

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 63-192  
Date Received: 10/30/1989  
Receipt No: W006583  
Received By:  
AMENDED

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

1. Name of Claimant(s)

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

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

2. Date of Priority: 06/01/1876

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

4. Point of Diversion:

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

5. Description of diverting works:

HEADGATES, PIPES AND DITCHES FROM BOISE RIVER.

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/01 | 11/15 | 2.3    | 518        |

7. Total Quantity Appropriated is:  
2.3 C.F.S. and/or 518 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use | Acres |
|----------|-------|---------|----------------|-----|-------|
|----------|-------|---------|----------------|-----|-------|

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

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

THIS WATER DIVERTED INTO THURMAN MILL DITCH.  
P/D NOT LISTED.  
AUTHORITY AS AGENT FOR WARM SPRINGS DITCH COMPANY WATER USERS SEE ATTACHMENT "A".  
Address change per claimant request. DB 4/18/2001

Amended claim per AJ recommendation. 6/10/2003

15. Basis of Claim: Decreed

(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.

I do solemnly swear or affirm that I am BRIAN HOFF, PRESIDENT of  
WARM SPRINGS DITCH CO. Title  
Organization, that I have signed the foregoing  
document in the space below as PRESIDENT of  
WARM SPRINGS DITCH CO. Title  
Organization and that the statements contained in the  
foregoing document are true and correct. 

PRESIDENT - WARM SPRINGS DITCH CO  
Title and Organization

State of Idaho )  
County of Ada ) SS.

of June 19 2003

Notary Public

My commission Expires 12/9/04



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

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

CIVIL CASE NUMBER: 39576

**AMENDED**

Ident. Number 63-192  
Date Received: 10/30/1989  
Receipt No: W006583  
Received By:

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

1. Name of Claimant(s)

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

Phone: (208) 884-2002

2. Date of Priority: 06/01/1876

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

4. Point of Diversion:

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

5. Description of diverting works:

HEADGATES, PIPES AND DITCHES FROM BOISE RIVER.

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/01 | 11/15 | 2.3    | 518        |

7. Total Quantity Appropriated is:  
2.3 C.F.S. and/or 518 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres      |
|----------|-------|---------|------------|-----|---------------|------------|
| 04N      | 01E   | 19      | NE         | NE  | 1             | IRRIGATION |
|          |       |         | SE         | NE  |               | IRRIGATION |
|          |       |         |            |     | Section Acres | 38         |
| 04N      | 01E   | 20      | SE         | NE  |               | IRRIGATION |
|          |       |         | NW         | NW  | 5             | IRRIGATION |
|          |       |         | SW         | NW  |               | IRRIGATION |
|          |       |         | SE         | NW  | 6             | IRRIGATION |
|          |       |         | NE         | SE  |               | IRRIGATION |
|          |       |         | SW         | NE  |               | IRRIGATION |
|          |       |         | NW         | SE  |               | IRRIGATION |
|          |       |         |            |     | Section Acres | 230        |
| 04N      | 01E   | 21      | SW         | NW  | 5             | IRRIGATION |
|          |       |         | SE         | NW  | 6             | IRRIGATION |
|          |       |         | NE         | SW  |               | IRRIGATION |
|          |       |         | NW         | SW  |               | IRRIGATION |
|          |       |         | SW         | NE  | 7             | IRRIGATION |
|          |       |         | SE         | NE  | 8             | IRRIGATION |
|          |       |         | NW         | SE  |               | IRRIGATION |
|          |       |         |            |     | Section Acres | 194        |
|          |       |         |            |     | Total Acres   | 462        |

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

THIS WATER DIVERTED INTO THURMAN MILL DITCH.  
P/D NOT LISTED.  
AUTHORITY AS AGENT FOR WARM SPRINGS DITCH COMPANY WATER USERS SEE ATTACHMENT "A".  
Address change per claimant request. DB 4/18/2001

Amended claim per AJ recommendation. 6/10/2003

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

For Organizations:

I do solemnly swear or affirm that I am BRIAN C. HOFF, PRESIDENT of  
Title  
WARM SPRINGS DITCH CO., that I have signed the foregoing  
Organization  
document in the space below as PRESIDENT of  
Title  
WARM SPRINGS DITCH CO. and that the statements contained in the  
Organization  
foregoing document are true and correct.

Signature of Authorized Agent

PRESIDENT, WARM SPRINGS DITCH CO.  
Title and Organization

6/10/03  
Date

State of Idaho

County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this

of June 2003



Lori Graves  
Notary Public

Residing at

My commission Expires

Bonita

6/18/04

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00192  
Date Received: 10/30/1989  
Receipt No: W006583  
Received By: LE JON

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: WARM SPRINGS DITCH COMPANY  
Address: C/O HOFF COMPANIES, INC.  
5257 FAIRVIEW AVE., SUITE 230  
BOISE, ID 83706
2. Date of Priority: JUN 01, 1876
3. Source: BOISE RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:

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

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

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/01 | 11/15 | 2.300 |      | 518.00 |

7. Total Quantity Appropriated is:  
2.300 C.F.S. (and/or) 518.00 A.F.A.

8. Total consumptive use is 403.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 04N      | 01E   | 20      | SW     | NE     |     | IRR | 38.0  |
|          |       |         | SE     | NE     |     | IRR | 42.0  |

A63-00192

Page 1

Date: 11/29/89

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OCT 02 1996

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
| 04N      | 01E   | 20      | NE SE      |     | IRR | 35.0  |

Section Acres 115.0

Total Acres 115.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:  
63-02387

14. Remarks:

THIS WATER DIVERTED INTO THURMAN MILL DITCH.  
P/D NOT LISTED.

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

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/18/1906

FARMERS CO-OP DITCH CO.  
Decree Plaintiff

vs

RIVERSIDE IRR. DIST.  
Decree Defendant

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

For Individuals:

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

Seal

\_\_\_\_\_  
Notary Public

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

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 Ala3-00192

Date Received 10-30-89

Receipt Number 4006583

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

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

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

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

2. Date of Priority (Only one (1) per claim) 6/1/1876

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

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

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

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of  
\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

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

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OCT 02 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/1 to 11/15 amount 2.30 or 518

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 2.30 (cfs) and/or (b) 518 (acre feet)

8. Total consumptive use claimed is 403 acre feet per annum.

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

10. Description of place of use:

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

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

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 4N  | 1E  | 20  |        |       | 38    | 42    |        |       |       |       |        |       |       |       | 35     |       |       |       | 115    |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 115

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.

63-02387

or None ( )

14. Remarks:

Authority as agent for Warm Springs Ditch Company water users

SEE ATTACHMENT "A"

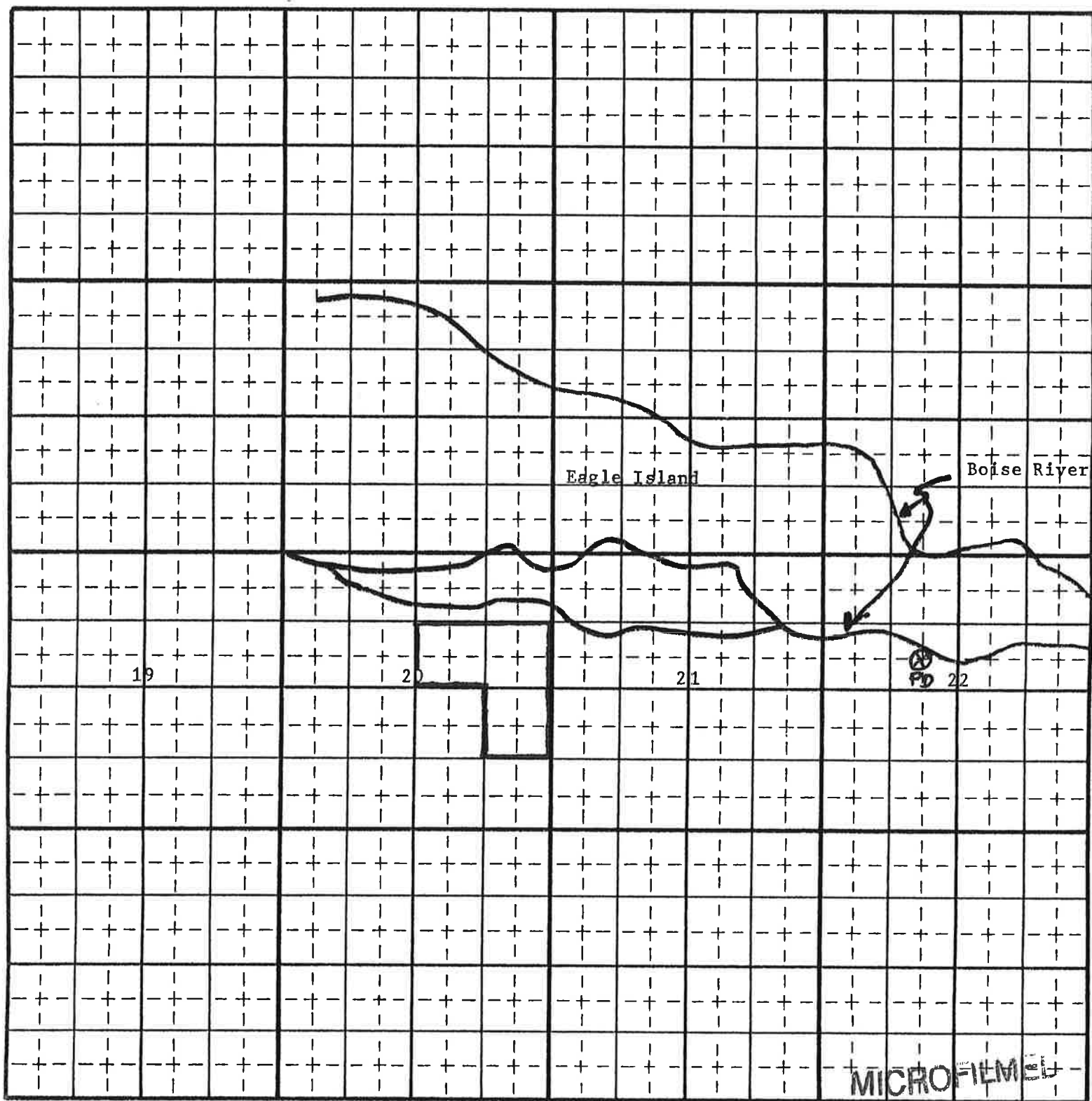
MICROFILMED  
OCT 02 1996

Last Name Warm Springs Ditch Co. Ident No. A63-00192

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



OCT 02 1996

Last Name Warm Springs Ditch Co. Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_

Decree X

If applicable provide IDWR Water Right Number 63-0192

Court 7th District Case Number \_\_\_\_\_ Decree Date 1/18/06

Plaintiff vs Defendant Farmers Co-op Ditch Co. vs. Riverside Irrigation District

16. Signature (s)

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

Number of attachments 1

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

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

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

Title

of Warm Springs Ditch Co. that I have signed the foregoing

Organization

document in the space below as President of Warm Springs Ditch Co.

Title

Organization

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

Signature of Authorized Agent Don Clark

Title and Organization President Warm Springs Ditch Co. Date 10/30/89

State of Idaho/or \_\_\_\_\_ )

County of Ada ) SS.

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

Notary Public Sheri L. Chapman

Residing at 2889 Cattle Way Meridian Id

My Commission Expires 6/14/94

Please Print Name Sheri L. Chapman

17. Notice of Appearance:

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

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

MICROFILMED  
OCT 02 1996

Last Name Warm Springs Ditch Co Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

ATTACHMENT "A"

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

WARM SPRINGS DITCH COMPANY WATER USERS

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

MICROFILMED  
OCT 02 1996

80 acres

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/1 to 11/15 amount 2.30 or 518  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 2.30 (cfs) and/or (b) 518 (acre feet)

8. Total consumptive use claimed is 403 acre feet per annum.

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

10. Description of place of use:

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

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 4N  | 1E  | 20  |        |       | 38    | 42    |        |       |       |       |        |       |       |       |        |       |       |       | 115    |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 115

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.  
63-02387 or None ( )

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

MICROFILMED  
OCT 02 1996

Last Name Warm Springs Ditch Co. Ident No. A63-00192

Copies: White -State, Yellow-Claimant

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

FILED

In Re SRBA

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

Case No. 39576

2007 AUG 1 PM 2 51

Water Right 63-00192

NAME AND ADDRESS:

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

SOURCE:

BOISE RIVER TRIBUTARY: SNAKE-RIVER

QUANTITY:

2.30 CFS

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

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

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

PRIORITY DATE:

06/01/1876

POINT OF DIVERSION:

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

PURPOSE AND

PERIOD OF USE:

| PURPOSE OF USE       | PERIOD OF USE  | QUANTITY  |
|----------------------|----------------|-----------|
| Irrigation           | 03-01 TO 11-15 | 2.24 CFS  |
| Aesthetic Storage    | 01-01 TO 12-31 | 11.20 AFY |
| Diversion to Storage | 03-01 TO 11-15 | 0.06 CFS  |

Diversion for irrigation and aesthetic storage under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for

PURPOSE AND PERIOD OF USE (continued)

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

PLACE OF USE:

Aesthetic Storage

Within Ada County

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 449 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

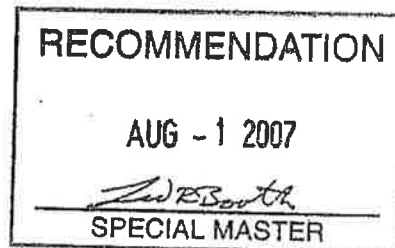
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

RULE 54(b) CERTIFICATE

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

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



DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2007 AUG 1 PM 2 51

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

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

I. FINDINGS OF FACT

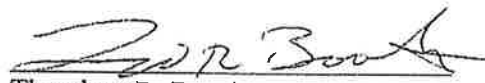
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these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

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

II. CONCLUSIONS OF LAW

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

Dated August 1, 2007

  
Theodore R. Booth  
Special Master  
Snake River Basin Adjudication

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2007 AUG 1 PM 2 51

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

In Re SRBA )

Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

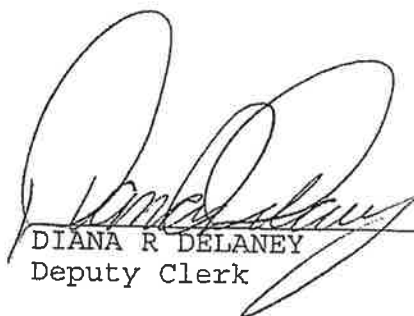
Water Right(s): 63-00192  
63-00216C 63-19425

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

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

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

DATED August 01, 2007.

  
DIANA R DELANEY  
Deputy Clerk

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2007 AUG 1 PM 2 51

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

In Re SRBA )

Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

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

CERTIFICATE OF MAILING

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

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

BOISE PROJECT BOARD OF CONTROL

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

CERTIFICATE OF MAILING

PAGE 1  
08/01/07

STATE OF IDAHO

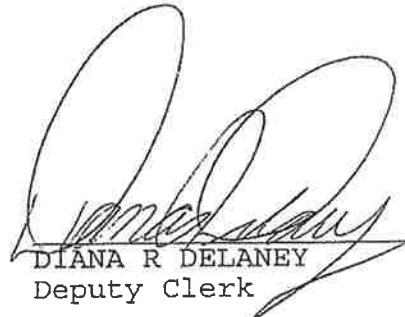
Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

USDI BUREAU OF RECLAMATION

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

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

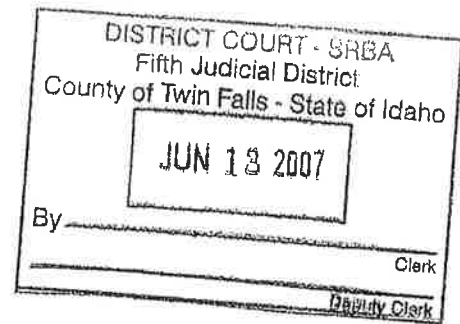
WARM SPRINGS DITCH CO  
C/O HOFF COMPANIES INC  
1840 N LAKES AVE  
MERIDIAN, ID 83642  
Phone: 208-884-2002



DIANA R DELANEY  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 2  
08/01/07



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 ) Subcases 63-00192, 63-00216C,  
Case No. 39576 ) and 63-19425  
\_\_\_\_\_ ) **ORDER TO SHOW CAUSE**

This matter came before this Special Master pursuant to a status conference held June 5, 2007. The Warm Springs Ditch Company (hereinafter "Claimant") was notified of the hearing via first class mail sent to its last known address. The Claimant failed to appear at the June 5, 2007, status conference.

