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: **A63-02878**
Date Received: 3/15/1990
Receipt No: W011142
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLACK CANYON IRRIGATION DISTRICT 208-459-4141
   Address: P.O. BOX 226
   NOTUS ID 83656

2. Date of Priority: AUG 30, 1951

3. Source: WILSON DRAIN Trib. to: BOISE RIVER
   ELIJAH DRAIN BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03W	12		SE	NE		CANYON
				SE	SW		CANYON

5. Description of diverting works:
   CONC. DIV. WORKS,GATES,CANALS,LATERALS,PIPE SIPHON ACROSS BOISE R

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	18.540		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	19	SW	SW		IRR	26.0
			SE	SW		IRR	1.0

SCANNED
APR 29 2009

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		27.0
04N	03W	4	NE	NW	IRR	1.0
			NW	NW	IRR	16.0
			SW	NW	IRR	38.0
			SE	NW	IRR	17.0
			NE	SW	IRR	32.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	34.0
				Section Acres		218.0
		5	NE	NE	IRR	39.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	35.0
			SE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
				Section Acres		634.0
		6	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	39.0
			SE	NW	IRR	40.0
			NE	SW	IRR	16.0
			NW	SW	IRR	11.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	6.0
			SE	SE	IRR	31.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		463.0
		8	NE	NE	IRR	38.0
			NW	NE	IRR	10.0
			SE	NE	IRR	12.0
				Section Acres		60.0
		9	NW	NE	IRR	15.0
			SW	NE	IRR	40.0
			SE	NE	IRR	20.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	31.0
			SE	NW	IRR	40.0
			NE	SW	IRR	13.0
			NE	SE	IRR	20.0
			NW	SE	IRR	35.0
			SE	SE	IRR	23.0
				Section Acres		317.0
		15	NW	NW	IRR	19.0
			SW	NW	IRR	24.0
				Section Acres		43.0
		16	NE	NE	IRR	16.0
			SE	NE	IRR	6.0
				Section Acres		22.0
	04W	1	NE	NE	IRR	39.0
			NW	NE	IRR	15.0
			SW	NE	IRR	26.0
			SE	NE	IRR	38.0
			NE	NW	IRR	34.0
			NW	NW	IRR	24.0
				Section Acres		176.0
		2	NE	NE	IRR	8.0
				Section Acres		8.0
05N	03W	30	NW	NW	IRR	2.0
			NE	SW	IRR	17.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
05N	03W	30	NW	SW		IRR	31.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	14.0
						Section Acres	144.0
		31	NE	NE		IRR	4.0
			NW	NE		IRR	30.0
			SW	NE		IRR	40.0
			SE	NE		IRR	29.0
			NE	NW		IRR	40.0
			NW	NW		IRR	43.0
			SW	NW		IRR	42.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	42.0
			SW	SW		IRR	52.0
			SE	SW		IRR	49.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	48.0
			SE	SE		IRR	47.0
						Section Acres	626.0
		32	SW	NW		IRR	19.0
			NE	SW		IRR	23.0
			NW	SW		IRR	40.0
			SW	SW		IRR	47.0
			SE	SW		IRR	46.0
			NW	SE		IRR	10.0
			SW	SE		IRR	37.0
			SE	SE		IRR	9.0
						Section Acres	231.0
	04W	11	SE	SE		IRR	8.0
						Section Acres	8.0
		12	SW	SW		IRR	11.0
			SE	SW		IRR	12.0
						Section Acres	23.0
		13	NE	NW		IRR	5.0
			NW	NW		IRR	34.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		39.0
		14	NE	NE	IRR	40.0
			NW	NE	IRR	32.0
			SW	NE	IRR	7.0
			SE	NE	IRR	3.0
			NE	NW	IRR	36.0
			NW	NW	IRR	23.0
			SW	NW	IRR	40.0
			SE	NW	IRR	21.0
			NW	SW	IRR	12.0
				Section Acres		214.0
		15	NE	NE	IRR	16.0
			NW	NE	IRR	1.0
			SW	NE	IRR	33.0
			SE	NE	IRR	40.0
			SW	NW	IRR	15.0
			SE	NW	IRR	13.0
			NE	SW	IRR	40.0
			NW	SW	IRR	39.0
			SW	SW	IRR	18.0
			SE	SW	IRR	42.0
			NE	SE	IRR	38.0
			NW	SE	IRR	39.0
			SW	SE	IRR	37.0
			SE	SE	IRR	15.0
				Section Acres		386.0
		16	SE	SE	IRR	20.0
				Section Acres		20.0
		20	SW	SE	IRR	40.0
			SE	SE	IRR	4.0
				Section Acres		44.0
		21	NE	NE	IRR	8.0
			SW	NE	IRR	28.0
			SE	NE	IRR	40.0
			SE	NW	IRR	4.0
			NE	SW	IRR	33.0
			NW	SW	IRR	7.0
			SW	SW	IRR	26.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
05N	04W	21	SE	SW		IRR	4.0
			NE	SE		IRR	39.0
			NW	SE		IRR	29.0
			SE	SE		IRR	7.0
						Section Acres	225.0
		22	SW	NE		IRR	11.0
			SE	NE		IRR	5.0
			NE	NW		IRR	11.0
			NW	NW		IRR	26.0
			SW	NW		IRR	16.0
			NE	SW		IRR	39.0
			NW	SW		IRR	40.0
			SW	SW		IRR	31.0
			SE	SW		IRR	40.0
			NE	SE		IRR	33.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	372.0
		23	NE	SW		IRR	19.0
			NW	SW		IRR	33.0
			SW	SW		IRR	40.0
			SE	SW		IRR	32.0
			NE	SE		IRR	6.0
			NW	SE		IRR	10.0
			SW	SE		IRR	19.0
			SE	SE		IRR	31.0
						Section Acres	190.0
		24	SE	SW		IRR	4.0
			NE	SE		IRR	6.0
			SW	SE		IRR	23.0
			SE	SE		IRR	40.0
						Section Acres	73.0
		25	NE	NE		IRR	24.0
			NW	NE		IRR	40.0
			SW	NE		IRR	32.0
			SE	NE		IRR	3.0
			NE	NW		IRR	32.0
			NW	NW		IRR	5.0
			SW	NW		IRR	37.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
05N	04W	25	SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	28.0
			NW	SE		IRR	39.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	520.0
		26	NE	NE		IRR	28.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	38.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	28.0
			SE	SW		IRR	30.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	30.0
			SE	SE		IRR	40.0
						Section Acres	594.0
		27	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	32.0
			SE	NE		IRR	40.0
			NE	NW		IRR	31.0
			NW	NW		IRR	2.0
			NE	SE		IRR	38.0
			NW	SE		IRR	15.0
			SW	SE		IRR	11.0
			SE	SE		IRR	30.0
						Section Acres	279.0
		28	NW	NW		IRR	5.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
						Section Acres	5.0
		29	NE	NE		IRR	36.0
			NW	NE		IRR	35.0
						Section Acres	71.0
		35	NE	NE		IRR	40.0
			NW	NE		IRR	38.0
			SW	NE		IRR	37.0
			SE	NE		IRR	40.0
			NE	NW		IRR	8.0
			NW	NW		IRR	15.0
			SW	NW		IRR	9.0
			SE	NW		IRR	34.0
			NE	SW		IRR	10.0
			NW	SE		IRR	25.0
			SW	SE		IRR	10.0
			SE	SE		IRR	40.0
						Section Acres	306.0
		36	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	38.0
			SE	NW		IRR	40.0
			NE	SW		IRR	37.0
			NW	SW		IRR	10.0
			SW	SW		IRR	28.0
			SE	SW		IRR	38.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	38.0
			SE	SE		IRR	40.0
						Section Acres	589.0
						Total Acres	6927.0

