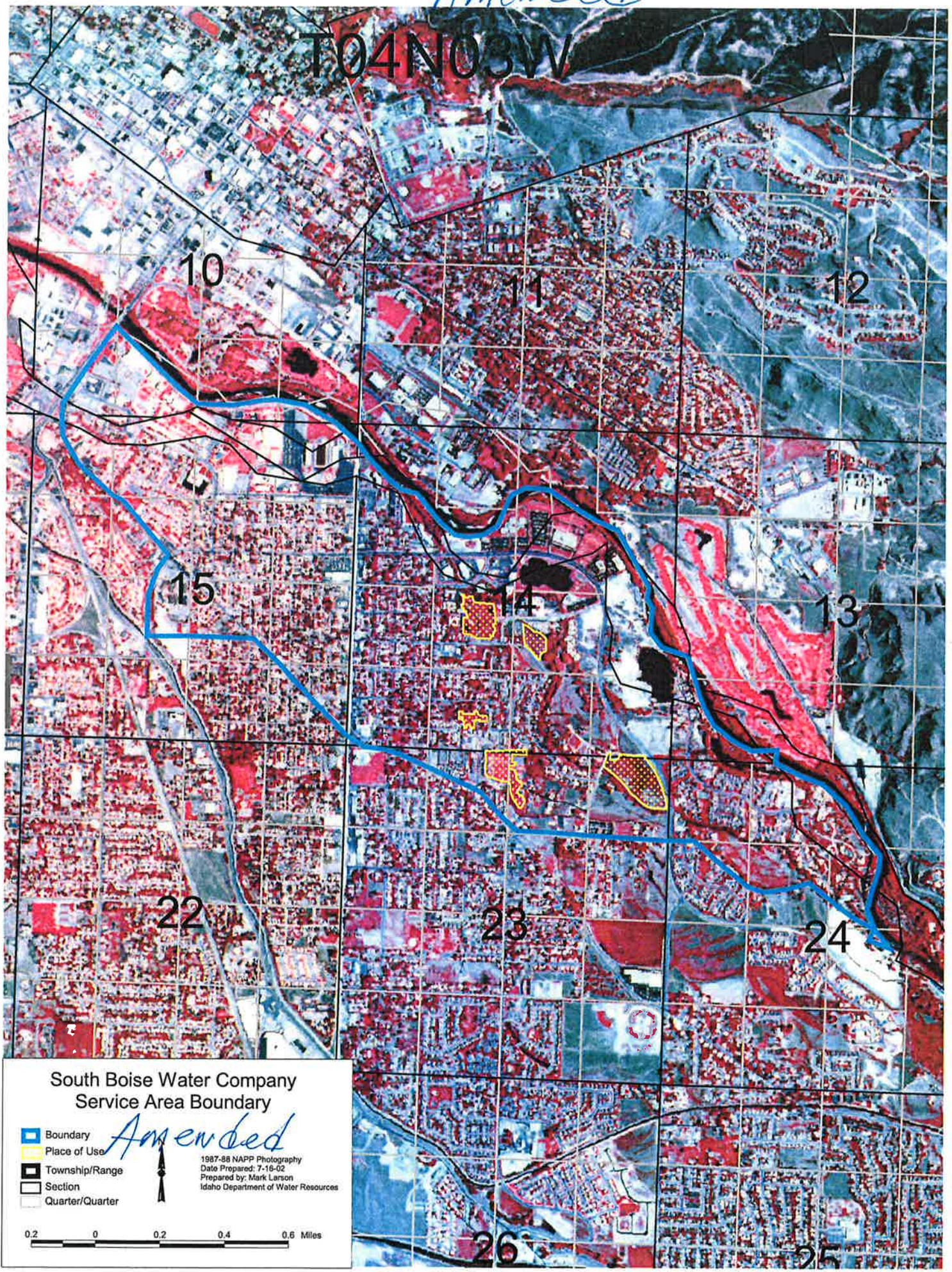


1987-88 NAPP Photography
Date Prepared: 7-16-02
Prepared by: Mark Larson
Idaho Department of Water Resources

0.2 0 0.2 0.4 0.6 Miles

Amended

T04N03W



South Boise Water Company
Service Area Boundary

- Boundary
- Place of Use
- Township/Range
- Section
- Quarter/Quarter

Amended

1987-88 NAPP Photography
Date Prepared: 7-16-02
Prepared by: Mark Larson
Idaho Department of Water Resources

0.2 0 0.2 0.4 0.6 Miles