On April 21, 2006, the Boise Project Board of Control, by and through its attorney Albert Barker, filed objections to the *Director's Report* for these water right claims, asserting that the remark under the period of use element of the rights should be amended to include the phrase "aesthetic storage." Also on April 21, 2006, the United States of America, Department of Interior, Bureau of Reclamation, filed similar objections. On June 23, 2006, the State of Idaho filed responses. On May 11, 2006, the Warm Springs Ditch Company filed responses.

It is **hereby ordered** that the Claimant shall appear before this Special Master on **July 24, 2007, at 11:00 A.M.** Mountain Time, at the Snake River Basin Adjudication Courthouse, 253 3<sup>rd</sup> Avenue North, Twin Falls, Idaho, or participate by telephone by dialing 1-225-383-1099 participation code 675342, to show cause why the objections should not be granted. The purpose of the show cause hearing is to provide the Claimant with a final opportunity to oppose the objections despite failing to appear.

Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the Claimant being deemed to have consented to the remedy sought by the objector.** If

the Claimant participates in the hearing, the Claimant will be expected to notify this Special Master whether it intends to oppose the objection, and accordingly a trial date will be set. In such case, no additional evidence or argument need be presented as subcases(s) will be allowed to proceed to trial as a matter of course. Therefore the parties need not produce testimony or evidence in accordance with I.R.C.P. 6(c)(4).

A copy of this *Order to Show Cause* shall be served upon the Claimant not less than five (5) days prior to the date herein shown, upon which those parties are required to appear before this Special Master and show cause. Service of the *Order to Show Cause* shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

IT IS SO ORDERED

Dated June 13, 2007



THEODORE R. BOOTH  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE was mailed on June 13, 2007, with sufficient first-class postage to the following:

BOISE PROJECT BOARD OF CONTROL

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

STATE OF IDAHO

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

USDI BUREAU OF RECLAMATION

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

WARM SPRINGS DITCH CO

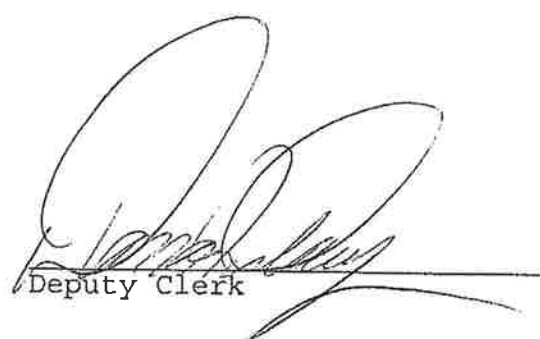
C/O BRIAN HOFF  
1840 N LAKES AVE  
MERIDIAN, ID 83646  
Phone: 208-884-2002

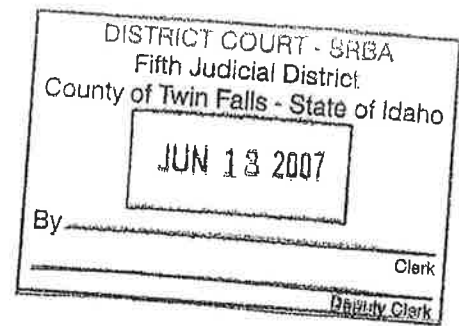
WARM SPRINGS DITCH CO

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

DIRECTOR OF IDWR

PO BOX 83720  
BOISE, ID 83720-0098





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 ) Subcases 63-00192, 63-00216C,  
Case No. 39576 ) and 63-19425  
\_\_\_\_\_ ) **ORDER TO SHOW CAUSE**

This matter came before this Special Master pursuant to a status conference held June 5, 2007. The Warm Springs Ditch Company (hereinafter "Claimant") was notified of the hearing via first class mail sent to its last known address. The Claimant failed to appear at the June 5, 2007, status conference.

On April 21, 2006, the Boise Project Board of Control, by and through its attorney Albert Barker, filed objections to the *Director's Report* for these water right claims, asserting that the remark under the period of use element of the rights should be amended to include the phrase "aesthetic storage." Also on April 21, 2006, the United States of America, Department of Interior, Bureau of Reclamation, filed similar objections. On June 23, 2006, the State of Idaho filed responses. On May 11, 2006, the Warm Springs Ditch Company filed responses.

It is **hereby ordered** that the Claimant shall appear before this Special Master on **July 24, 2007, at 11:00 A.M.** Mountain Time, at the Snake River Basin Adjudication Courthouse, 253 3<sup>rd</sup> Avenue North, Twin Falls, Idaho, or participate by telephone by dialing 1-225-383-1099 participation code 675342, to show cause why the objections should not be granted. The purpose of the show cause hearing is to provide the Claimant with a final opportunity to oppose the objections despite failing to appear.

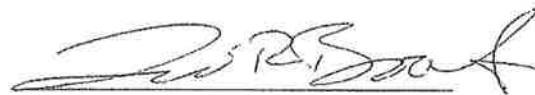
Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the Claimant being deemed to have consented to the remedy sought by the objector.** If

the Claimant participates in the hearing, the Claimant will be expected to notify this Special Master whether it intends to oppose the objection, and accordingly a trial date will be set. In such case, no additional evidence or argument need be presented as subcases(s) will be allowed to proceed to trial as a matter of course. Therefore the parties need not produce testimony or evidence in accordance with I.R.C.P. 6(c)(4).

A copy of this ***Order to Show Cause*** shall be served upon the Claimant not less than five (5) days prior to the date herein shown, upon which those parties are required to appear before this Special Master and show cause. Service of the ***Order to Show Cause*** shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

IT IS SO ORDERED

Dated June 13, 2007



THEODORE R. BOOTH  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE was mailed on June 13, 2007, with sufficient first-class postage to the following:

BOISE PROJECT BOARD OF CONTROL

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

STATE OF IDAHO

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

USDI BUREAU OF RECLAMATION

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

WARM SPRINGS DITCH CO

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

WARM SPRINGS DITCH CO

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

DIRECTOR OF IDWR

PO BOX 83720  
BOISE, ID 83720-0098

12/23/2005

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

RIGHT NUMBER: 63-192

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

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

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.300 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.

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

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

PRIORITY DATE: 06/01/1876

POINT OF DIVERSION:

T03N R02E S5 NESE Lot 11 Within ADA County

T04N R01E S22 SENW Lot 6 Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| AESTHETIC STORAGE     | 01/01 12/31          | 11.20 AFY       |
| DIVERSION TO STORAGE  | 03/01 11/15          | 0.060 CFS       |
| IRRIGATION            | 03/01 11/15          | 2.240 CFS       |

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S.

Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: AESTHETIC STORAGE Within ADA County

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

465.5 ACRES TOTAL

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

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63

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

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-216C, 63-19425

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

THIS RIGHT IS DESIGNATED AS NO 61 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-216C, 63-19425, 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131, 63-31936

Prior to diversion of water under approved transfer 70620, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

**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     | ) | <b>Water Rights:</b> 63-192, 63-216C, |
|                | ) | 63-19425, 63-31728                    |
| Case No. 39576 | ) | <b>NOTICE OF COMPLETED</b>            |
|                | ) | <b>ADMINISTRATIVE</b>                 |
| _____          | ) | <b>PROCEEDING</b>                     |

IDWR has completed the following administrative proceeding:

XX Address change

☐ Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

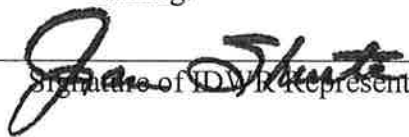
☐ Other

☐ IC § 42-219 license

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

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

DATED: December 27, 2005

  
\_\_\_\_\_  
Signature of IDWR representative

## CERTIFICATE OF MAILING

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

### 1. Original to:

|                                |                                     |                |
|--------------------------------|-------------------------------------|----------------|
| Clerk of the District Court    | <input type="checkbox"/>            | overnight mail |
| Snake River Basin Adjudication | <input checked="" type="checkbox"/> | regular mail   |
| P.O. Box 2707                  | <input type="checkbox"/>            | hand-delivered |
| Twin Falls, ID 83303-2707      | <input type="checkbox"/>            | facsimile      |

### 2. Copies to:

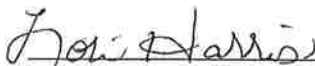
|                                 |                                     |                |
|---------------------------------|-------------------------------------|----------------|
| Clive Strong                    | <input type="checkbox"/>            | overnight mail |
| Off ice of the Attorney General | <input checked="" type="checkbox"/> | regular mail   |
| P.O. Box 44449                  | <input type="checkbox"/>            | hand-delivered |
| Boise, ID 83711-4449            | <input type="checkbox"/>            | facsimile      |

|                                    |                                     |                |
|------------------------------------|-------------------------------------|----------------|
| United States Dept of Justice      | <input type="checkbox"/>            | overnight mail |
| Environment & Natural Resource Div | <input checked="" type="checkbox"/> | regular mail   |
| 550 West Fort Street MSC 033       | <input type="checkbox"/>            | hand-delivered |
| Boise ID 83724                     | <input type="checkbox"/>            | facsimile      |

### 3. Copies to all parties to the subcase:

|                          |                                     |                |
|--------------------------|-------------------------------------|----------------|
| Warm Springs Ditch Co.   | <input type="checkbox"/>            | overnight mail |
| c/o Hoff Companies, Inc. | <input checked="" type="checkbox"/> | regular mail   |
| 1840 N. Lakes Ave.       | <input type="checkbox"/>            | hand-delivered |
| Meridian ID 83642        | <input type="checkbox"/>            | facsimile      |

|                          |                |
|--------------------------|----------------|
| <input type="checkbox"/> | overnight mail |
| <input type="checkbox"/> | regular mail   |
| <input type="checkbox"/> | hand-delivered |
| <input type="checkbox"/> | facsimile      |



Signature of person mailing this document

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

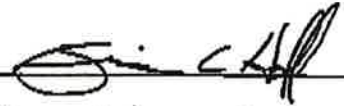
## CHANGE IN ADDRESS

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

Records updated  
12-20-05 - ns

RECEIVED

DEC 21 2005

WATER RESOURCES  
WESTERN REGION[ ] Water Right Number(s): 63-19263-1942563-216063-31728[ ] Name(s): WARM SPRINGS DITCH CO.[ ] Old Mailing Address: WARM SPRINGS DITCH CO.C/O HOFF COMPANIES INC.280 E. CORPORATE DR STE 200  
MERIDIAN, ID 83642[ ] New Mailing Address: WARM SPRINGS DITCH CO.C/O HOFF COMPANIES, INC.1840 N. LAKES AVENUEMERIDIAN, ID 83642Telephone Number: (208) 884 - 2002[ ] Signature(s) of Owner(s) BRIAN C. HOFF, PRESIDENT - WARM SPRINGS DITCH CO  
(Include your title if on behalf of company or organization)Date: 12/20/05

SCANNED

DEC 20 2005

05/16/2005

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

RIGHT NUMBER: 63-192

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

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.300 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.

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

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

PRIORITY DATE: 06/01/1876

POINT OF DIVERSION:

T03N R02E S5 NESE Lot 11 Within ADA County

T04N R01E S22 SENW Lot 6 Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| AESTHETIC STORAGE     | 01/01 12/31          | 11.20 AFY       |
| DIVERSION TO STORAGE  | 03/01 11/15          | 0.060 CFS       |
| IRRIGATION            | 03/01 11/15          | 2.240 CFS       |

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April

1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: AESTHETIC STORAGE Within ADA County

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

465.5 ACRES TOTAL

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

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

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

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

EXPLANATORY MATERIAL: Decreed

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63

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

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-216C, 63-19425

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

THIS RIGHT IS DESIGNATED AS NO 61 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-216C, 63-19425, 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131, 63-31936

Prior to diversion of water under approved transfer 70620, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-192 V1

WATER RIGHT NUMBER: 63-192 V1

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

Priority Date: 06/01/1876

Basis: Decreed

Status: Active

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

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

Location of Point(s) of Diversion

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

Place of UseAESTHETIC STORAGE Within ADA County

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

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-192 V1

1. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation.
7. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
8. T07 The right holder shall accomplish the change authorized by transfer 70620 within <one> year(s) of the date of approval.
9. T08 Failure of the right holder to comply with the conditions of transfer 70620 is cause for the Director to rescind approval of the transfer.
10. T18 Prior to diversion of water under approved transfer 70620, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
11. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.

Remarks:

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 61 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS
2. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-216C, 63-19425, 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131, 63-31936

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-192 V1

3. Explanatory WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL AND THE WARM SPRINGS CANAL
4. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-216C, 63-19425
5. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 449 ACRES WITHIN THE PLACE OF USE  
- Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

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

Water Supply Bank:

Based on approved Trans. # 70620

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

**Prior to Field Exam**

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

**CLAIMANT INFORMATION – verify contact information is complete**Claim No(s) 63-692Owner: Warm Springs Ditch Co. Phone No. 884-2002 = Brian Hoff, Pres.Current Address: 280 E. Corporate Dr., Meridian 83642  
Suite 200

- ☒ 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: 6-1-1876 = same as decreed.(If priority date, based on your exam, seems questionable, explain below.)  
\_\_\_\_\_  
\_\_\_\_\_Source: Boise River Tributary to Snake River

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

**POINT OF DIVERSION**

- ☐ No change
- ☒ POD found is different than claimed:
- ☐ If different, when did POD change? The POD for the Thurman-Mull ditch is wrong on the Warm Springs Ditch Co. claims but correct on Thurman-Mull's claims.

# **DIVERSION AND DELIVERY SYSTEM**

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      |            |     | NE  | SE  | 5    | 3N   | 2E   | Ada    | USGS Topo map X9 + GPS                    |
|      | 6          |     | SE  | NW  | 22   | 4N   | 1E   | Ada    | " " " " X8 =                              |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works

Concrete structures and headgates divert river water into the Thurman-Mell ditch and the Warm Springs Canal

## **OVERLAP REVIEW**

Other water rights with the same point of diversion: many at 3N, 2E, 5, NESE

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

No - both the Warm Springs and Thurman-Mell divert into the Thurman-Mell ditch at 3N, 2E, 5, NESE but only the Warm Springs diverts into the Warm Springs Canal at 4N, 1E, 22, SE NW.

## **WATER USES**

☒ No change

☐ Different Uses

Use Irrigation From 3-1 To 11-15 Amount 2.3 CFS \_\_\_\_\_ AFA \_\_\_\_\_  
 Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA \_\_\_\_\_  
 Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA \_\_\_\_\_

## **TOTAL VOLUME - Groundwater only** NA

- ☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA \_\_\_\_\_
- ☐ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA \_\_\_\_\_
- ☐ More than 1" per Acre? Yes \_\_\_\_\_ (claimant must complete excess flow sheet)

## **NON-IRRIGATION USES:**

☐ No change NA

☐ Changes Exam found: Domestic # of homes \_\_\_\_\_ Stock # \_\_\_\_\_

Types \_\_\_\_\_ Additional comments: \_\_\_\_\_

## **PLACE OF USE:**

☐ No Change

☒ Changes shown below:

|                                                                    |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|--------------------------------------------------------------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Limited to 449 Acres within the boundary of Warm Springs Ditch Co. |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
| Place of Use                                                       |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| TWP                                                                | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|                                                                    |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|                                                                    |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|                                                                    |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|                                                                    |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|                                                                    |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|                                                                    |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|                                                                    |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Overlap with other water rights: Thurman-Mill water and Warm Springs water when co-mingled in the Thurman-Mill ditch cannot be segregated.  
 Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: The Thurman-Mill and Warm Springs canals merge and become one ditch beginning in 4N, 1E, S20, NW SE.

| Well or Diversion Identification No<br>GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|-----------------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| NA                                            |            |    |                  |           |                                   |
|                                               |            |    |                  |           |                                   |
|                                               |            |    |                  |           |                                   |

#### FLOW MEASUREMENTS:

Attach appropriate documents

#### NARRATIVE/REMARKS/COMMENTS

Designated as right # 61  
The Thurman-Mill, Warm Springs and Drainage District #4 are so intertwined they should be combined into one delivery entity. Thurman-Mill and Warm Springs water are comingled throughout their delivery systems to the extent it is impossible to know which water is delivered to the users of each system.