11. Place of use in counties: CANYON

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

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13. Other Water Rights Used:
A63-02322

14. Remarks:
THIS CLAIM IS SUPPLEMENTAL TO CLAIM A63-02322 FOR 120CFS.(6,152) ACRES FROM THE SAME SOURCES; AND IS TO PROVIDE WATER TO ADDITIONAL ACRES SHOWN ABOVE AND LOCATED WITHIN THE BOUNDARIES OF BLACK CANYON IRRIGATION DISTRICT. THE TOTAL OF WATER FOR ALL ACRES SERVICED BY THESE SOURCES AND CLAIMS DO NOT EXCEED 0.02 CFS PER ACRE. LANDS ARE WITHIN THE SERVICE AREA OF BLACK CANYON IRRIGATION DISTRICT. MAP OF DISTRICT IS ATTACHED AS SCHEDULE 2. THIS CLAIM IS LIMITED TO 775 ACRES. THE ACTUAL POU CANNOT BE SPECIFICALLY LISTED AS THE ADDITIONAL ACRES WERE DETERMINED AFTER THE DISTRICT REVIEWED THE FEDERAL CLAIM AND FOUND EITHER MORE OR LESS ACRES WITHIN THEIR LAND LIST AND AFTER FIGURING SUBTRACTIONS AND ADDITIONS IN EACH SEC., THEY FOUND 775 ADDITIONAL ACRES FROM THE BALANCE EA. AMOUNT FIGURED FROM THE LAND LIST. SO THEY FILED IN 1951 AND RECEIVED THIS LICENCE TO COVER THE ADDITIONAL ACRES. THEY ARE ABLE TO FILE THIS CLAIM WITHOUT LISTING THE POU BY THE MEMO " PERMISSIBLE PLACE OF USE." POU IS IN CANYON COUNTY.

15. Basis of Claim: LICENSE

Water Right Number: 22453

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: _____

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State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

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BCID Extra Acres

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres		
04N	03W	4	NW	NW		IRR	15.0	+1	16
			SW	NW		IRR	40.0	-2	38
			SE	NW		IRR	15.0	+2	17
			NE	SW		IRR	25.0	+7	32
			NW	SW		IRR	40.0		
			SW	SW		IRR	40.0		
			SE	SW		IRR	30.0	+4	34
					Section Acres		205.0	+13 =	218
		5	NE	NE		IRR	35.0	+4	39
			NW	NE		IRR	40.0		
			SW	NE		IRR	40.0		
			SE	NE		IRR	40.0		
			NE	NW		IRR	40.0		
			NW	NW		IRR	40.0		
			SW	NW		IRR	40.0		
			SE	NW		IRR	40.0		
			NE	SW		IRR	40.0		
			NW	SW		IRR	40.0		
			SW	SW		IRR	35.0		
			SE	SW		IRR	40.0		
			NE	SE		IRR	40.0		
			NW	SE		IRR	40.0		
			SW	SE		IRR	40.0		
			SE	SE		IRR	40.0		
					Section Acres		630.0	+4 =	634
		6	NE	NE		IRR	40.0		
			NW	NE		IRR	40.0		
			SW	NE		IRR	40.0		
			SE	NE		IRR	40.0		
			NE	NW		IRR	40.0		
			NW	NW		IRR	40.0		
			SW	NW		IRR	40.0	-1	39
			SE	NW		IRR	40.0		
			NE	SW		IRR	35.0	-19	16
			NW	SW		IRR	15.0	-4	11
			NE	SE		IRR	40.0		
			NW	SE		IRR	40.0		
			SW	SE		IRR	13.0	-7	6
			SE	SE		IRR	30.0	+1	31
					Section Acres		493.0	-30 =	463
		8	NE	NE		IRR	40.0	-2	38

COPY of A63-02322 acres from

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10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres		
04N	03W	8	NW	NE		IRR	15.0	-5	10
			SE	NE		IRR	10.0	+2	12
			NE	NW		IRR	5.0	-5	-
					Section Acres		70.0	-10	= 60
		9	NW	NE		IRR	10.0	+5	= 15
			SW	NE		IRR	35.0	+5	= 40
			SE	NE		IRR	15.0	+5	- 20
			NE	NW		IRR	40.0		
			NW	NW		IRR	40.0		
			SW	NW		IRR	30.0	+1	31
			SE	NW		IRR	40.0		
			NE	SW		IRR	10.0	+3	13
			NE	SE		IRR	25.0	-5	20
			NW	SE		IRR	35.0		
			SW	SE		IRR	5.0	-5	-
			SE	SE		IRR	25.0	-2	23
					Section Acres		310.0	+7	= 317
		15	NW	NW		IRR	5.0	+14	19
			SW	NW		IRR	15.0	+9	24
			NW	SW		IRR	2.0	-2	-
					Section Acres		22.0	+21	= 43
		16	NE	NE		IRR	15.0	+1	16
			SE	NE		IRR	10.0	-4	6
					Section Acres		25.0	-3	= 22
	04W	1	NE	NE		IRR	30.0	+9	39
			NW	NE		IRR	5.0	+10	15
		SW	NE	NE		IRR	10.0	+26	36
			SE	NE				+28	38
			NE	NW				+34	34
			NW	NW				+34	24
					Section Acres		45.0	+131	= 176
5	3	30	NW	NW			2.0	+2	2
05N	03W	30	NE	SW		IRR	15.0	+2	17
			NW	SW		IRR	30.0	+1	31
			SW	SW		IRR	43.0	-3	40
			SE	SW		IRR	40.0		
			SW	SE		IRR	5.0	+9	14
					Section Acres		133.0	+11	= 144

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10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres		
								+4	4
05N	03W	31	NW	NE		IRR	20.0	+10	30
			SW	NE		IRR	40.0		
			SE	NE		IRR	20.0	+9	29
			NE	NW		IRR	40.0		
			NW	NW		IRR	42.0	+1	43
			SW	NW		IRR	42.0		
			SE	NW		IRR	40.0		
			NE	SW		IRR	40.0		
			NW	SW		IRR	42.0		
			SW	SW		IRR	52.0		
			SE	SW		IRR	49.0		
			NE	SE		IRR	40.0		
			NW	SE		IRR	40.0		
			SW	SE		IRR	48.0		
			SE	SE		IRR	52.0	-5	47
					Section Acres		607.0	+19	= 626
		32	SW	NW		IRR	15.0	+4	19
			NE	SW		IRR	15.0	+8	23
			NW	SW		IRR	40.0		
			SW	SW		IRR	46.0	+1	47
			SE	SW		IRR	46.0		
			NW	SE		IRR	10.0		
			SW	SE		IRR	25.0	+12	37
			SE	SE				+9	9
					Section Acres		197.0	+34	= 231
	04W	14	NE	NE		IRR	30.0	+10	40
		SW NE	NW	NE		IRR	35.0	-3	32
			SE	NE		IRR	5.0	+2	7
			NE	NW		IRR	35.0	+1	36
			NW	NW		IRR	20.0	+3	23
			SW	NW		IRR	40.0		
			SE	NW		IRR	20.0	+1	21
			NW	SW		IRR	10.0	+2	12
					Section Acres		195.0	+19	= 214
		15	NW NE	NE		IRR	15.0	+1	16
			SW	NE		IRR	30.0	+3	133
			SE	NE		IRR	40.0		
			SW	NW		IRR	13.0		
			SE	NW		IRR	25.0	-12	13

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres		
05N	04W	15	NE	SW		IRR	40.0		
			NW	SW		IRR	40.0	-1	39.0
			SW	SW		IRR	40.0	-22	18
			SE	SW		IRR	40.0	+2	42
			NE	SE		IRR	40.0	-2	38
			NW	SE		IRR	40.0	-1	39
			SW	SE		IRR	40.0	-3	37
			SE	SE		IRR	20.0	-5	15
						Section Acres	425.0	-39	= 386
		21	NE	NE		IRR	15.0	-7	8
			SW	NE		IRR	30.0	-2	28
			SE	NE		IRR	20.0	+20	40
			SE	NW		IRR	10.0	-6	4
			NE	SW		IRR	5.0	+28	33
			NE	SE		IRR	40.0	-1	39
			NW	SE		IRR	30.0	-1	29
			SE	SE		IRR	15.0	-8	7
						Section Acres	165.0	+60	= 225
		22	NW	NE		IRR	5.0	-5	-
			SW	NE		IRR	5.0	+6	11
			SE	NE		IRR	5.0		
			NE	NW		IRR	15.0	-4	11
			NW	NW		IRR	30.0	-4	26
			SW	NW		IRR	20.0	-4	16
			SE	NW		IRR	5.0	-5	-
			NE	SW		IRR	35.0	+4	39
			NW	SW		IRR	40.0		
			SW	SW		IRR	35.0	-4	31
			SE	SW		IRR	40.0		
			NE	SE		IRR	35.0	-2	33
			NW	SE		IRR	35.0	+5	40
			SW	SE		IRR	40.0		
			SE	SE		IRR	40.0		
						Section Acres	385.0	-13	= 372
		23	NE	SW		IRR	15.0	+4	19
			NW	SW		IRR	35.0	-2	33
			SW	SW		IRR	40.0		
			SE	SW		IRR	35.0	-3	32
			SW	SE		IRR	20.0	-1	19

NW SW +7
SW SW +26
SE SW +4

NE SE +6
NW SE +10

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres		
05N	04W	23	SE	SE		IRR	30.0	+1	= 31
						Section Acres	175.0	+15	= 190
		24	SE	SW		IRR	5.0	-1	4.0
			NE	SE		IRR	5.0	+1	6.0
			SW	SE		IRR	30.0	-7	23.0
			SE	SE		IRR	35.0	+5	90.0
						Section Acres	75.0	-2	73.0
		25	NE	NE		IRR	15.0	+9	24
			NW	NE		IRR	40.0		
			SW	NE		IRR	35.0	-3	32
			SE	NE		IRR	5.0	-2	3
			NE	NW		IRR	35.0	-3	32
			NW	NW		IRR	10.0	-5	5
			SW	NW		IRR	40.0	-3	37
			SE	NW		IRR	40.0		
			NE	SW		IRR	40.0		
			NW	SW		IRR	40.0		
			SW	SW		IRR	40.0		
			SE	SW		IRR	40.0		
			NE	SE		IRR	25.0	+3	28
			NW	SE		IRR	40.0	-1	39
			SW	SE		IRR	40.0		
			SE	SE		IRR	40.0		
						Section Acres	525.0	-5	= 520
		26	NE	NE		IRR	30.0	-2	28
			NW	NE		IRR	40.0		
			SW	NE		IRR	40.0		
			SE	NE		IRR	40.0	-2	38
			NE	NW		IRR	40.0		
			NW	NW		IRR	40.0		
			SW	NW		IRR	40.0		
			SE	NW		IRR	40.0		
			NE	SW		IRR	40.0		
			NW	SW		IRR	40.0		
			SW	SW		IRR	15.0	+13	28
			SE	SW		IRR	30.0		
			NE	SE		IRR	40.0		
			NW	SE		IRR	40.0		
			SW	SE		IRR	35.0	-5	30