The POD for this right and the rest of Warm Springs Ditch rights as decreed do not match the water master's ditch records. According to the ditch company, it appears they have historically diverted water through the POD in 4N, 1E, S22 and the decreed POD in 3N, 2E, S5. therefore both POD's will be recommended for all of Warm Springs rights which is how they are claimed.

See approved transfer #70620

**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: \_\_\_\_\_

*Mac Schulte*

## IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-192

WATER RIGHT NUMBER: 63-192

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

Priority Date: 06/01/1876

Basis: Decreed

Status: N/A

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

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

Location of Point(s) of Diversion

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

Place of UseAESTHETIC STORAGE Within ADA County

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

IRRIGATION Within ADA County

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

## IDAHO DEPARTMENT OF WATER RESOURCES

## Transfer AJ Claim Report 63-192

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

Total Acres: 465.5

Conditions of Approval:

1. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
2. Rights 63-216C and 63-19425 are also diverted through the point of diversion described above as Lot 6 (SENW), S22, T04N, R01E.
3. This right is designated as No. 61 in the Stewart Decree and the Boise River Water Masters records.
4. F01 Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
8. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
12. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.
13. X36 Rights 63-135, 63-176, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131 and 63-31936 are also diverted through the point of diversion described above as Lot 11 (NESE), S05, T03N, R02E.

Remarks:

RECEIVED

Should questions arise during the processing of this application please contact:  
Steven R. Hannula - ERO Resources Corp. (208) 373-7983

FEB 07 2005

WATER RESOURCES  
WESTERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT AMENDED  
Part 1

Name of applicant Warm Springs Ditch Co. c/o Hoff Companies Inc.

Phone 208-884-2002

Post Office address 280 Corporate Dr., Ste. 200, Meridian, Idaho 83642

A. Purpose of Transfer

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☒ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes: To identify 13 acres converted from irrigation to pond area and to mitigate potential impacts resulting from companion Application for Permit.

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

| 1. Right Number | Priority          | Amount<br>(cfs/ac-ft) | Nature<br>of Use            | Period of Use       |
|-----------------|-------------------|-----------------------|-----------------------------|---------------------|
| <u>63-0192</u>  | <u>06-01-1876</u> | <u>2.24 cfs</u>       | <u>Irrigation</u>           | <u>3-1 to 11-15</u> |
| <u>63-19425</u> | <u>06-01-1882</u> | <u>4.92 cfs</u>       | <u>Irrigation</u>           | <u>3-1 to 11-15</u> |
| <u>63-216C</u>  | <u>06-01-1889</u> | <u>0.39 cfs</u>       | <u>Irrigation</u>           | <u>3-1 to 11-15</u> |
| <u>63-0192</u>  | <u>06-01-1876</u> | <u>11.2*</u>          | <u>Aesthetic Storage</u>    | <u>3-1 to 11-15</u> |
| <u>63-19425</u> | <u>06-01-1882</u> | <u>24.6*</u>          | <u>Aesthetic Storage</u>    | <u>3-1 to 11-15</u> |
| <u>63-216C</u>  | <u>06-01-1889</u> | <u>1.9*</u>           | <u>Aesthetic Storage</u>    | <u>3-1 to 11-15</u> |
| <u>63-0192</u>  | <u>06-01-1876</u> | <u>0.06 cfs</u>       | <u>Diversion to Storage</u> | <u>3-1 to 11-15</u> |
| <u>63-19425</u> | <u>06-01-1882</u> | <u>0.14 cfs</u>       | <u>Diversion to Storage</u> | <u>3-1 to 11-15</u> |
| <u>63-216C</u>  | <u>06-01-1889</u> | <u>0.01 cfs</u>       | <u>Diversion to Storage</u> | <u>3-1 to 11-15</u> |

2. Total amount of water being transferred 7.76 cubic feet per second and/or 37.8 acre-feet per annum.

\*No volumes recommended to SRBA court. Diversion to storage will provide the 37.8 afa needed to mitigate evaporative losses incurred by the 13 acres of ponds. Only 0.21 cfs are being transferred so only a \$250 filing fee applies.

3. Source of water Boise River tributary to Snake River

4. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|----|----|------|------|------|--------|--------------------------|
|     |   | NE | SE | 5    | 3N   | 2E   | Ada    |                          |
| 6   |   | SE | NW | 22   | 4N   | 1E   | Ada    |                          |

5. Lands irrigated or place of use: 449 acres of irrigation and 13 acres\* of Aesthetic Storage within the service area boundary.

| Twp | Rge | Sec. | NE ¼    |             |         |         | NW ¼        |         |         |         | SW ¼        |         |         |         | SE ¼    |         |             |         | Total |
|-----|-----|------|---------|-------------|---------|---------|-------------|---------|---------|---------|-------------|---------|---------|---------|---------|---------|-------------|---------|-------|
|     |     |      | NE<br>¼ | N<br>W<br>¼ | SW<br>¼ | SE<br>¼ | N<br>E<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | N<br>E<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | S<br>W<br>¼ | SE<br>¼ |       |
| 4N  | 1E  | 19   | X       | X           | X       | X       |             |         |         |         |             |         |         |         |         |         |             |         |       |
| 4N  | 1E  | 20   |         |             | X       | X       |             | X       | X       | X       | X           | X       |         |         | X       | X       |             |         |       |
| 4N  | 1E  | 21   |         |             | X       | X       |             |         | X       | X       | X           | X       |         |         | X       | X       |             |         |       |

Total acres 449 acres in 484 acre PPU

PART 1

Transfer No. 70620

6. General Information:

- a. Description of diversion system Diversion from the Boise River into canals (Thurman Mill and Warm Springs), ponds, a perforated pipe collector gallery, pumping stations, and sprinkler system irrigation.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? XX Yes XX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: The service area boundary for Warm Springs Ditch Co. was defined during the IDWR review and recommendation to the SRBA court.
- d. Remarks: See attached

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_  
And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_

**PART 2 (63-192)**

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

No If yes, describe \_\_\_\_\_**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*

1. Amount 0.06 cfs for DIVERSION TO STORAGE purposes from 3-1 to 11-15  
     (cfs/ac-ft)
- Amount 11.2 ac-ft for AESTHETIC STORAGE purposes from 3-1 to 11-15  
     (cfs/ac-ft)

2. Points of Diversion: NO CHANGE

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

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |     |     |     | NW ¼ |     |     |     | SW ¼ |     |     |     | SE ¼ |     |     |     | Totals |
|------|------|------|------|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|--------|
|      |      |      | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ |        |
| 4N   | 1E   | 19   | A    |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
|      |      | 20   |      |     | A   |     |      |     | A   | A   |      |     |     |     | A    | A   |     |     |        |
|      |      |      |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
|      |      |      |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |

Total acres 13**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*

1. Amount 2.24cfs for IRRIGATION purposes from 3-1 to 11-15  
     (cfs/ac-ft)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
     (cfs/ac-ft)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
     (cfs/ac-ft)

2. Points of Diversion: NO CHANGE

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

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |     |     |     | NW ¼ |     |     |     | SW ¼ |     |     |     | SE ¼ |     |     |     | Totals |
|------|------|------|------|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|--------|
|      |      |      | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ |        |
| 4N   | 1E   | 19   | X    | X   | X   | X   |      |     |     |     |      |     |     |     |      |     |     |     |        |
|      |      | 20   |      |     | X   | X   |      | X   | X   | X   | X    | X   |     |     | X    | X   |     |     |        |
|      |      | 21   |      |     | X   | X   |      |     | X   | X   | X    | X   |     |     | X    | X   |     |     |        |

Total acres 449 acres in 484 acre PPU

**PART 2 (63-19425)**

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

No If yes, describe \_\_\_\_\_**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*1. Amount 0.14 cfs for DIVERSION TO STORAGE purposes from 3-1 to 11-15  
(cfs/ac-ft)Amount 24.6 ac-ft for AESTHETIC STORAGE purposes from 3-1 to 11-15  
(cfs/ac-ft)2. Points of Diversion: NO CHANGE

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

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4N   | 1E   | 19   | A      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      | 20   |        |        | A      |        |        |        | A      | A      |        |        |        |        | A      | A      |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 13**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*1. Amount 4.92cfs for IRRIGATION purposes from 3-1 to 11-15  
(cfs/ac-ft)Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)2. Points of Diversion: NO CHANGE

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

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4N   | 1E   | 19   | X      | X      | X      | X      |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      | 20   |        |        | X      | X      |        | X      | X      | X      | X      | X      |        |        | X      | X      |        |        |        |
|      |      | 21   |        |        | X      | X      |        |        | X      | X      | X      | X      |        |        | X      | X      |        |        |        |

Total acres 449 acres in 484 acre PPU

**PART 2 (63-216C)**

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

No If yes, describe \_\_\_\_\_**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*1. Amount 0.01 cfs for DIVERSION TO STORAGE purposes from 3-1 to 11-15  
(cfs/ac-ft)Amount 1.9 ac-ft for AESTHETIC STORAGE purposes from 3-1 to 11-15  
(cfs/ac-ft)2. Points of Diversion: NO CHANGE

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

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 4N   | 1E   | 19   | A    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      | 20   |      |      | A    |      |      |      | A    | A    |      |      |      |      | A    | A    |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 13**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*1. Amount 0.39 cfs for IRRIGATION purposes from 3-1 to 11-15  
(cfs/ac-ft)Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)2. Points of Diversion: NO CHANGE

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

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 4N   | 1E   | 19   | X    | X    | X    | X    |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      | 20   |      |      | X    | X    |      | X    | X    | X    | X    | X    |      |      | X    | X    |      |      |        |
|      |      | 21   |      |      | X    | X    |      |      | X    | X    | X    | X    |      |      | X    | X    |      |      |        |

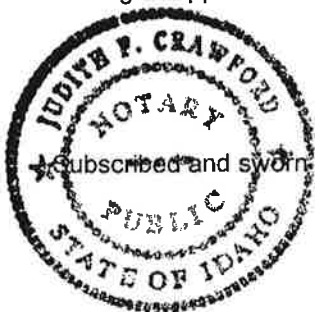
Total acres 449 acres in 484 acre PPU

## PART 3

B. CHANGES IN NATURE OF USE N/A

- | 1. | New Nature of Use           | Amount<br>(cfs/ac-ft) | Hours/days/year   | Period of Use       |
|----|-----------------------------|-----------------------|-------------------|---------------------|
|    | <u>Aesthetic storage</u>    | <u>37.8</u>           | <u>          </u> | <u>3-1 to 11-15</u> |
|    | <u>Diversion to storage</u> | <u>0.21</u>           | <u>          </u> | <u>3-1 to 11-15</u> |
2. Quantity and quality of return flows and location of discharge: None
3. Describe effects on other water uses resulting from the proposed change: The existing water rights underlying the ponds are changed to aesthetic storage and diversion to storage where the evaporation losses from the ponds are equivalent to the losses associated with irrigation of the same land. The ponds comprise a total of 13 acres at an average depth of 7 feet.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



[Signature]  
(Signature of Applicant)

Subscribed and sworn before me this 7th day of February, 2005.

Judith P. Crawford  
(Notary Public)

My commission expires 12/10/2010

## FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and            attachments

Received by g \*Date 2/7/05 Protest filed by           

Prelim. check by g Fee \$490 (original fee paid)

Receipted by KG Date 9/20/02

Published in old Statesman Copies of protest forwarded by           

Pub. Dates 1-15 + 22- Hearing held by            Date           

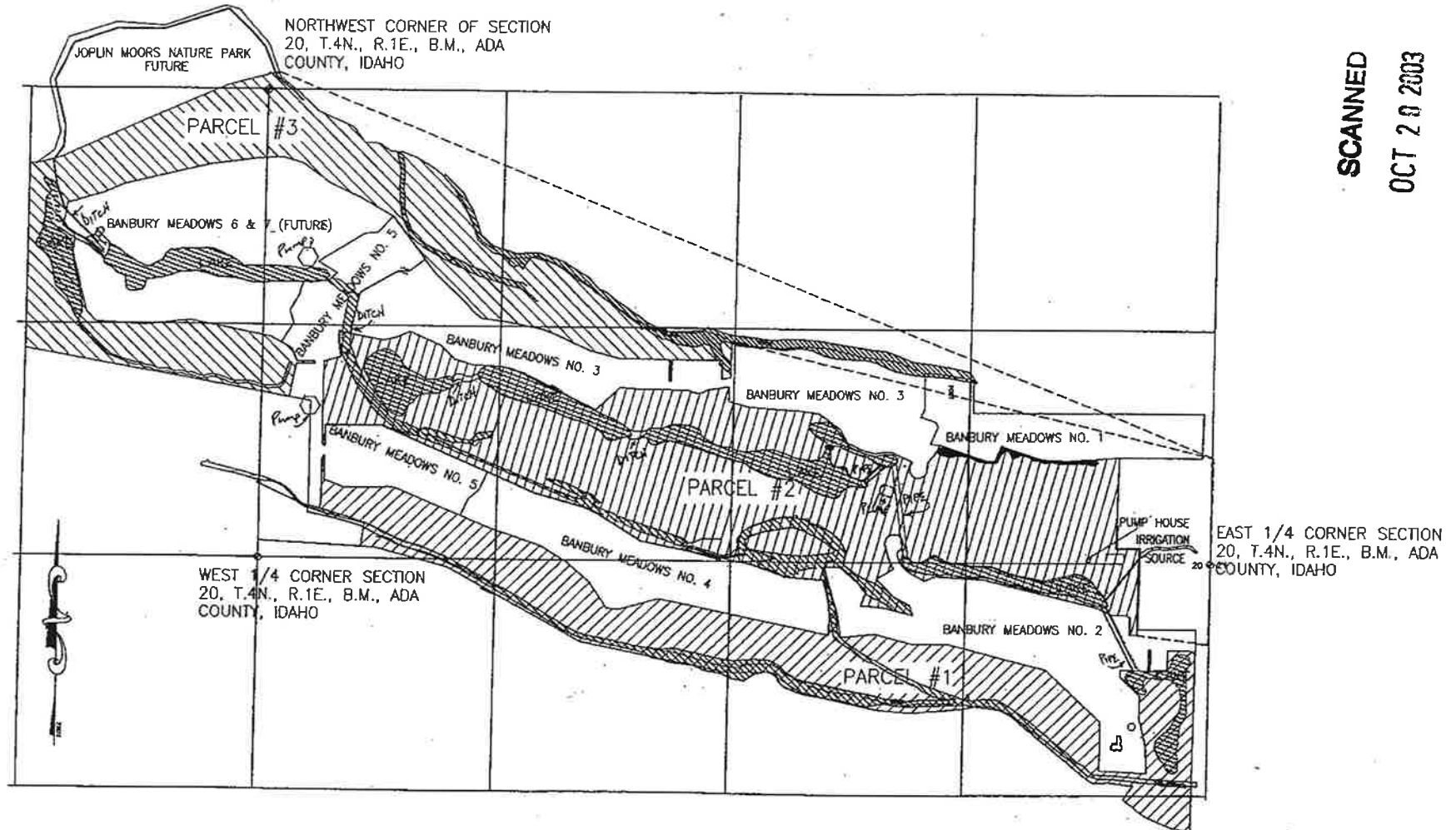
Watermaster recommendation requested on            Recommended for ☐ approval ☐ denial

           rec'd.            by           

Copy of transfer sent to lien holder           

\* original x-fer received 9/20/02  
amended x-fer received 2/7/05

# BANBURY MEADOWS GOLF COURSE PLACE OF USE



SCANNED  
OCT 28 2003

JOHNSON ENGINEERING  
FEB. 5, 2003

ATTACHMENT A

RECEIVED

FEB 07 2005

WATER RESOURCES  
WESTERN REGION

**Remarks for  
Application for Transfer  
In the Name of Warm Springs Ditch Company**

*Introduction*

The amended application for transfer proposes to change the nature of use of that portion of Warm Springs Ditch Company (Warm Springs) water rights represented by 13 shares of Warm Springs stock owned by Banbury Meadows LLC. Each Warm Springs share represents the right to delivery water to 1 acre of land, as and when water is available during the irrigation season, subject to conveyance losses and pro rata reductions among Warm Springs shareholders in times of shortage.