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AUG 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres		
05N	04W	26	SE	SE		IRR	40.0		
						Section Acres	590.0	+ 4 =	594
		27	NE	NE		IRR	40.0		
			NW	NE		IRR	40.0		
			SW	NE		IRR	30.0	+2	32
			SE	NE		IRR	40.0		
			NE	NW		IRR	30.0	+1	31
SW	SE	+11	NW	NW		IRR	5.0	-3	2
SE	SE	+30	NE	SE		IRR	30.0	+8	38
			NW	SE		IRR	5.0	+10	15
						Section Acres	220.0	+59 =	279
		35	NE	NE		IRR	40.0		
NE	NW	+8	NW	NE		IRR	30.0	+8	38
NW	NW	+15	SW	NE		IRR	25.0	+12	37
SW	NW	+9	SE	NE		IRR	40.0		
SE	NW	+34	NE	NE		IRR	5.0	-5	-
NE	SW	+10	NE	SE		IRR			
NW	SE	+25							
SW	SE	+10				Section Acres	140.0	+166 =	306
SE	SE	+40							
		36	NE	NE		IRR	40.0		
			NW	NE		IRR	40.0		
			SW	NE		IRR	40.0		
			SE	NE		IRR	40.0		
			NE	NW		IRR	40.0		
			NW	NW		IRR	40.0		
			SW	NW		IRR	40.0	-2	38
SW	SW	+28	SE	NW		IRR	40.0		
			NE	SW		IRR	35.0	+2	37
			NW	SW		IRR	5.0	+5	10
			SE	SW		IRR	5.0	+33	38
			NE	SE		IRR	40.0		
			NW	SE		IRR	40.0		
			SW	SE		IRR	35.0	+3	38
			SE	SE		IRR	40.0		
						Section Acres	520.0	+69 =	589
						Total Acres	6132.0		

520 6632

11. Place of use in counties: CANYON

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

775 diff.

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AUG 18 1992

		Sec.	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Totals
4 N	5 W	15						19 (14)	24 (9)										43
"	"	16	16 (1)			6													22
"	"	9		15 (5)	40 (3)	20 (5)	40	40	31 (1)	40	13 (2)				20	35		23	317
"	"	8	38	10		12 (2)													60
"	"	4					1	16 (1)	38	17 (2)	32	40	40	34 (4)					216
"	"	5	39 (4)	40	40	40	40	40	40	40	40	40	35	40	40	40	40	40	634
"	"	6	40	40	40	40	40	40	39	40	16	11			40	40	6	31 (1)	463
4 N	4 W	1	39 (9)	15 (10)	26 (26)	38 (28)	34 (24)	24 (24)											176
5 N	3 W	32							19 (4)		23 (8)	40	47 (1)	46		10	37 (12)	9 (9)	231
"	"	31	4 (4)	30 (10)	40	29 (9)	40	43 (1)	42	40	40	48	52	49	40	40	48	47	586
"	"	30						2 (2)			17 (2)	31 (1)	40	40			14 (9)		144
5 N	4 W	24												4	6 (1)		23	40 (5)	73
"	"	25	24 (9)	40	32	3	32	5	37	40	40	40	40	40	28 (3)	39	40	40	520
"	"	35	40	40	40	40	40	40	38	40	37 (2)	10 (5)	28 (28)	38 (33)	40	40	38 (3)	40	589
"	"	35	40	38 (8)	37 (12)	40	8 (8)	15 (15)	9 (9)	34 (34)	10 (10)					25 (25)	10 (10)	40 (40)	306
"	"	26	28	40	40	38	40	40	40	40	40	40	26 (13)	30	40	40	30	40	594
"	"	23									19 (4)	33	40	32	6 (6)	20 (10)	19	31 (1)	190
"	"	14	40 (10)	32	7 (7)	3	36 (1)	23 (3)	40	21 (1)		12 (2)							214
"	"	15	16	1	33	40			15	13	40	39	18	42 (2)	38	39	37	15	386
"	"	22			11 (4)	5	11	26	16		39 (4)	40	31	40	33	40 (5)	40	40	372
"	"	27	40	40	32 (2)	40	31 (1)	2							38 (8)	15 (10)	11 (11)	30 (30)	279
"	"	21	8		28	40 (20)				4	33 (28)	7 (7)	26 (26)	4 (4)	39	29		7	225
3 N	3 W	12											26	1					27
4 N	4 W	8	8																8
5 N	4 W	11																8	8
5 N	4 W	13											11	12					23
5 N	4 W	15					5	34											39
5 N	4 W	16																20	20
5 N	4 W	20															40	4	44
5 N	4 W	28						5											5
6 N	4 W	29	36	35															71

EXHIBIT 1

BLACK CANYON IRR. DIST Cl #63-02878

ENTIRE LAND LIST INCLUDING EXTRA ACRES.

✓ EXTRA — LAND

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245 ACRES

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4 N	5 W	15						19	24										43
"	"	16	16			6													22
"	"	9		15	40	20	40	40	31	40	13				20	35		23	317
"	"	8	38	10		12													60
"	"	4					1	16	38	17	32	40	40	34					218
"	"	5	39	40	40	40	40	40	40	40	40	40	35	40	40	40	40	40	634
"	"	6	40	40	40	40	40	40	39	40	16	11			40	40	6	31	463
4 N	4 W	1	39	15	26	38	34	24											176
5 N	3 W	32							19		33	40	47	46		10	37	9	231
"	"	31	4	30	40	29	40	43	42	40	40	48	52	49	40	40	48	47	535
"	"	30						2			17	31	40	40			14		144
5 N	4 W	24												4	6		23	40	73
"	"	25	24	40	32	3	32	5	37	40	40	40	40	40	28	39	40	40	520
"	"	36	40	40	40	40	40	40	38	40	37	10	28	38	40	40	38	40	589
"	"	35	40	38	37	40	8	15	9	34	10					25	10	40	306
"	"	26	28	40	40	38	40	40	40	40	40	40	28	30	40	40	30	40	594
"	"	23									19	33	40	32	6	20	19	31	190
"	"	14	40	32	7	3	36	23	40	31		12							214
"	"	15	16	1	33	40			15	13	40	39	18	42	38	39	37	15	386
"	"	22			11	5	11	26	16		39	40	31	40	33	40	40	40	378
"	"	27	40	40	32	40	31	2							38	16	11	30	279
"	"	21	8		28	40				4	33	7	26	4	39	29		7	225
3 N	5 W	19											26	1					27
4 N	4 W	8	8																8
5 N	4 W	11																8	8
5 N	4 W	12											11	12					23
5 N	4 W	13					5	34											39
5 N	4 W	16																20	20
5 N	4 W	20															40	4	44
5 N	4 W	28						5											5
5 N	4 W	29	36	35															71

EXHIBIT 1

BLACK CANYON IRR. DIST Cl #63-02878

MICROFILMED
AUG 18 1992

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: **A63-02878**
Date Received: 3/15/1990
Receipt No: W011142
Received By: DJH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLACK CANYON IRRIGATION DISTRICT 208-459-4141
   Address: P.O. BOX 226
   NOTUS, ID 83656

2. Date of Priority: AUG 30, 1951

3. Source: WILSON DRAIN Trib. to: BOISE RIVER
   ELIJAH DRAIN BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	03W	12	SE NE		CANYON
			SE SW		CANYON

5. Description of diverting works:
   CONC. DIV. WORKS,GATES,CANALS,LATERALS,PIPE SIPHON ACROSS BOISE R

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	18.540		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

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

11. Place of use in counties:

MICROFILMED
AUG 1 8 1992

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

13. Other Water Rights Used:
A63-02322

14. Remarks:
THIS CLAIM IS SUPPLEMENTAL TO CLAIM A63-02322 FOR 120CFS.(6,152) ACRES FROM THE SAME SOURCES; AND IS TO PROVIDE WATER TO ADDITIONAL ACRES SHOWN ABOVE AND LOCATED WITHIN THE BOUNDARIES OF BLACK CANYON IRRIGATION DISTRICT. THE TOTAL OF WATER FOR ALL ACRES SERVICED BY THESE SOURCES AND CLAIMS DO NOT EXCEED 0.02 CFS PER ACRE. LANDS ARE WITHIN THE SERVICE AREA OF BLACK CANYON IRRIGATION DISTRICT. MAP OF DISTRICT IS ATTACHED AS SCHEDULE 2. THIS CLAIM IS LIMITED TO 775 ACRES. THE ACTUAL POU CANNOT BE SPECIFICALLY LISTED AS THE ADDITIONAL ACRES WERE DETERMINED AFTER THE DISTRICT REVIEWED THE FEDERAL CLAIM AND FOUND EITHER MORE OR LESS ACRES WITHIN THEIR LAND LIST AND AFTER FIGURING SUBTRACTIONS AND ADDITIONS IN EACH SECTION THEY FOUND 775 ACRES FROM THE BALANCE OF EACH AMOUNT FIGURED FROM THE LAND LIST. SO THEY FILED IN 1951 AND RECEIVED THIS LICENCE TO COVER THE ADDITIONAL ACRES. THEY ARE ABLE TO FILE THIS CLAIM WITHOUT LISTING THE POU BY THE MEMO " PERMISSIBLE PLACE OF USE "

15. Basis of Claim: LICENSE
Water Right Number: 22453

MICROFILMED
AUG 1 8 1992

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing
Organization

document in the space below as _____ of
Title

_____ and that the statements contained in the
Organization

foregoing document are true and correct.

_____
Signature of Authorized Agent

_____
Title and Organization

_____
Date

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
AUG 1 8 1992

Form No. 42-1409 (2) a 1/88

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 A 63-02878
Date Received 3/15/90
Receipt Number W011142 RDH

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Black Canyon Irrigation District Phone (208) 459-4141

   Mailing Address P. O. Box 226, Notus, Idaho Zip 83656

2. Date of Priority (Only one (1) per claim) August 30, 1951

3. Source of water supply (a) Wilson Drain and Elijah Drain
   which is tributary to (b) SNAKE River

4. a. Location of existing point of diversion is/~~are~~ Township 3N Range 3W Section 12,
   ____ 1/4 of SE 1/4 of NE 1/4, Govt. Lot, ____ B.M., County of Canyon

   Additional points of diversion if any: SE1/4 of SW 1/4, Sec. 12, Twop. 3 N., R3W, B.M., Canyon County, Idaho

   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. Concrete diverting works with gates in Wilson and Elijah Drains canals, laterals with pipe siphon across Boise River

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AUG 18 1992

6. Water is claimed for the following purposes:

		(both dates are inclusive)		(cfs)	(acre feet)
For Irrigation	purposes from March 15	to Nov. 15	amount 18.54	or	
For	purposes from	to	amount	or	
For	purposes from	to	amount	or	
For	purposes from	to	amount	or	

7. Total quantity claimed (a) 7.94 cfs from Elijah Drain (cfs) and/or (b) 10.60 cfs from Wilson Drain (acre feet)

8. Total consumptive use claimed is 2712.50 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) -0-

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	
			Land within the boundaries of the Black Canyon Irrigation District in Township 4 North, Ranges 3 and 4 West and Township 5 North, Ranges 3 and 4 West B.M., Canyon County, Idaho. See attached Schedule 1. ACRES Under this right, in addition to lands shown on claim 63-2322 held by U.S.A. and additional acres are included within lands shown on Exhibit 1.												
																			775

Total number of acres irrigated 775

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

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.
Water right of United States #63-2322 - 120 cfs. or None ( )

14. Remarks: This claim is supplemental to claim #63-2322 for 120 cfs. (6,152 acres) from the same sources; and is to provide water to additional acres shown above and located within the boundaries of Black Canyon Irrigation District. The total of water for all acres serviced by these sources and claims do not exceed .02 per acre. Lands are within the service area of Black Canyon Irrigation District. Map of district is attached as Schedule 2.