The current authorized and claimed use of water right for Warm Springs is comprised of a number of claims. Each water right claim is included in this transfer. In 2004, Warm Springs Ditch Co. filed a claim (63-31728) for Waste Water tributary to the Boise River that historically had been delivered via Warm Springs Canal per court order. However, IDWR ultimately recommended to disallow this claim and place the water under the ownership of Drainage District 4 with remarks that 2.55 cfs be credited for delivery to the same Warm Springs Canal (recommendation 63-31936).

Banbury Meadows LLC has applied to the Department for a permit to appropriate for Aesthetic Storage 58.5 acre-feet of ground water that would accrue to shallow excavated ponds. Accrued ground water will not be diverted from storage. The ponds have a total surface area of 13 acres. These 13 acres are within the Warm Springs service area and historically have been irrigated with water delivered by Warm Springs Ditch Co. This transfer application proposes to change the nature of use of the water rights historically used to irrigate the 13 acres of land within the Warm Springs service area that were converted from irrigation to ponds.

*Pond Evaporation*

By subtracting the annual precipitation (12.6 inches per year at Boise airport) from the Free Water Surface (FWS) evaporation estimate from NOAA (NOAA Technical Report

NWS 34, 1982), net evaporation can be approximated. FWS evaporation is estimated by multiplying the Pan Evaporation (63.97 in/yr) by the Pan Coefficient (0.7). FWS evaporation is approximately 45 in/yr. Therefore, net evaporation from the pond system is estimated to be 32.4 in/yr ( $45 \text{ in/yr} - 12.6 \text{ in/yr} = 32.4 \text{ in/yr}$ ).

The attached affidavit indicates that pasture grass has historically been irrigated on this property prior to development. The average consumptive irrigation requirement (CIR) for pasture grass is 887 mm/season (2.91 ac-ft/ac, 34.9 in/yr) (Allen & Brockway, 1983) (attached). Therefore the consumptive use of the Warm Springs water rights from 13 acres during the irrigation season due to evapotranspiration is estimated to be 37.8 afa ( $2.91 \text{ ft/yr (Allen Brockway, 1983)} * 13 \text{ acres} = 37.8 \text{ afa}$ ).

The difference between the net pond evaporation (32.4 in/yr) and the CIR (34.9 in/yr) shows that the ponds will actually consume less water than the pasture grass.

The 37.8 afa of water will be maintained for mitigation by keeping 13 shares of Warm Springs water in the ponds as part of the flow-through system. By maintaining the water in the ponds, this water is then available to recharge the shallow ground water system as compensation for evaporation off the pond's surfaces.

Based on the above discussion and assumptions, this transfer will not result in an enlargement of the water right or cause injury to other water rights because the number of acres to which the water right will be applied, and the net consumptive use of water, will not increase.

The transfer proposes to apply all water under the affected portion of the Warm Springs water rights to recognized beneficial uses, and will continue beneficial use of the water right within the Warm Springs service area for its shareholders. The transfer also will facilitate the use of ground water without depleting the resource. For these reasons, the transfer is in the public interest.

#### *Proposed Mitigation*

The following mitigation is offered to satisfy IDWR's concerns involving new ground water appropriation in the Treasure Valley and thereby allowing processing of this

application for permit to proceed out of sequence from the backlog of applications now pending in the basin.

To mitigate the net evaporation from the 13-acre pond system, the applicant will retain 13 shares of Warm Springs Ditch Co. on the property for mitigation purposes. The applicant understands that these shares are to remain with the property and not be used in a different Place of Use. The mitigation plan will be in the form of a letter to IDWR Western Region from the applicant identifying the shares of Warm Springs associated with the pond surface area (13 acres) that will be used for mitigation to allow the application for permit to be processed immediately and out of filing sequence. The plan will clearly set forth for approval of IDWR that commitment of the shares for mitigation of use of water by storage of ground water in the pond, without diversion of water under the shares, is a continuing beneficial use of the water represented by the shares. The plan will specify the continuation of the payment of assessments to the Warm Springs Ditch Company.



# ARTICLES OF INCORPORATION (Non-Profit)

(Instructions on back of application)

The undersigned, in order to form a Non-Profit Corporation under the provisions of Title 30, Chapter 3, Idaho Code, submits the following articles of incorporation to the Secretary of State.

**Article 1:** The name of the corporation shall be:

Warm Springs Ditch Company

**Article 2:** The purpose for which the corporation is organized is:

A Water users association

**Article 3:** The street address of the registered office is: 280 E. Corporate Dr. Suite #200

and the registered agent at such address is: Brian Hoff

**Article 4:** The board of directors shall consist of no fewer than three (3) people. The names and addresses of the initial directors are:

Brian Hoff 7885 N. Vue Estates Rd. Meridian, ID 83642

Bob Moore 2745 S. Eagle Rd. Eagle, ID 83616

June Walters 1210 W. Joplin Lane Meridian, ID 83642

**Article 5:** The name(s) and address(es) of the incorporator(s):

Brian Hoff 7885 N. Vue Estates Rd. Meridain, ID 83642

**Article 6:** The mailing address of the corporation shall be:

280 E. Corporate Dr #200

**Article 7:** The corporation ( ☒ does ☐ does not ) have voting members.

**Article 8:** Upon dissolution the assets shall be distributed:

Ratably between members

Signatures of all incorporators:

Typed Name: Brian Hoff

Typed Name: \_\_\_\_\_

Typed Name: \_\_\_\_\_

Typed Name: \_\_\_\_\_

Typed Name: \_\_\_\_\_

Customer Acct #:

(if using pre-paid account)

Secretary of State use only

g:\corp\forms\corp form\articleofincprofit.pdf  
Revised 07/2002

SCANNED

OCT 20 2003

ATTACHMENT C

**WARM SPRINGS DITCH COMPANY**  
**280 E. Corporate Dr. Suite 200**  
**Meridian, Idaho 83642**

July 16, 2002

TO: DEPARTMENT OF WATER RESOURCES

As owner of the following Water Rights:

Identification Number: 63-192

~~63-2387A~~

63-19425

63-216C

SRH

63-31728

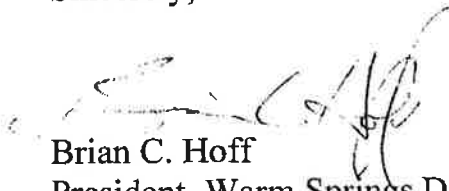
SRH

Source: Boise River      Tributary To: Snake River

Warm Springs Ditch Company is aware of and concurs with the redistribution of use and application for transfer of Hoff Companies portion of these water rights.

Warm Springs Ditch Company delivers water for all described properties and assesses landowners for these water deliveries.

Sincerely,

  
Brian C. Hoff

President, Warm Springs Ditch Company

SCANNED

OCT 20 2003

ATTACHMENT D

SEP. -02' 03(TUE) 08:40 HOFF C ANIES, INC

TEL:208884...15

P. 002

**AFFIDAVIT OF BRIAN HOFF,****President of Warm Springs Ditch Company**

STATE OF IDAHO )

COUNTY OF ADA )

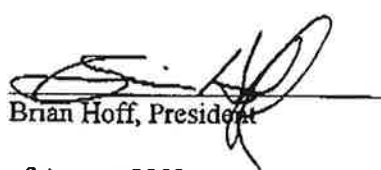
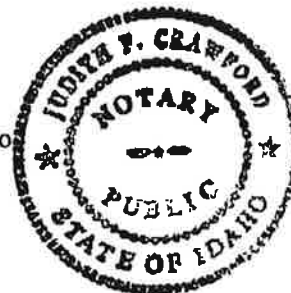
I, Brian Hoff, the undersigned, having been duly sworn on an oath deposes and says:

1. I am currently the president of Warm Springs Ditch Company. The information contained in this statement is true to the best of my knowledge and belief.
2. Approximately 484 acres of land located within sections 19, 20, and 21 of T4N, R1E, comprise the service area of the Warm Springs Ditch Company.
3. That portion of land that is currently developed as residential and golf course was previously used and irrigated primarily for pasture grass.
4. Warm Springs Ditch Company delivered the water used to irrigate the pasture grass.

FURTHER YOUR AFFIANT SAITH NAUGHT

Dated this 28<sup>th</sup> day of August 2003

BRIAN HOFF

  
Brian Hoff, PresidentSubscribed and sworn before me this 28<sup>th</sup> day of August 2003.Notary Public  
Residing at Boise, Idaho

My commission expires

12/9/04

SCANNED

OCT 20 2003

ATTACHMENT E

WARM SPRINGS DITCH COMPANY  
280 E. CORPORATE DRIVE, STE. 200  
MERIDIAN, IDAHO 83642  
208-884-2002

February 7, 2005

S. Bryce Farris  
Ringert Clark Chartered  
455 S. Third, PO Box 2773  
Boise, Idaho 83701

Dear Bryce,

On January 14, 2004, Drainage District 4 (DD4) through their attorney Ringert Clark Chartered, filed a protest on application for transfer 70620 filed by Warm Springs Ditch Company, citing an interest/ownership in claim 63-31728, as listed by Warm Springs Ditch Co.

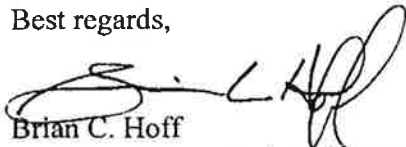
Since that time, Mel Schulte of the Idaho Department of Water Resources (IDWR) has provided review of the water rights in the Warm Springs Ditch Company service area in preparation for a recommendation to the SRBA court. As of the date of this letter, claim 63-31728 was recommended to be disallowed by IDWR because the right claimed is recommended pursuant to another right (63-31936 owned by DD4).

At a pre-hearing meeting on December 17, 2004 at IDWR, a solution to DD4's protest was made such that if Warm Springs Ditch Company will remove claim 63-31728 from the application for transfer, DD4 will withdraw their protest. Therefore, an amended application for transfer was filed with IDWR on February 7, 2005 to satisfy that agreement. A copy of the amended transfer is attached to this letter. It is understood that the current rights for 2.55 cfs of delivery to Warm Springs Canal will continue as before under DD4's claim 63-31936.

Warm Springs Ditch Company looks forward to the protest being withdrawn in order for the processing of the transfer to resume.

If there are any questions, please call me.

Best regards,



Brian C. Hoff  
President, Warm Springs Ditch Company

Cc: IDWR, Western Regional Office, Attn: Lori Graves  
ERO, Attn: Steve Hannula

## MEMORANDUM

TO: Transfer File No. 70620

FROM: Lori Graves

DATE: 2/15/05

RE: Evaluation of Sufficiency of Information Submitted

---

Applicant proposes to change the nature of use from irrigation to aesthetic storage for the water appurtenant to 13 acres of land that have been historically irrigated within Warm Springs Ditch Company's service area located in T4N R1E S19, 20 and 21. The aesthetic storage will mitigate the evaporative losses for the ponds associated with Banbury Meadows Subdivision and golf course. Accompanying application for permit 63-31690 has been filed for filling the ponds from ground water. The transfer also proposes to re-distribute irrigated acres within Warm Springs Ditch Company's PPU to more accurately reflect changes that have occurred in S19 and S20 due to recent development.

The site is located west of Eagle Rd and north of Chinden Blvd.

Contact person for the applicant is Steve Hannula with ERO.

**Authority to File:** IDWR records list the water rights in the applicant's name. Proof of incorporation has been submitted by the applicant, which lists Brian Hoff as a director (attachment C). Mr. Hoff, representing Warm Springs Ditch Co., also submitted an acknowledgement statement for the transfer application (attachment D).

**Water Right Validity:** Right presumed valid since the rights were claimed on 10/30/1989 and beneficial use occurred within a five year period prior to that date. Beneficial use was confirmed with a 1987 aerial photo. Mel Schulte reviewed and recommended the rights involved for the processing of this transfer.

**Injury to Other Water Rights:** In an effort to prevent possible injury, this transfer serves as mitigation for application 63-31690. The Ditch Company shares associated with the 13 acres of pond area will continue to be delivered to the ponds during the irrigation season as part of a flow-through system. This water is then available to recharge the shallow ground water system as compensation for evaporation off the pond's surfaces. Applicants have not proposed an increase in net consumptive use of water or the total number of acres to which the water rights will be applied within their proposed PPU.

**Enlargement of Use:** Applicant's consultant subtracted the annual precipitation (12.6 in/yr at Boise airport) from the 45 in/yr Free Water Surface, which was estimated by multiplying the Pan Evap (63.97) by the Pan Coeff (0.7).  $45 \text{ in/yr} - 12.6 \text{ in/yr} = 32.4 \text{ in/yr}$ . Because the net pond evaporation 32.4 in/yr is less than CIR 34.9 in/yr, the

consultant concurred that the ponds would actually consume less water than pasture grass. Brian Hoff also supplied an affidavit indicating pasture grass was historically irrigated on the property prior to development (attachment E). Based on the Allen/Brockway Report, the average irrigation requirement for 13 acres of pasture grass equates to 37.8 total afa. This is roughly a one-to-one swap for irrigated lands vs. pond surface area, as generally assumed by IDWR.

**Local Public Interest:** The transfer maintains the beneficial use of the Ditch Co. water rights within the boundaries of the Ditch Co. service area for its shareholders while, at the same time, facilitates the use of ground water without depleting the resource.

**Beneficial Use/Conservation of Water Resources:** The proposal is consistent with water right standards for the area.

**Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of this application.**

**Additional Information:** The applicant originally included claim 63-2387A. Mel Schulte disallowed this claim and replaced it with 63-31728, which represents applicant's portion of drainage discharge for District No. 4. By court order, Drainage District No. 4 is allowed 750 cfs delivered through three ditches; Thurman Mill, Ridenbaugh and Warm Springs Slough. Claim 63-31728 represents water and acres appurtenant to Warm Springs Slough. Claim 63-2387 represents water and acres appurtenant to Thurman Mill Ditch. Warm Springs Slough flows into Thurman Mill Ditch, which is why applicant's acres are listed on claim 63-2387 for Drainage District No. 4. Bryce Farris with Ringert Clark represents District No. 4 and will be sent notice.

Claim 63-216C represents decree 63-216B. Claim 63-19425 is a combination of decrees 63-219 and 63-220. Volume and acre amounts and season of use were not listed on the decreed rights represented by claims 63-192, 63-19425 and 63-216C. The decreed cfs rate (figuring 1"/ac) was then compared with the X'd tracts on the original decreed rights (assuming 40 ac/tract) and the lesser of the two was used for determining number of decreed acres/right. See below regarding irrigation volume. Aesthetic volume proposed and recommended for each right was based on the calculated consumptive use volume appurtenant to the amount of pond acreage designated from each right for aesthetic storage.

Mel stated he would condition the rights to **462 acres irrigation (digitized) within the 484 acre ppu**. He also stated that each right would be limited to 1"/acre when combined with the other rights. Total rate involved is 10.31 cfs, which equates to 1"/acre for 515.5 acres. Obviously, ditch loss is imbedded in the rights because 462 at 1"/acre equates to 9.24 cfs. For simplicity and because the source is surface water, Jeff Peppersack said volume limitations for irrigation could be ignored.