Last Name Black Canyon Irrigation District Ident No. A63-02878

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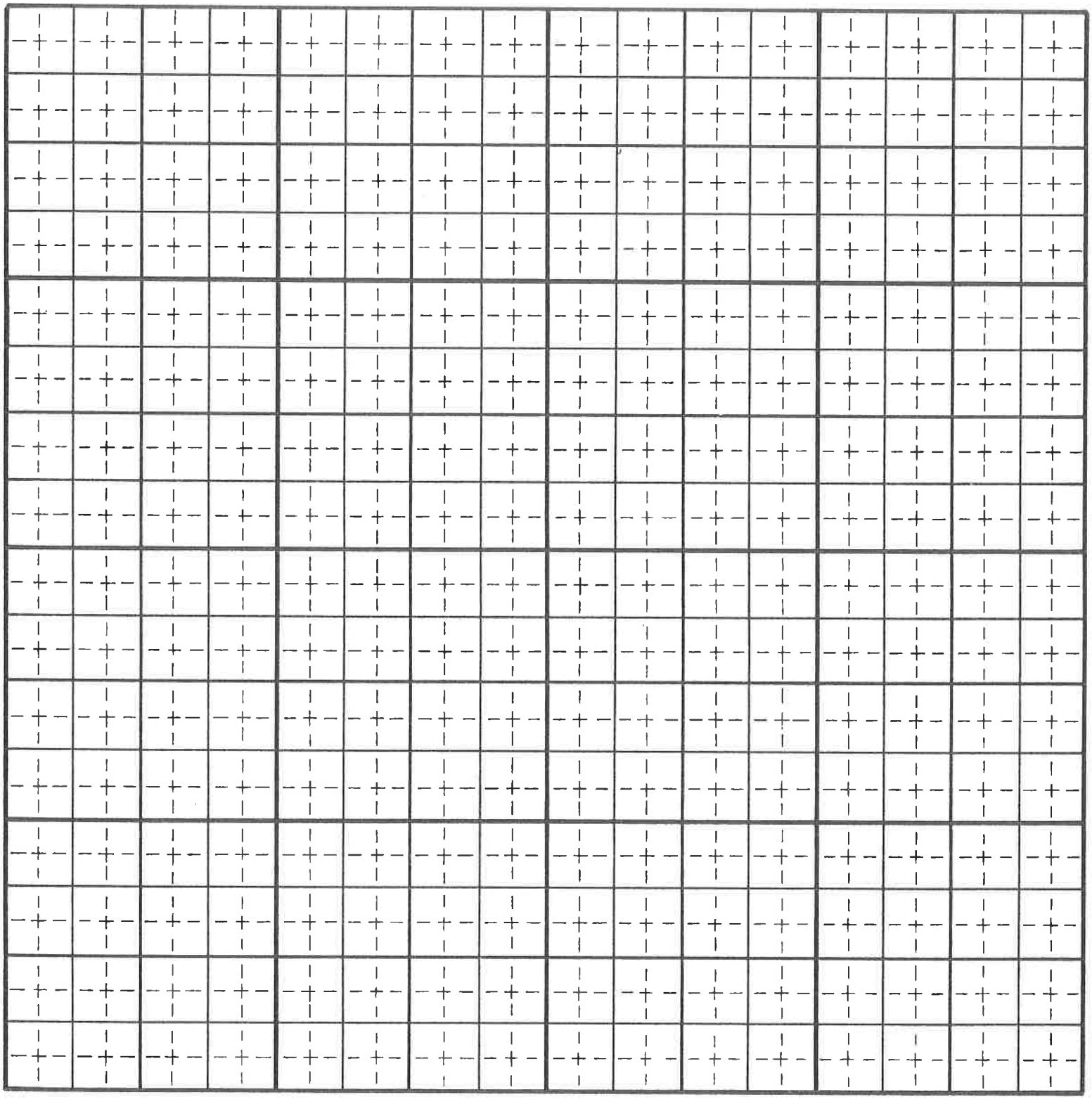
AUG 18 1992

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

Scale: 2 inches equals 1 mile

SEE ATTACHED SCHEDULES 2 AND 3



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AUG 18 1992

Last Name Black Canyon Irrigation District Ident No. A63-02878

Copies: White-Stay, Yellow-Canal

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ✓ Permit _____
Decree _____
If applicable provide IDWR Water Right Number A63-02878
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 3

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

Signature of Claimant (s) Wilbur L Andrew Date 3-13-90

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President (Title) of Black Canyon Irrigation District (Organization), that I have signed the foregoing document in the space below as President (Title) of Black Canyon Irrigation District (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent X Wilbur L Andrew

Title and Organization ~~Black Canyon Irrigation District~~ Date ~~March 13, 1990~~

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

Subscribed and sworn (or affirmed) before me this 13TH day of March 19 90

SEAL

Notary Public Herbert W. Rettig

Residing at CALDWELL, IDAHO

My Commission Expires 7-24-91

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, HERBERT W. RETTIG 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 Herbert W. Rettig

Address P.O. BOX 729, CALDWELL, ID. 83605

Date 3-13-90

Last Name Black Canyon Irrigation District Ident. Number A63-02878

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AUG 18 1992

Copies White-State, Yellow-Claimant

State of Idaho

License and Certificate of Water Right

Water License No. [illegible]

Water District No. [illegible]

Amount [illegible] second feet

Priority August 30, 1951

THIS IS TO CERTIFY that [illegible] BLUE CANYON IRRIGATION DISTRICT

of [illegible] Lotus, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 30, 19 51; that Permit No. [illegible] was issued under said application; that Certificate of Completion of works, with a carrying capacity of 16.64 second feet, was issued thereunder on May 18, 19 52, showing that said works were completed on the 15th day of January, 19 52; and that on the 15th day of January, 19 [illegible], BLUE CANYON IRRIGATION DISTRICT of Lotus, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Wilson Creek, a tributary of the Little Salmon River, for the purpose of irrigation and domestic use, under Use Permit No. [illegible] of the [illegible] Reclamation District, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume [illegible] of Licenses at page 4800, on the 18th day of May, 19 52;

The right hereby confirmed dates from August 30, 1951;

The Point of Diversion is located in the SE¼ SE¼ [illegible] in the NE ¼ NE ¼ Sec. 18, Tp. [illegible], R. [illegible], B. M., Payette County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 7.64 cubic feet per second, from Wilson Creek, and 16.0 cubic feet per second from Little Creek.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Lands within the boundaries of the Blue Canyon Irrigation District, in [illegible]		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the [illegible] and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 18th day of May, 19 52.

[illegible] HELP
State Reclamation Engineer

(SEAL)

63 2878

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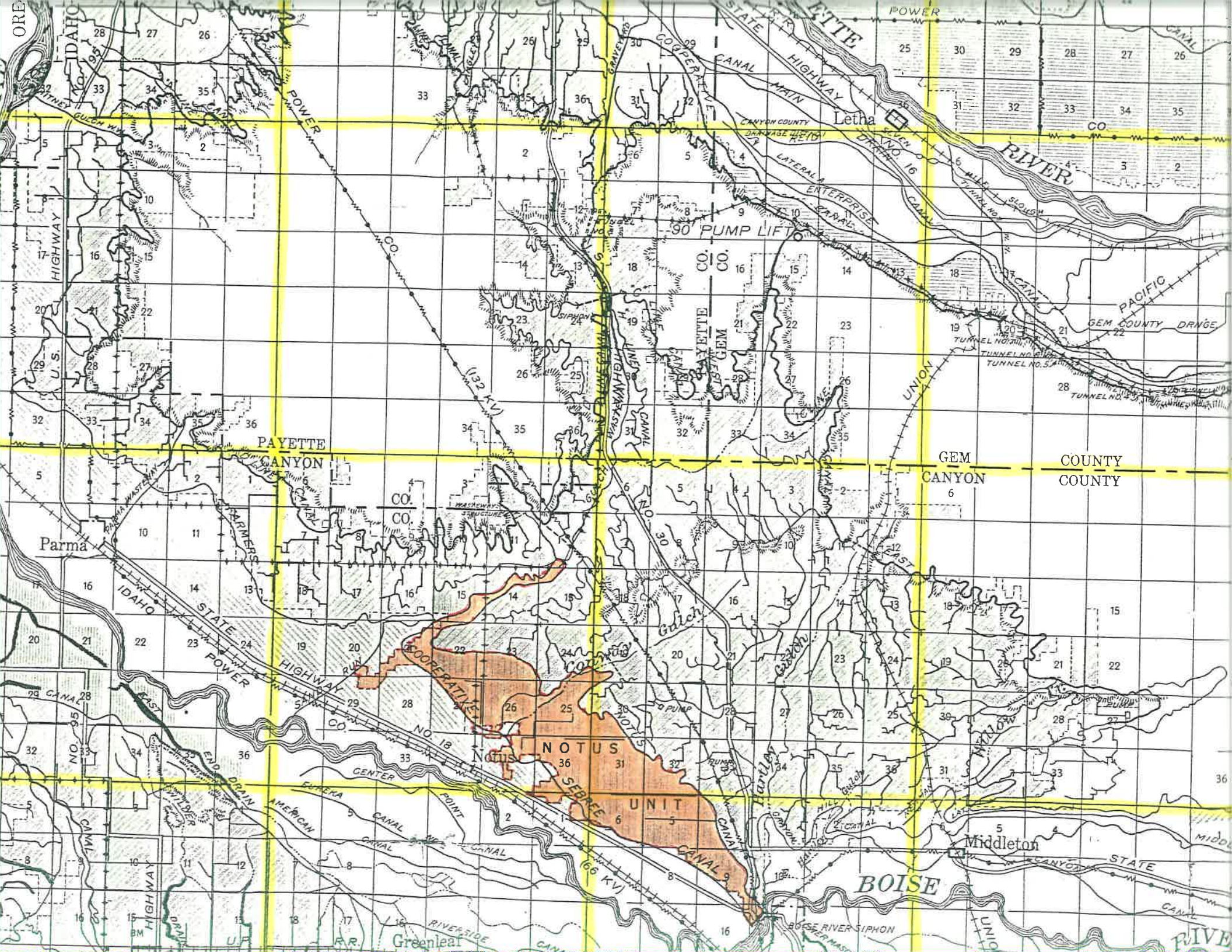
AUG 18 1992


Letha
Parma
Notus
Middleton
Greenleaf
PAYETTE
CANYON
GEM
COUNTY
NOTUS
SEBREE
UNIT
BOISE
RIVER
IDAHO
POWER
HIGHWAY
CANAL
(132 KV)
(66 KV)
90 PUMP LIFT
PACIFIC
UNION
STATE
COOPERATIVE
FARMERS
EUREKA
AMERICAN
CENTER POINT
BOISE RIVER SIPHON

COPY - ORIG. SENT TO S.O. ON 8-17-10

RECEIVED
BLM ISO MR
AUG 11 2010
9:00 A.M.