The p/d originally listed for the Thurman Mill Ditch diversion in the SENE S5 T3N R2E was found in error. A GPS reading located the p/d in Lot 11 NESE S5 T3N R2E, which has been recommended.

Data entry affected the claim records since Mel has not yet data entered his recommendations as of the date of this memo. Claims 63-192 and 63-19425 list volume amounts that are N/A and should not be listed on the front page of the transfer approval to avoid confusion.

Watermaster comments located in the file were requested and were received 2/3/04.

**2/15/05 Update:** The transfer was advertised and protested by Drainage District No. 4. To satisfy an agreement/solution reached at a pre-hearing conference conducted by John Westra 12/17/04, Warm Springs Ditch Co. amended their transfer to remove right 63-31728 from their proposal. Please refer to applicant's correspondence dated 2/7/05 for further details. In a nutshell, the SRBA disallowed claim 63-31728 in the name of the applicant and replaced it with recommended claim 63-31936 in the name of Drainage District No. 4. This occurred after the protest was filed.

Although right 63-31936 overlaps the p/u, the source is wastewater and represents return flows that are collected throughout the drainage district's service area, when available. The collected wastewater is then equitably distributed by the Boise River Watermaster to delivery organizations within the drainage district. The drainage district's service area is large, resulting in their water rights overlapping many proposals. Because the unique nature of drainage district water, the department has not required the inclusion of the district's wastewater right(s) on previous transfer applications. The overlap is noted and the drainage district is sent a courtesy copy.

The amended transfer application does not need to be re-advertised, per John Westra, because the total amount transferred has been reduced rather than increased due to the removal of right 63-31728. The remaining rights have been appropriately adjusted to satisfy the mitigation requirements for application 63-31690. The rights are limited to 449 acres irrigation within a 484 acre PPU, which accounts for 13 acres converted to ponds (as mentioned above, Mel Schulte recommended 462 acres irrigation within a 484 acre PPU on the associated SRBA claims listed on the amended transfer).

Please note that although the SRBA shape file for applicant's service area does not include the W1/2NE S19 or the NESE S21, these quarters appear x'd on the associated recommendation proof reports because of a government lot issue that Mike Ciscell is unable to fix.

**Conditions:** Assuming protests are not filed and/or other information does not contradict the above analysis, and assuming it is determined the application should be approved, the conditions listed on the draft transfer approval should be applied.

63-192

## LII.

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

63 0192

115 inches, from June 1, 1876; and hereby designated as Right No. 61. and be adjudged to pay \$8.05 costs in addition to the costs incurred by them.

## LIII.

That the defendant JOHN CECIL be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point opposite the upper end of Government Island, through what is known as the Thurman Mill Slough, for use upon the following described land; commencing at a point  $\frac{1}{4}$  mile west of the NE corner of NE  $\frac{1}{4}$  of Sec. 27, T. 4 N. R. 1 E. B.M., thence west 120 rods, thence south 249 feet, thence southeast along the brow of the hill 120 rods, thence north 639 feet to place of beginning, in the following amount and from the following date;

3 0193

22 inches, from June 1, 1876; and hereby designated as Right No. 62; and be adjudged to pay \$1.54 costs in addition to the costs incurred by him.

## LIV.

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

3 0194

260 inches, from June 1, 1876; and hereby designated as Right No 63.

JUN 21 1996

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-192

WATER RIGHT NUMBER: 63-192

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

Priority Date: 06/01/1876

Basis: Decreed

Status: Active

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

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 3/01 to 11/15           | 2.300 CFS             | 518.00 AF            |
|                       | <u>Total Diversion:</u> | 2.300 CFS             | 518.00 AF            |

Location of Point(s) of Diversion

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

Place of UseIRRIGATION Within ADA County

|                  |      |      |               |      |      |
|------------------|------|------|---------------|------|------|
| T04N R01E S20    | SWNE | 38.0 | T04N R01E S20 | SENE | 42.0 |
| T04N R01E S20    | NESE | 35.0 |               |      |      |
| Total Acres: 115 |      |      |               |      |      |

Conditions of Approval:Remarks:

1. THIS WATER DIVERTED INTO THURMAN MILL DITCH.  
P/D NOT LISTED.  
AUTHORITY AS AGENT FOR WARM SPRINGS DITCH COMPANY WATER USERS SEE  
ATTACHMENT "A".  
Address change per claimant request. DB 4/18/2001

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-192

Comments:

Dates and Other Information:

Claim Received Date: 10/30/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

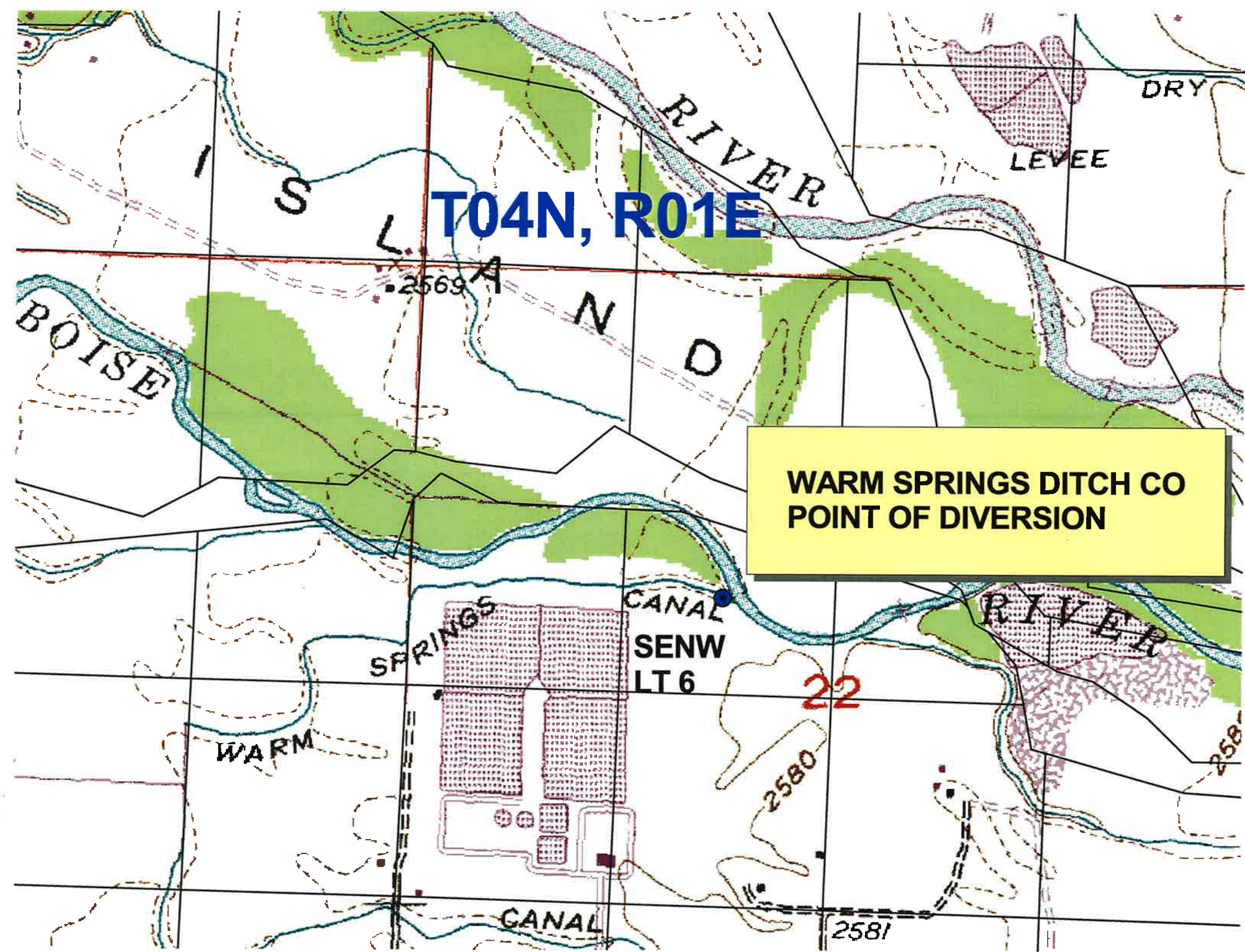
DLE Act Number:

Carey Act Number:

Mitigation Plan: False

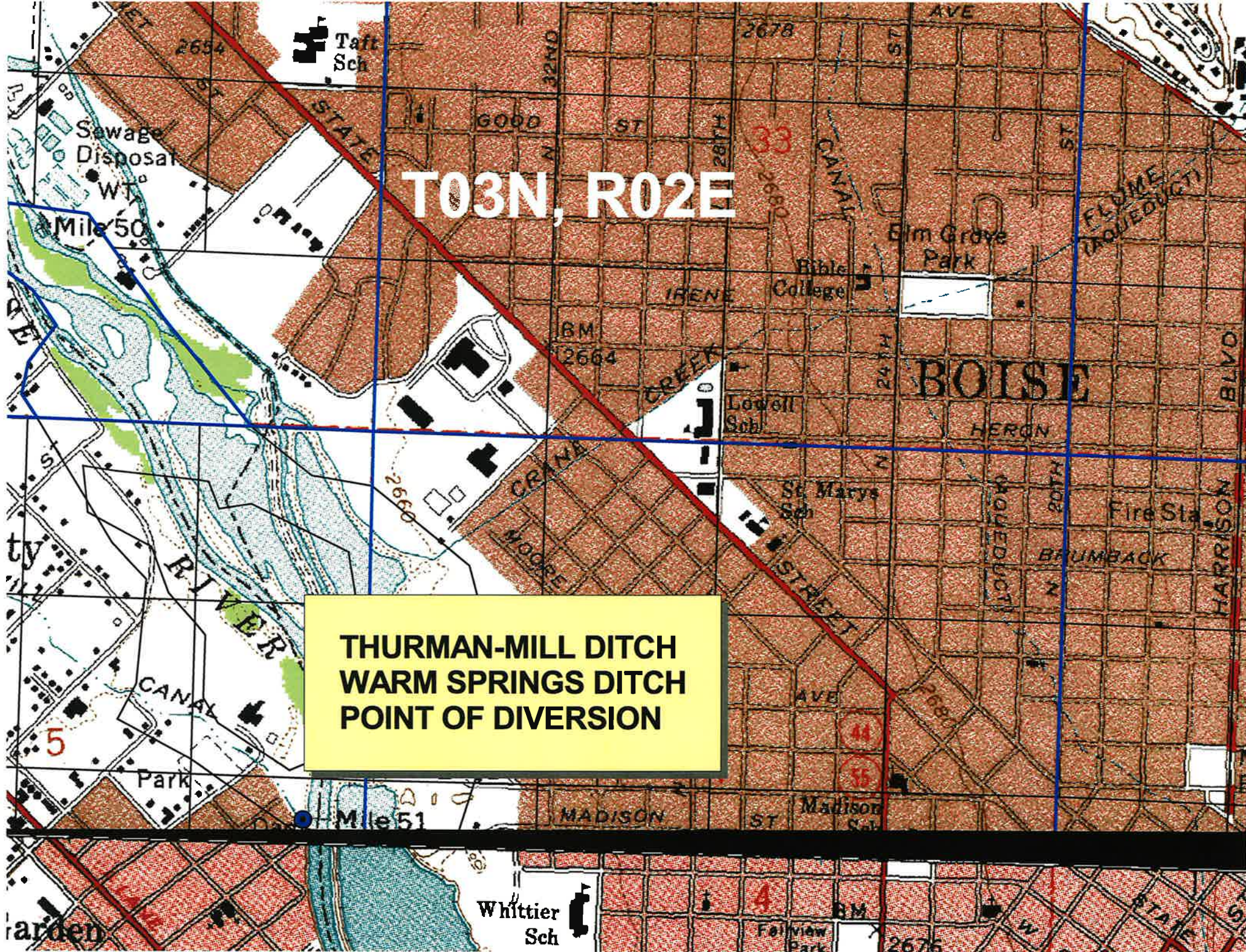
**T04N, R01E**

**WARM SPRINGS DITCH CO  
POINT OF DIVERSION**

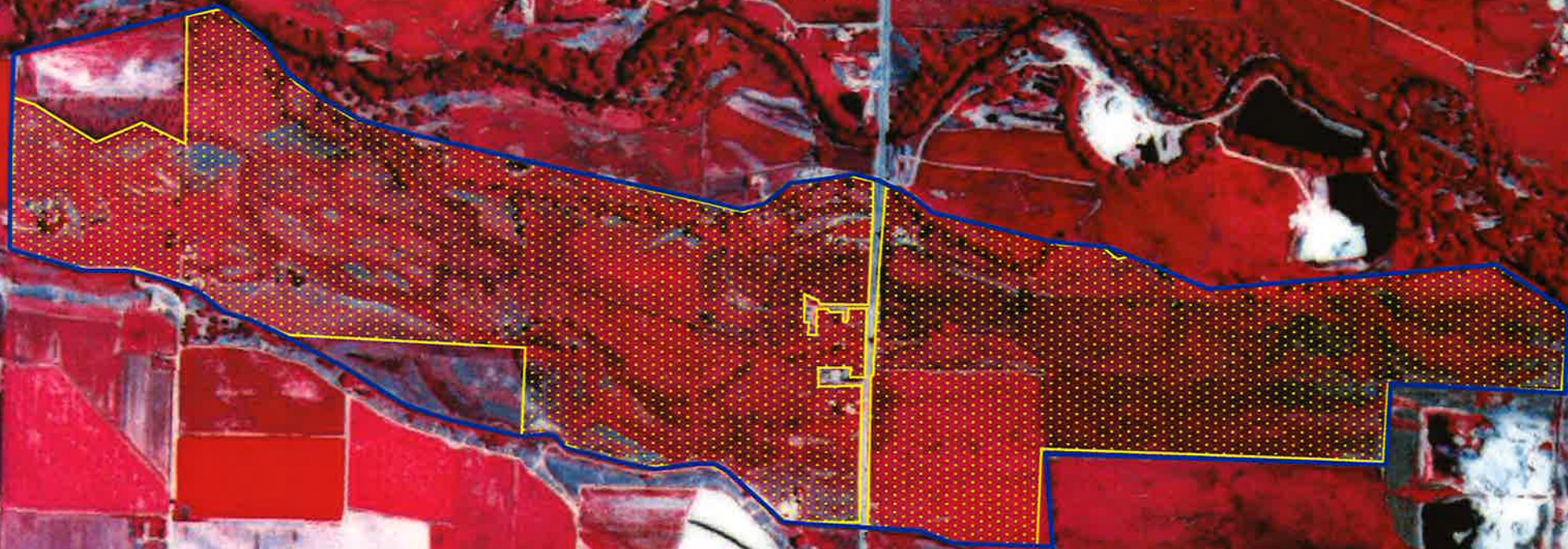


**T03N, R02E**

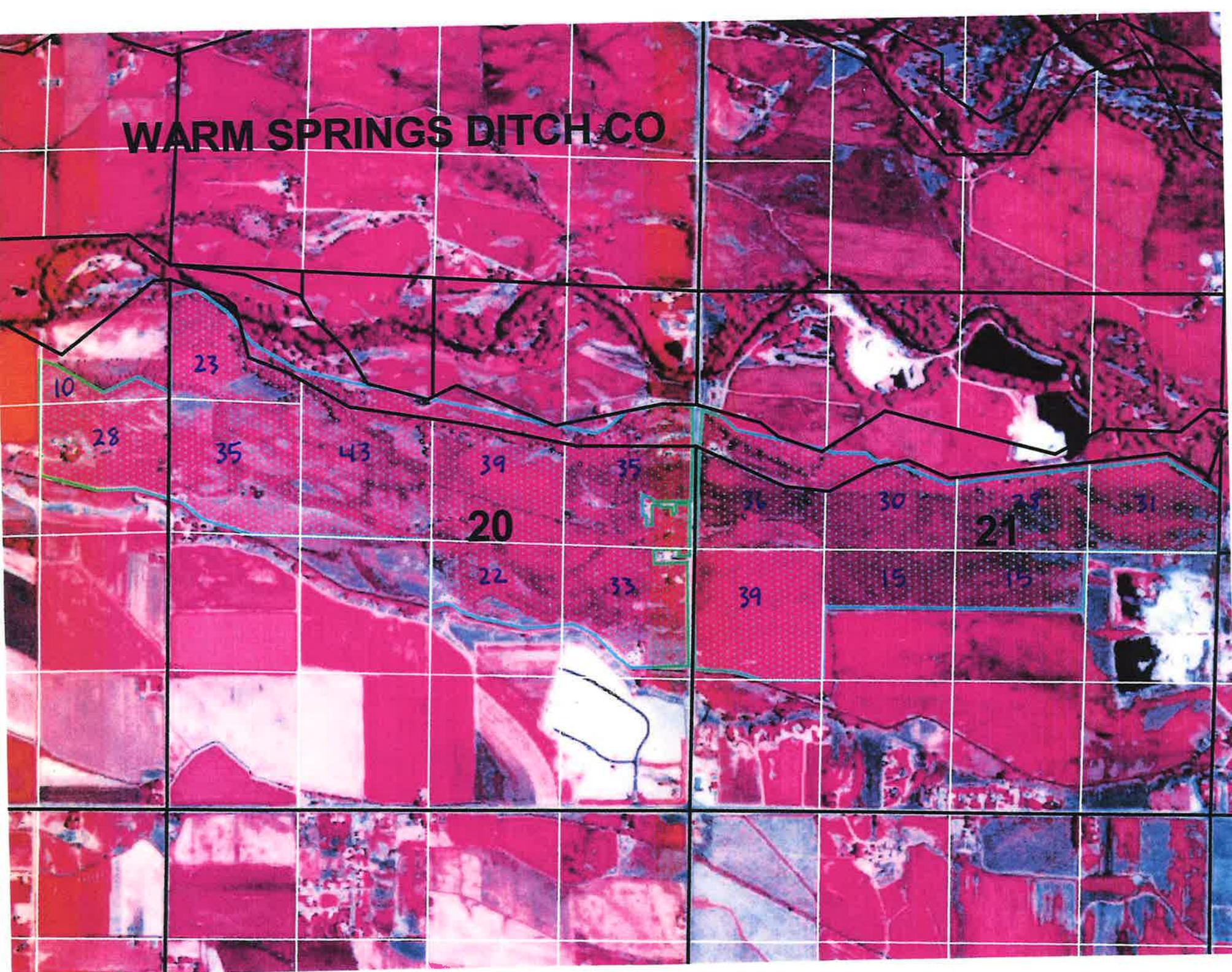
**THURMAN-MILL DITCH  
WARM SPRINGS DITCH  
POINT OF DIVERSION**



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



# WARM SPRINGS DITCH CO



POD search - 3N, 2E, S5, NESE → Thurman-Mill headgate

| Basin         | Sequence          | Suffix | Basis   | Priority Date       | Rate(cfs) | Source                      | Water Use(s)                                | Source Table                        |
|---------------|-------------------|--------|---------|---------------------|-----------|-----------------------------|---------------------------------------------|-------------------------------------|
| 63            | 135               |        | Decreed | 1864-06-01          | 3.3       | BOISE RIVER                 | IRRIGATION                                  | THURMAN MILL DITCH CO LTD (Current) |
| 63            | 176               |        | Decreed | 1869-06-01          | 1.6       | BOISE RIVER                 | IRRIGATION                                  | THURMAN MILL DITCH CO LTD (Current) |
| 63            | 193               |        | Decreed | 1876-06-01          | 0.44      | BOISE RIVER                 | IRRIGATION                                  | THURMAN MILL DITCH CO LTD (Current) |
| 63            | 210               |        | Decreed | 1880-06-01          | 2.4       | BOISE RIVER                 | IRRIGATION                                  | THURMAN MILL DITCH CO LTD (Current) |
| 63            | 211               |        | Decreed | 1880-10-20          | 0.9       | BOISE RIVER                 | IRRIGATION                                  | THURMAN MILL DITCH CO LTD (Current) |
| 63            | 221               |        | Decreed | 1883-06-01          | 0.9       | BOISE RIVER                 | IRRIGATION                                  | THURMAN MILL DITCH CO LTD (Current) |
| 63            | 250               |        | Decreed | 1895-07-01          | 0.66      | BOISE RIVER                 | IRRIGATION                                  | THURMAN MILL DITCH CO LTD (Current) |
| <del>63</del> | <del>3618 M</del> |        | Permit  | <del>1/1/1955</del> |           | BOISE RIVER                 | IRRIGATION FROM STORAGE, IRRIGATION STORAGE | THURMAN MILL DITCH CO LTD (Current) |
| 63            | 19084             |        | Decreed | 8/13/1925           | 11.42     | BOISE RIVER, JUNCTION DRAIN | IRRIGATION                                  | THURMAN MILL DITCH CO LTD (Current) |
| 63            | 30125             |        | Decreed | 1865-06-01          | 1.86      | BOISE RIVER                 | IRRIGATION                                  | THURMAN MILL DITCH CO LTD (Current) |
| 63            | 30129             |        | Decreed | 1872-06-01          | 2.1       | BOISE RIVER                 | IRRIGATION                                  | THURMAN MILL DITCH CO LTD (Current) |
| 63            | 30130             |        | Decreed | 1868-06-01          | 17.8      | BOISE RIVER                 | IRRIGATION                                  | THURMAN MILL DITCH CO LTD (Current) |
| 63            | 30131             |        | Decreed | 1882-06-01          | 5.6       | BOISE RIVER                 | IRRIGATION                                  | THURMAN MILL DITCH CO LTD (Current) |

POB -  
 T04N, R01E, S22, L+6, SENEW  
 03-192  
 -216C  
 -19425  
 -31728

RECEIVED  
APR 17 2001  
WATER RESOURCES  
WESTERN REGION

**STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES**

**CHANGE IN ADDRESS OF NOTICE OF CLAIM**

[ ] Water Right Number(s):

63-192

63-19425

63-216 C

63-2387 A

[ ] Claimant Name(s):

WARM SPRINGS DITCH CO.

[ ] Old Mailing Address:

WARM SPRINGS DITCH CO.

C/O HOFF COMPANIES, INC.

5257 FAIRVIEW AVE SUITE 230

BOISE IDAHO 83706

[ ] New Mailing Address:

WARM SPRINGS DITCH CO.

C/O HOFF COMPANIES, INC.

280 E. CORPORATE DR. SUITE 200

MERIDIAN, IDAHO 83642

Telephone Number:

(208) 884 - 2002

[ ] Signature of Claimant(s):

Date:

4/17/01

BRIAN C. HOFF

PRESIDENT, WARM SPRINGS DITCH CO

## WARM SPRINGS DITCH COMPANY

### ADDITIONAL INFORMATION

DATE: September 7, 2004

BY: Mel Schulte

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

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

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

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

MTS

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-192 V1

WATER RIGHT NUMBER: 63-192 V1

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

Priority Date: 06/01/1876

Basis: Decreed

Status: Active

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

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

Location of Point(s) of Diversion

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

Place of UseConditions of Approval:

- add -155*
- ok* 1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
- ok* 2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
- W.*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-192 V1

3. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

Remarks:

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 61 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS
2. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-216C, 63-19425, 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131, 63-31936
3. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. *not more than 4.5*
4. Explanatory WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL AND THE WARM SPRINGS CANAL
5. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-216C, 63-19425
6. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 462 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. *1 lot 6 449.*

Comments:

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

## IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-19425

WATER RIGHT NUMBER: 63-19425

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

Priority Date: 06/01/1882

Basis: Decreed

Status: N/A

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

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

Location of Point(s) of Diversion

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

Place of UseAESTHETIC STORAGE Within ADA County

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

IRRIGATION Within ADA County

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

## IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-19425

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

Total Acres: 465.5

Conditions of Approval:

1. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
2. Rights 63-192 and 63-216C are also diverted through the point of diversion described above as Lot 6 (SENW), S22, T04N, R01E.
3. This right is designated as Nos. 81, 82, 83, 84 and 85 in the Stewart Decree and the Boise River Water Masters records.
4. F01 Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
8. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
12. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.
13. X36 Rights 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131 and 63-31936 are also diverted through the point of diversion described above as Lot 11 (NESE), S05, T03N, R02E.

Remarks:

## IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-216C

WATER RIGHT NUMBER: 63-216C

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

Priority Date: 06/01/1889

Basis: Decreed

Status: N/A

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

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

Location of Point(s) of Diversion

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

Place of UseIRRIGATION Within ADA County

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

Total Acres: 465.5

AESTHETIC STORAGE Within ADA County

eda

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-216C

T04N R01E S19 Lot 1 NENE

T04N R01E S20 Lot 7 SWNE

T04N R01E S20 Lot 8 SENE

T04N R01E S20 Lot 5 NWNW

T04N R01E S20 SWNW

T04N R01E S20 Lot 6 SENW

T04N R01E S20 NESE

T04N R01E S20 NWSE

Conditions of Approval:

1. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
2. Rights 63-192 and 63-19425 are also diverted through the point of diversion described above as Lot 6 (SENW), S22, T04N, R01E.
3. This right is designated as No. 116 in the Stewart Decree and the Boise River Water Masters records.
4. F01 Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
8. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
12. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.
13. X36 Rights 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131 and 63-31936 are also diverted through the point of diversion described above as Lot 11 (NESE), S05, T03N, R02E.

Remarks:

Comments:

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

## IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-192

WATER RIGHT NUMBER: 63-192

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

Priority Date: 06/01/1876

Basis: Decreed

Status: N/A

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

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

Location of Point(s) of Diversion

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

Place of UseAESTHETIC STORAGE Within ADA County

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

IRRIGATION Within ADA County

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

## IDAHO DEPARTMENT OF WATER RESOURCES

## Transfer AJ Claim Report 63-192

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

Total Acres: 465.5

Conditions of Approval:

1. *add* Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
2. *ok* Rights 63-216C and 63-19425 are also diverted through the point of diversion described above as Lot 6 (SENW), S22, T04N, R01E.
3. *ok* This right is designated as No. 61 in the Stewart Decree and the Boise River Water Masters records.
4. *ok* F01 Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
5. *add* → R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
6. *ok add* R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. *ok* S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
8. *add* T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval. *was #70620*
9. *add* T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. *Exp 70620*
10. *add* T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. *add* T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
12. *add* WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.
13. *ok* X36 Rights 63-135, 63-176, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131 and 63-31936 are also diverted through the point of diversion described above as Lot 11 (NESE), S05, T03N, R02E.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-192

Comments:

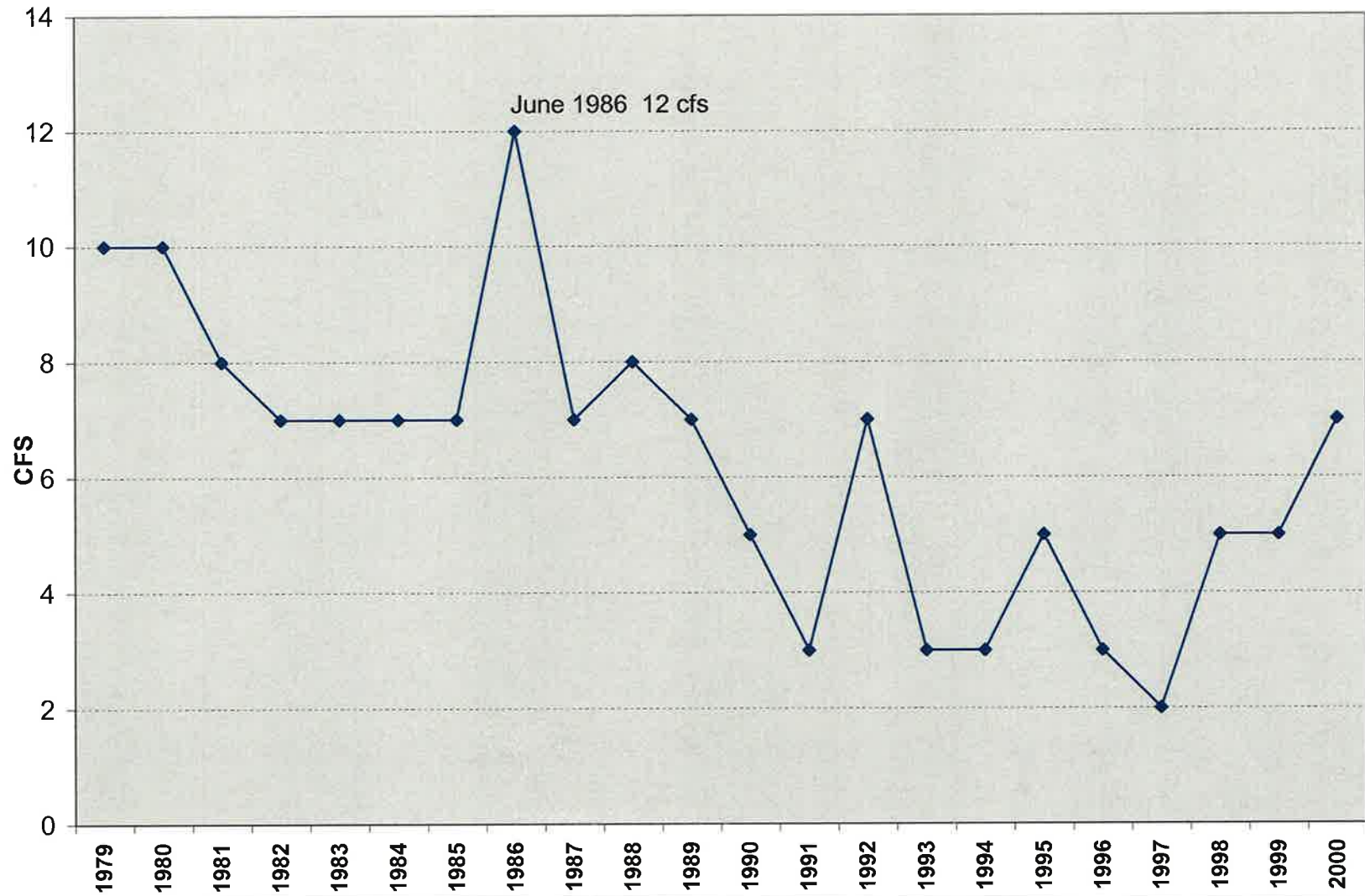
1. pskaggs 3/4/2005 3:38:11 PM Transferred Right

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

[illegible]

# MAXIMUM MONTHLY DIVERSION 1979-2000

## 13206220 WARM SPRINGS CANAL



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

| Basin | Sequence                                                                                                  | Suffix                     | Basis   | Status | Priority Date | Rate(cfs)                                                    | Volume(af) | Source      | Water Use(s) | Source Table                    |
|-------|-----------------------------------------------------------------------------------------------------------|----------------------------|---------|--------|---------------|--------------------------------------------------------------|------------|-------------|--------------|---------------------------------|
| 63    | 192                                                                                                       |                            | Decreed | Active | 1876-06-01    | <sup>0.2</sup><br>2.3                                        | 518        | BOISE RIVER | IRRIGATION   | WARM SPRINGS DITCH co (Current) |
| 63    | 216                                                                                                       | C                          | Decreed | Active | 1889-06-01    | <sup>.40</sup><br><del>1.2</del> - overclaimed               | 297        | BOISE RIVER | IRRIGATION   | WARM SPRINGS DITCH co (Current) |
| 63    | <sup>31728</sup><br><del>2387</del>                                                                       | <sup>Dissalvoir</sup><br>A | License | Active | 4/18/1925     | <del>2.23</del>                                              | 1070       | DRAIN       | IRRIGATION   | WARM SPRINGS DITCH co (Current) |
| 63    | <sup>217 = 1.44</sup><br><sup>218 = 1.44</sup><br><sup>219 = 1.58</sup><br><sup>220 = 2.12</sup><br>19425 |                            | Decreed | Active | 1882-06-01    | <sup>5.06</sup><br><del>4.2</del> - recommended underclaimed | 945        | BOISE RIVER | IRRIGATION   | WARM SPRINGS DITCH co (Current) |

5.06

7.76 cfs = 388"

Claimed acres = 484

digitized acres = 462

Water master = 494 acres

Brian Hoff - 884-2002

Warm Springs Ditch review

63-192 = OK

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

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

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

DD #4 water serves the same POB as Warm  
Springs Ditch Co.

## STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

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

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

Source Ta App.ID

63-192.

LII.

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

63 0192

115 inches, from June 1, 1876; and hereby designated as Right No. 61.  
nd be adjudged to pay \$6.05 costs in addition to the costs incurred by them.

LIII.

That the defendant JOHN CECIL be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point opposite the upper end of Government Island, through what is known as the Thurman Mill Slough, for use upon the following described land; commencing at a point  $\frac{1}{4}$  mile west of the NE corner of NE  $\frac{1}{4}$  of Sec. 27, T. 4 N. R. 1 E. B.M., thence west 120 rods, thence south 249 feet, thence southeast along the brow of the hill 120 rods, thence north 632 feet to place of beginning, in the following amount and from the following date;

3 0193

22 inches, from June 1, 1876; and hereby designated as Right No. 62;  
nd be adjudged to pay \$1.54 costs in addition to the costs incurred by him.

LIV.

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

3 0194

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

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-192

WATER RIGHT NUMBER: 63-192

Owner Type                      Name and Address

Current Owner                      EDWARD CLARK

Current Owner                      , ID

Current Owner                      MARY CLARK

Current Owner                      , ID

Priority Date: 06/01/1876

Basis: Decreed

Status: Active

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From      To

/ to /

Diversion Rate

2.300 CFS

Annual VolumeTotal Diversion:      2.300 CFSLocation of Point(s) of Diversion

BOISE RIVER

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |     |     | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW  | SE  | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 01E | 20  |    |    | X   | X   |    |    |    |    |    |    |    |    | X  |    |    |    |        |
|     |     |     |    |    | L 7 | L 8 |    |    |    |    |    |    |    |    |    |    |    |    |        |

Conditions of Approval:Remarks:

- General      THIS WATER DIVERTED INTO THURMAN MILL DITCH.  
P/D NOT LISTED.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-192

Dates and Other Information:

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

Combined Use Limits:

380 cc. Juice

19

20

21

22

27



7/8/2002

| BasinNumber   | SequenceNum      | SplitSuffix  | OrganizationName                      | Agent          |
|---------------|------------------|--------------|---------------------------------------|----------------|
| <del>63</del> | <del>192</del>   |              | <del>WARM SPRINGS DITCH COMPANY</del> | <del>Mel</del> |
| 63            | 192              |              | WARM SPRINGS DITCH COMPANY            | Mel            |
| <del>63</del> | <del>216</del>   | <del>C</del> | <del>WARM SPRINGS DITCH COMPANY</del> | <del>Mel</del> |
| 63            | 216              | C            | WARM SPRINGS DITCH COMPANY            | Mel            |
| <del>63</del> | <del>2387</del>  | <del>A</del> | <del>WARM SPRINGS DITCH COMPANY</del> | <del>Mel</del> |
| 63            | 2387             | A            | WARM SPRINGS DITCH COMPANY            | Mel            |
| <del>63</del> | <del>19425</del> |              | <del>WARM SPRINGS DITCH COMPANY</del> | <del>Mel</del> |
| 63            | 19425            | .219+220     | WARM SPRINGS DITCH COMPANY            | Mel            |

12-17-02  
 Copies of GIS &  
 USGS Maps mailed  
 to Brian Hoff to use  
 for boundary and irrigated  
 POU.

1-27-03  
 Trunk draft picked up

Idaho Dept. of Water Resources  
Place of Use Comparison Report

T4N, R1E, S19, SENE

| Basin | Sequence | Suffix | Basis           | Priority Date | Rate(cfs) | Source         | Water Use(s)                                | Owner(s)                                                     | Source Table        |
|-------|----------|--------|-----------------|---------------|-----------|----------------|---------------------------------------------|--------------------------------------------------------------|---------------------|
| 63    | 16555    |        | Beneficial Use  | 4/27/1962     | 0.09      | GROUND WATER   | IRRIGATION, STOCKWATER                      | SCHULTSMEIER, BLANCHE (Current); SCHULTSMEIER, LEE (Current) | wrAdjudicationClaim |
| 63    | 231      |        | Decreed         | 1891-05-06    | 73.44     | BOISE RIVER    | IRRIGATION                                  | SETTLERS IRRIGATION DISTRICT (Current)                       | wrAdjudicationClaim |
| 63    | 16553    |        | Decreed         | 11/1/1906     | 0.06      | GROUND WATER   | DOMESTIC, STOCKWATER                        | SCHULTSMEIER, BLANCHE (Current); SCHULTSMEIER, LEE (Current) | wrWaterRight        |
| 63    | 16554    |        | Decreed         | 7/2/1977      | 0.06      | GROUND WATER   | DOMESTIC, STOCKWATER                        | SCHULTSMEIER, BLANCHE (Current); SCHULTSMEIER, LEE (Current) | wrWaterRight        |
| 63    | 18949    |        | Decreed         | 12/31/1934    | 0.05      | GROUND WATER   | DOMESTIC, STOCKWATER                        | WALTERS, JUNE S (Current)                                    | wrWaterRight        |
| 63    | 19425    |        | Decreed         | 1882-06-01    | 4.2       | BOISE RIVER    | IRRIGATION                                  | WARM SPRINGS DITCH co (Current)                              | wrAdjudicationClaim |
| 63    | 19535    |        | Decreed         | 8/15/1975     | 0.06      | GROUND WATER   | DOMESTIC, STOCKWATER                        | JOHNSON, LARRY L (Current); JOHNSON, PEGGY L (Current)       | wrWaterRight        |
| 63    | 2387     | A      | License         | 4/18/1925     | 2.23      | DRAIN          | IRRIGATION                                  | WARM SPRINGS DITCH co (Current)                              | wrAdjudicationClaim |
| 63    | 2387     | B      | License         | 7/12/1924     | 11.42     | BOISE RIVER    | IRRIGATION                                  | DRAINAGE DISTRICT NUMBER FOUR (Current)                      | wrAdjudicationClaim |
| 63    | 2387     |        | License         | 11/11/1964    | 11.42     | BOISE RIVER    | IRRIGATION                                  | DRAINAGE DIST NO 4 (Current)                                 | wrWaterRight        |
| 63    | 2555     |        | License         | 7/12/1924     | 10        | JUNCTION DRAIN | IRRIGATION                                  | DRAINAGE DISTRICT NUMBER FOUR (Current)                      | wrAdjudicationClaim |
| 63    | 2555     |        | License         | 9/2/1969      | 10        | JUNCTION DRAIN | IRRIGATION                                  | DRAINAGE DIST NO 4 (Current)                                 | wrWaterRight        |
| 63    | 3060     |        | License         | 8/3/1955      | 1.87      | GROUND WATER   | IRRIGATION                                  | SETTLERS IRRIGATION DISTRICT (Current)                       | wrAdjudicationClaim |
| 63    | 3060     |        | License         | 8/3/1955      | 1.87      | GROUND WATER   | IRRIGATION                                  | SETTLERS IRRIGATION DISTRICT (Current)                       | wrWaterRight        |
| 63    | 3614     | B      | License         | 12/9/1940     |           | BOISE RIVER    | IRRIGATION FROM STORAGE, IRRIGATION STORAGE | SETTLERS IRRIGATION DISTRICT (Current)                       | wrAdjudicationClaim |
| 63    | 3618     | B      | Permit          | 4/12/1963     |           | BOISE RIVER    | IRRIGATION FROM STORAGE, IRRIGATION STORAGE | SETTLERS IRRIGATION DISTRICT (Current)                       | wrAdjudicationClaim |
| 63    | 5262     | B      | Statutory Claim | 1/13/1911     |           | BOISE RIVER    | IRRIGATION FROM STORAGE, IRRIGATION STORAGE | SETTLERS IRRIGATION DISTRICT (Current)                       | wrAdjudicationClaim |

Transfer No. 2996

Water Right No. 63-0216

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

APPROVED

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

**A. DESCRIPTION OF RIGHT AS RECORDED**

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

[illegible]

Total number of acres to be irrigated 60

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

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

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

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

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

Total number of acres to be irrigated 40

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

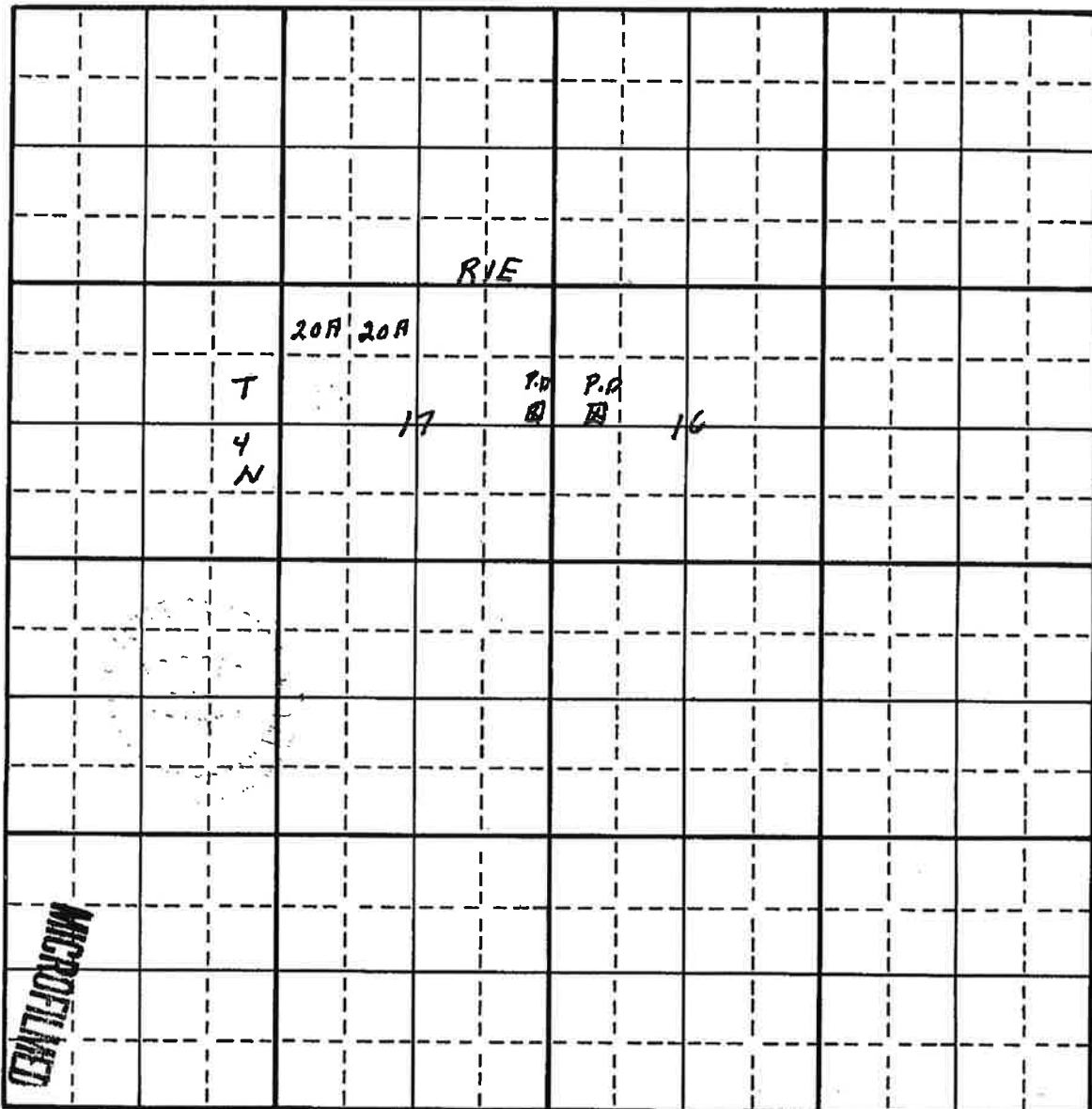
1. General Information
- a. Amount of water to be diverted 0.80 c.f.s. &/or \_\_\_\_\_ acre feet
- b. Description of diverting works Mace & Mace diversion ditch
- c. Describe the reasons for the proposed changes This land doesn't have any water rights.
2. Change in point of diversion
- Point of diversion SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 16 Township 4N  
Range 1E, B.M., \_\_\_\_\_ County  
Additional points SENE Sec 17 T4N R1E
3. Change in place of use
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes \_\_\_\_\_ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer  
LAND HAS OTHER WATER RIGHTS - THIS WATER WAS USED ONLY WHEN THERE WAS LOW WATER - SEE LETTER OF 4/26/83.

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

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

Total number of acres to be irrigated 40

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



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

MICROFILMED

REMARKS

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

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

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

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

Leonard C. Mason  
(Signature of Applicant)

Nancy M. Northway  
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this 8<sup>th</sup> day of May, 19 84

A. Glen Saxton  
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by JKN Date 4/28/83 Protest filed by \_\_\_\_\_  
Prelim. check by js Fee 50<sup>00</sup> \$ 77946  
Received by JP Date 4/28/83  
Published in The Idaho Statesman Copies of protest forwarded by \_\_\_\_\_  
Pub. dates 5/12 & 5/19/83 9/29 & 10/6/83 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster recommendation requested on 9/23/83 Recommended for approval denial  
10/4/83 rec'd. 2/17/84 by DBS Jim Dyer

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-216C

WATER RIGHT NUMBER: 63-216C

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

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

Source  
BOISE RIVER

Tributary  
SNAKE RIVER

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

Location of Point(s) of Diversion

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

Place of UseIRRIGATION Within ADA County

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

Conditions of Approval:Remarks:

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

Comments:Dates and Other Information:

*overclaimed  
should be .40 cfs*

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-213

T04N R01E S19    NWNE    25.0

T04N R01E S19    SWNE    15.0

Total Acres: 40

Conditions of Approval:Remarks:

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

Comments:

Documentation of Ownership of the Current Place of Use

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

Dates and Other Information:

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

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

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

**T04N R01E**

18

T04N R01E

19

20

21

22

27

Warm Springs Ditch Company

MEL,

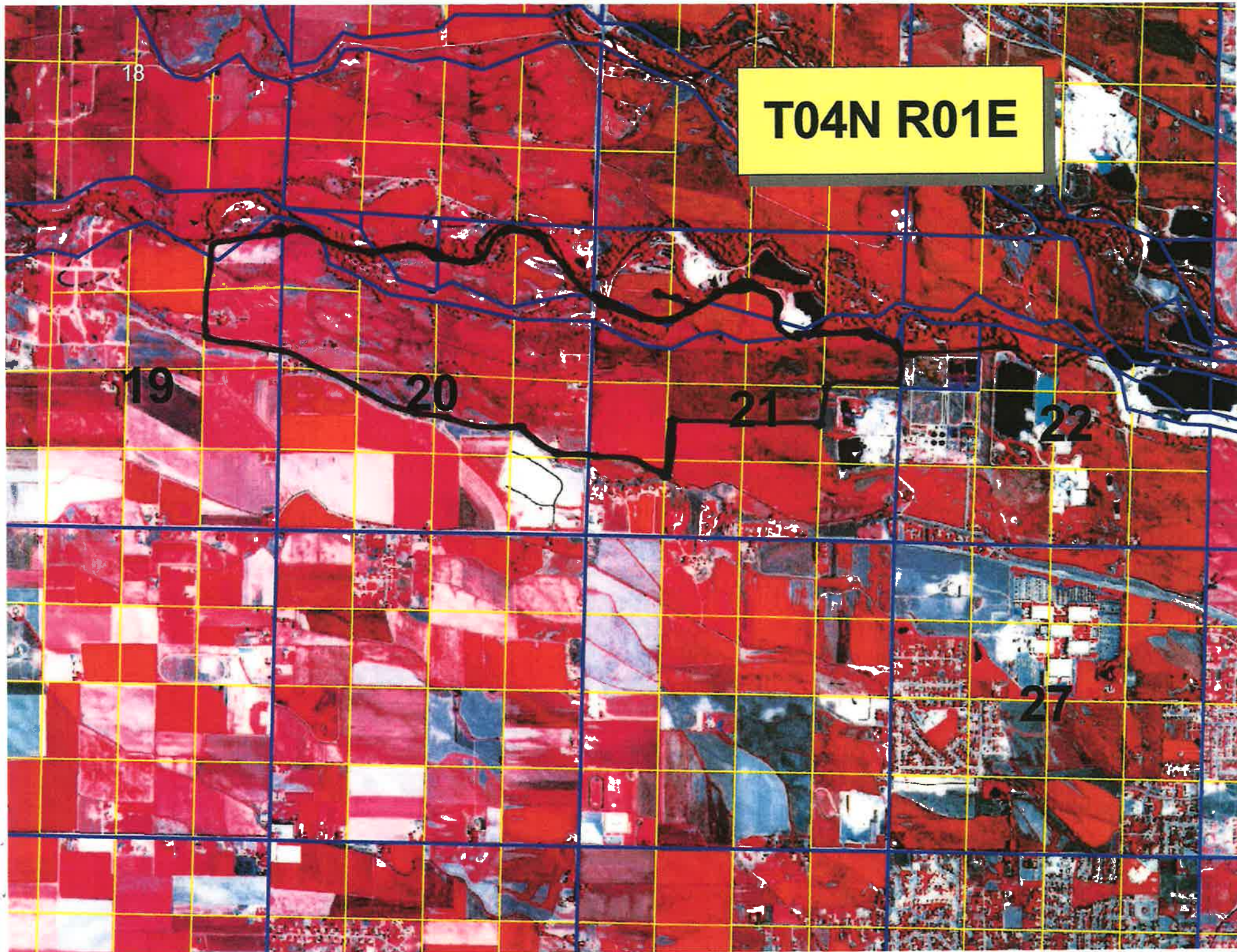
THIS IS MY BEST SHOT AT  
WARM SPRINGS DITCH BOUNDARIES.  
IF YOU HAVE ANY QUESTIONS, FEEL  
FREE TO CALL ME.

THANKS,

BRIAN

LAUGIE FOU

② @ 20x30



**T04N R01E**

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RECEIVED

MAY 11 2006

DEPARTMENT OF  
WATER RESOURCES

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

In Re SRBA )

Case No. 39576 )

A. Subcase 63-192

(Insert water right number  
From the Objection Form)

STANDARD FORM 2  
RESPONSE TO OBJECTION

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

**B. NAME AND ADDRESS OF PERSON RESPONDING**

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

Address: 1840 N. Lakes Avenue

Meridian, ID 83642

Daytime Phone: 884-2002

Name & Address of Attorney, if any:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Address: Bureau of Reclamation, Regional Director PN Code 3100

1150 N. Curtis Rd, Suite 100

Boise, ID 83706-1234

SCANNED  
OCT 10 2006

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
  2. ☐ Source
  3. ☐ Quantity
  4. ☐ Priority Date
  5. ☐ Point(s) of Diversion
  6. ☐ Instream Flow Description
  7. ☐ Purpose(s) of Use
  8. ☒ Period of Year      The proposed language by the Bureau of Reclamation is acceptable
  9. ☐ Place of Use
11. Recommendation
- ☐ This water right should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho )  
 )ss.  
County of Ada )

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

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

Brian C. Hoff - President, Warm Springs Ditch Co.  
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



5/9/06  
Judith F. Crawford  
Notary Public for Idaho  
Residing at: Boise  
My Commission Expires: 12/9/2010

## INSTRUCTIONS FOR MAILING

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

### F. CERTIFICATE OF MAILING

I certify that on 5/9 <sup>2006</sup>~~199~~, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

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

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

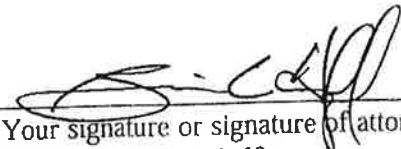
Name: Gail McGarry, US Bureau of reclamation, Regional Director PN Code 3100  
Address: 1150 N. Curtis Rd. Suite 100, Boise, ID 83706-1234

4. Copies to:

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

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

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

  
Your signature or signature of attorney  
mailing on your behalf

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

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

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

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

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

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

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

**D.** I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☒ Period of Year
9. ☐ Place of Use
11. **Recommendation**
  - ☐ This water right should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

E.

VERIFICATION (Must be Completed)

State of Idaho )  
                  ) ss.  
County of Ada)

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

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

LAWRENCE G. WASDEN  
Attorney General

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

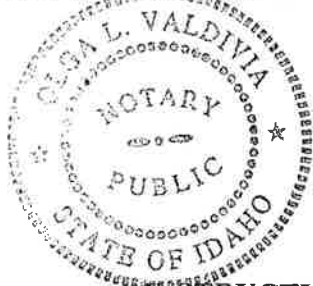
DAVID J. BARBER  
Deputy Attorney General

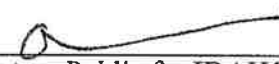


By Attorney signing in representative capacity

Subscribed and sworn to before me on this 23<sup>rd</sup> day of June, 2006

(Insert Date)



  
Notary Public for IDAHO

Residing at: BOISE, ID

My commission expires: 2/2/2012

**INSTRUCTIONS FOR MAILING**

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

**G.**

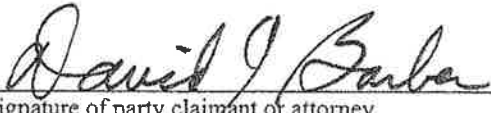
**CERTIFICATE OF MAILING**

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

1.     Original to:             Clerk of the District Court                     HAND DELIVERY  
                              Snake River Basin Adjudication  
                              253 Third Avenue North  
                              P.O. Box 2707  
                              Twin Falls, Idaho 83303-2707
  
2.     One copy to the claimant of the water right at the following addresses:  
  
          Claimant Name:     Warm Springs Ditch Co.                     U. S. MAIL  
          Address:           C/O Hoff Companies Inc.  
                              280 E. Corporate Dr. Ste 200  
                              Meridian, Idaho 83642
  
3.     One copy to the party who filed the objection at the following address:  
  
          Name:               David W. Gehlert                             U. S. MAIL  
                              Trial Attorney, General Litigation Section  
          Address:           Environment and Natural Resource Division  
                              U.S. Department of Justice  
                              1961 Stout Street – 8<sup>th</sup> Floor  
                              Denver, CO 80294
  
4.     Copies to:             United States Department of Justice         U. S. MAIL  
                              Environment and Natural Resource Division  
                              550 West Fort Street, MSC 033  
                              Boise, Idaho 83724  
  
                              Albert P. Barker                             U.S. MAIL  
                              Paul L. Arrington  
                              Barker Rosholt & Simpson  
                              205 North 10<sup>th</sup> Street, Suite 520  
                              P.O. Box 2139  
                              Boise, ID 83701-2139  
  
                              IDWR Document Depository                 STATEHOUSE  
                              PO Box 83720                             MAIL  
                              Boise, ID 83720-0098

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

(not applicable)

  
\_\_\_\_\_  
Signature of party claimant or attorney

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

|                |   |                             |
|----------------|---|-----------------------------|
| In Re SRBA     | ) | A. Subcase <u>63-192</u>    |
|                | ) | (Insert water right number) |
| Case No. 39576 | ) |                             |
|                | ) |                             |
|                | ) | <b>STANDARD FORM 1</b>      |
|                | ) | <b>AMENDED OBJECTION</b>    |
| _____          | ) |                             |

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

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

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

**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS REPORT**

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

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

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

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

9. ☐ **Place of Use**  
Should be:

10. **I object because:**

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

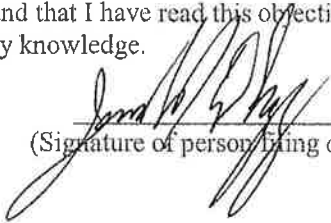
E. **REASONS SUPPORTING EACH OBJECTION(S):** The proposed language is intended to preserve the historical practice of allowing Reclamation's reservoirs to fill until April 1 and after October 31 if necessary.

F. VERIFICATION (Must be Completed)

State of Idaho )  
 ) ss.  
County of Ada )

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

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

  
(Signature of person filing objection)

\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

9.5.06

Valerie J Shaw

Notary Public for: Idaho  
Residing at: Meridian  
My Commission Expires: 6.2.2012



## INSTRUCTIONS FOR MAILING

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

G.

### CERTIFICATE OF MAILING

I certify that on SEP. 8, 2006 I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

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

3. Copies to:

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

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

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

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

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

  
\_\_\_\_\_  
Signature of Objector or attorney  
mailing on Objector's behalf

RECEIVED

SEP 11 2006

DEPARTMENT OF  
WATER RESOURCES

2006 SEP 13 AM 9:45

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED 

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

In Re SRBA ) Subcase Nos. 63-00146, 63-00183, 63-00192,  
Case No. 39576 ) 63-00198AC, 63-00216C, 63-00230M,  
 ) 63-00278, 63-00279B, 63-19425, 63-20041,  
 ) 63-31808, and 63-31832  
 )  
 ) ORDER GRANTING UNITED STATES'  
 ) MOTION FOR LEAVE TO FILE  
 ) AMENDED OBJECTIONS

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

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

Dated Sept. 12, 2006



THEODORE R. BOOTH  
Special Master  
Snake River Basin Adjudication

## CERTIFICATE OF MAILING

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

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

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

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

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

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

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

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

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

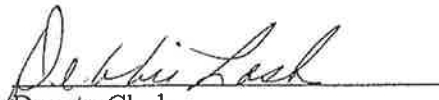
Boise City Canal Co  
Bruce M Smith  
950 W Bannock Ste 520  
Boise, Idaho 83702

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

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

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

Riverview Ventures  
P O Box 9294  
Boise, Idaho 83707

  
Deputy Clerk



U.S. Department of Justice

Environment and Natural Resources Division

DWG:DAJ

90-6-2-63c

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

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

RECEIVED

September 8, 2006

SEP 12 2006

DEPARTMENT OF  
WATER RESOURCES

via FedEx Mail

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

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

Dear Ms. Delaney:

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

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

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

Thank you for your time and attention in this matter.

Sincerely,

David A. Jarvis  
Paralegal

Enclosures

RECEIVED

SEP 12 2006

DEPARTMENT OF  
WATER RESOURCES

**Names of Parties Filing Document:**

UNITED STATES OF AMERICA

**Attorneys' Names and Addresses:**

SUE ELLEN WOOLDRIDGE  
Assistant Attorney General  
Environment and Natural Resources Division

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

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

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

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

**Standard of Review**

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

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

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

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

### **Factual Background**

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

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

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

### **Argument**

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

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

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

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

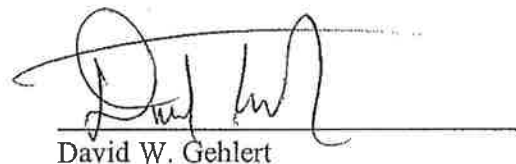
As the Idaho Supreme Court has frequently reminded, “[i]n the interest of justice, district courts should favor liberal grants of leave to amend a complaint.” *Hines v. Hines*, 129 Idaho 847, 853, 934 P.2d 20, 26 (1997). Here, because there is neither prejudice, nor delay nor bad faith, this Court should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

#### Petition

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

Respectfully submitted this 8th day of September, 2006.

Attorney for the United States



David W. Gehlert

---

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

## CERTIFICATE OF MAILING

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

### By FedEx Mail:

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

### By First-Class Mail:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

David W. Gehlert

RECEIVED

APR 25 2005

DEPARTMENT OF  
WATER RESOURCES

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

In Re SRBA )

A. Subcase Number: 63-192

(Insert water right number)

Case No. 39576 )

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

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

Name & Address of Attorney, if any:  
Albert P. Barker, ISB # 2867  
Paul L. Arrington, ISB # 7198  
Barker Rosholt & Simpson, LLP  
205 North 10<sup>th</sup> Street, Suite 520  
P.O. Box 2139  
Boise, Idaho 83701-2139  
Telephone: 208-336-0700  
Facsimile: 208-344-6034

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

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

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

1. ☐ **Name and Address**  
Should be:

2. ☐ **Source**  
Should be:

3. ☐ **Quantity**  
Should be:

4. ☐ **Priority Date**  
Should be:

5. ☐ **Point(s) of Diversion**  
Should be:

6. ☐ **Instream Flow Description**  
Should be:

7. ☐ **Purpose(s) of Use**  
Should be:

8. ☒ **Period of Year**

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

9. ☐ **Place of Use**

11. **I object because:**

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

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

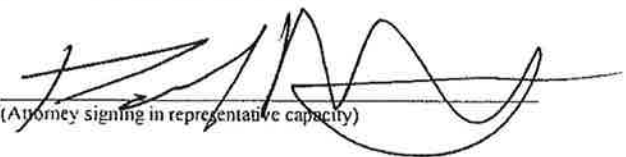
**F. VERIFICATION** (Must be Completed)

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

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

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

(Signature of person filing objection)

  
(Attorney signing in representative capacity)

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



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

## INSTRUCTIONS FOR MAILING

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

### G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

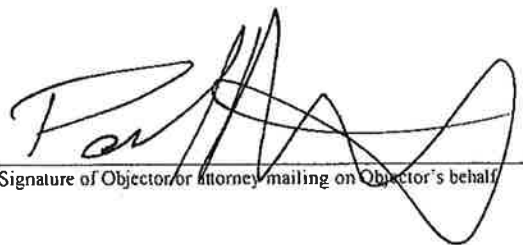
Name: Warm Springs Ditch Co.  
Address: c/o Hoff Companies, Inc.  
280 E. corporate Dr. Ste 200  
Meridian, ID 83642

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf

RECEIVED  
APR 25 2005  
DEPARTMENT OF  
WATER RESOURCES

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

In Re SRBA )

A. Subcase 63-192  
(Insert water right number)

Case No. 39576 )

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

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

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

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

Name & Address of Attorney, if any:

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

Trial Attorney, General Litigation Section

Environment and Natural Resource Division

U.S. Department of Justice

1961 Stout Street - 8th Floor

Denver, CO 80294

**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS REPORT**

Name: Warm Springs Ditch Co

Address: C/O Hoff Companies Inc.  
280 E Corporate Dr Ste 200  
Meridian, ID 83642

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

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2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☒ **Period of Year**

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

9. ☐ **Place of Use**

Should be:

11. **I object because:**

☐ This water right should not exist.

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

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

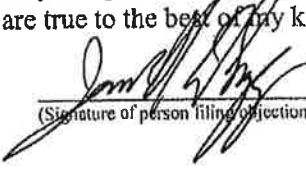
F.

**VERIFICATION (Must be Completed)**

State of Idaho )  
 ) ss.  
County of Ada )

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

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

  
(Signature of person filing objection)

\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

  
\_\_\_\_\_



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

## INSTRUCTIONS FOR MAILING

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G.

### CERTIFICATE OF MAILING

I certify that on 4-21, 2006 I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID. 83303-2707

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

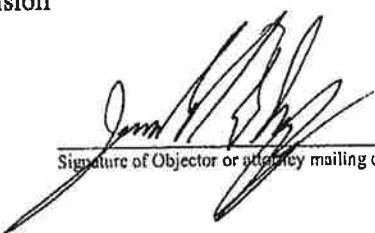
Name: Warm Springs Ditch Co  
Address: C/O Hoff Companies Inc.  
280 E Corporate Dr Ste 200  
Meridian, ID 83642

3. Copies to:

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

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

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

  
\_\_\_\_\_  
Signature of Objector or attorney mailing on Objector's behalf