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

In Re SRBA Case No. 39576	**Subcase No. 63-02878** **STANDARD FORM 5** **STIPULATED ELEMENTS OF A WATER RIGHT**

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

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

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT
Black Canyon Irrigation District

8/10/09
Black Canyon Irrigation District Date

OBJECTOR
Nampa & Meridian Irrigation District

10/20/09
Daniel V. Steenson, Attorney Date

OBJECTOR
W.O., LLC

OBJECTION WITHDRAWN
Dana L. Hofstetter, Attorney Date

OBJECTOR
United States on behalf of
Bureau of Land Management

8/12/10
~~Larry Brown~~ David Negri Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Division

RESPONDENT
United States on behalf of
Bureau of Reclamation

7/28/10
David Gehlert Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Division

IDWR Concurrence:

8-17-10
IDWR Agent Date

8-13-10
Nicholas Spencer Date
Deputy Attorney General

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2878

NAME AND ADDRESS: BLACK CANYON IRRIGATION DIST
PO BOX 226
NOTUS ID 83656

SOURCE: ELIJAH DRAIN — TRIBUTARY: BOISE RIVER
WILSON DRAIN — TRIBUTARY: BOISE RIVER

The rate of diversion for this water right from the Elijah Drain is 10.6 cfs and from the Wilson Drain the rate of diversion is 7.94 cfs.

QUANTITY: 18.540 CFS

PRIORITY DATE: 08/30/1951

POINT OF DIVERSION:

T03N R03W S12 SENE Within CANYON County

T03N R03W S12 SESW Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	18.540 CFS

PLACE OF USE:

62140 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.

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

This right when combined with Right No. 63-2322 can be used to irrigate up to 6,880.73 acres of the 62,140 acres within the boundary of the Black Canyon Irrigation District.

This water right shall not alter or abrogate any provision of contract executed by the United States or State law regarding Black Canyon Irrigation District or Nampa & Meridian Irrigation District rights and responsibilities to use and make available water developed in drains within their boundaries.

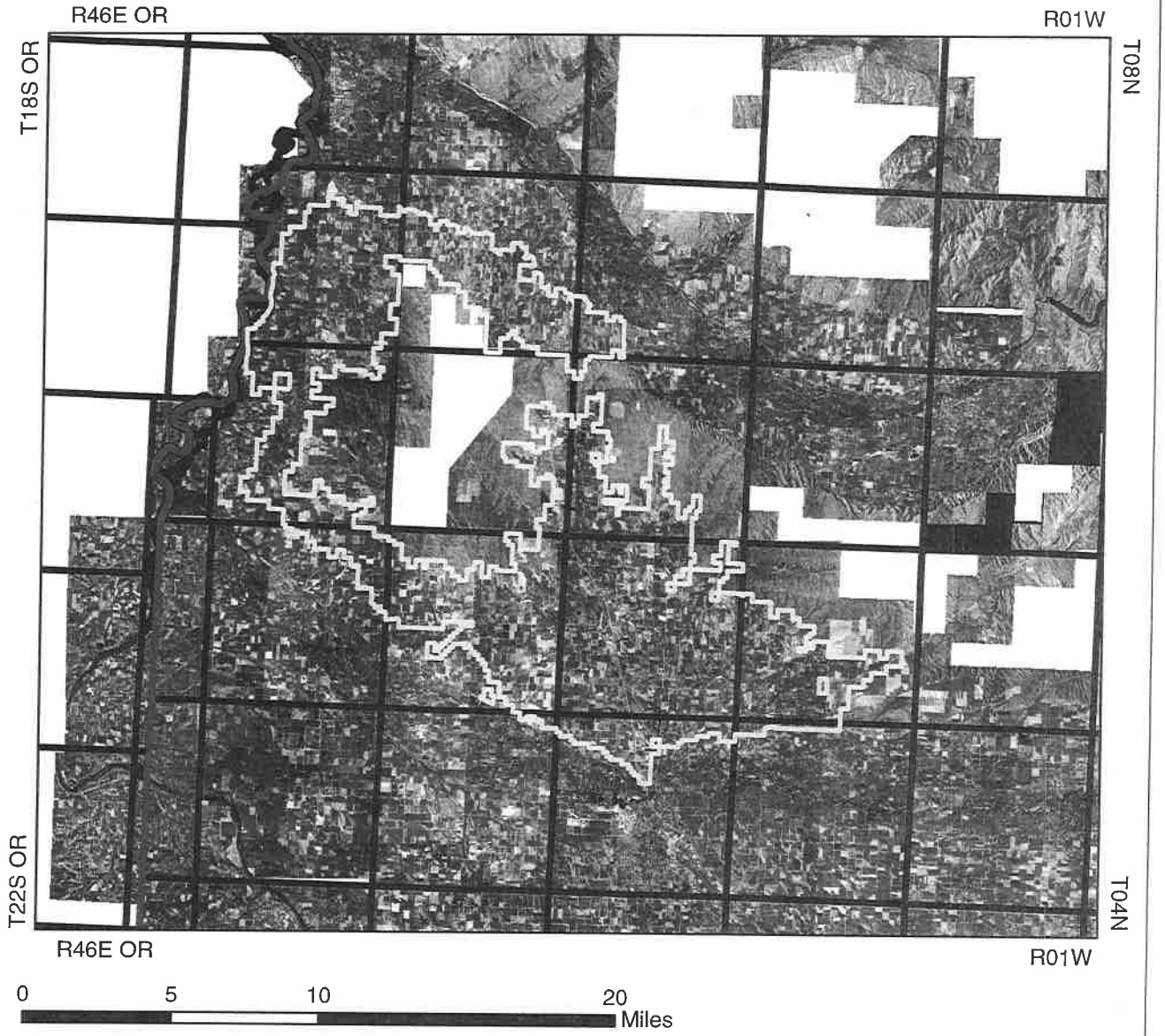
SBF

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

United States Of America Acting Through

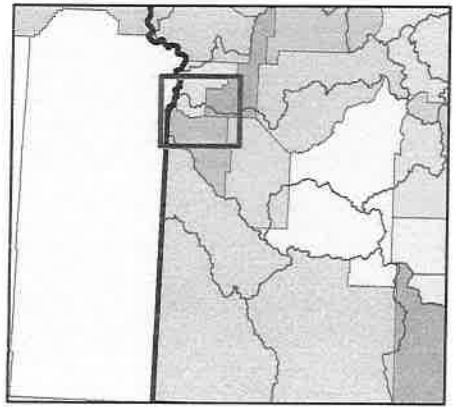
Adjudication Recommendations: 63-2322, 63-2878

Irrigation Service Area Boundary
GIS Place of Use Illustration



Legend

Service Area
State Outline
Townships



N

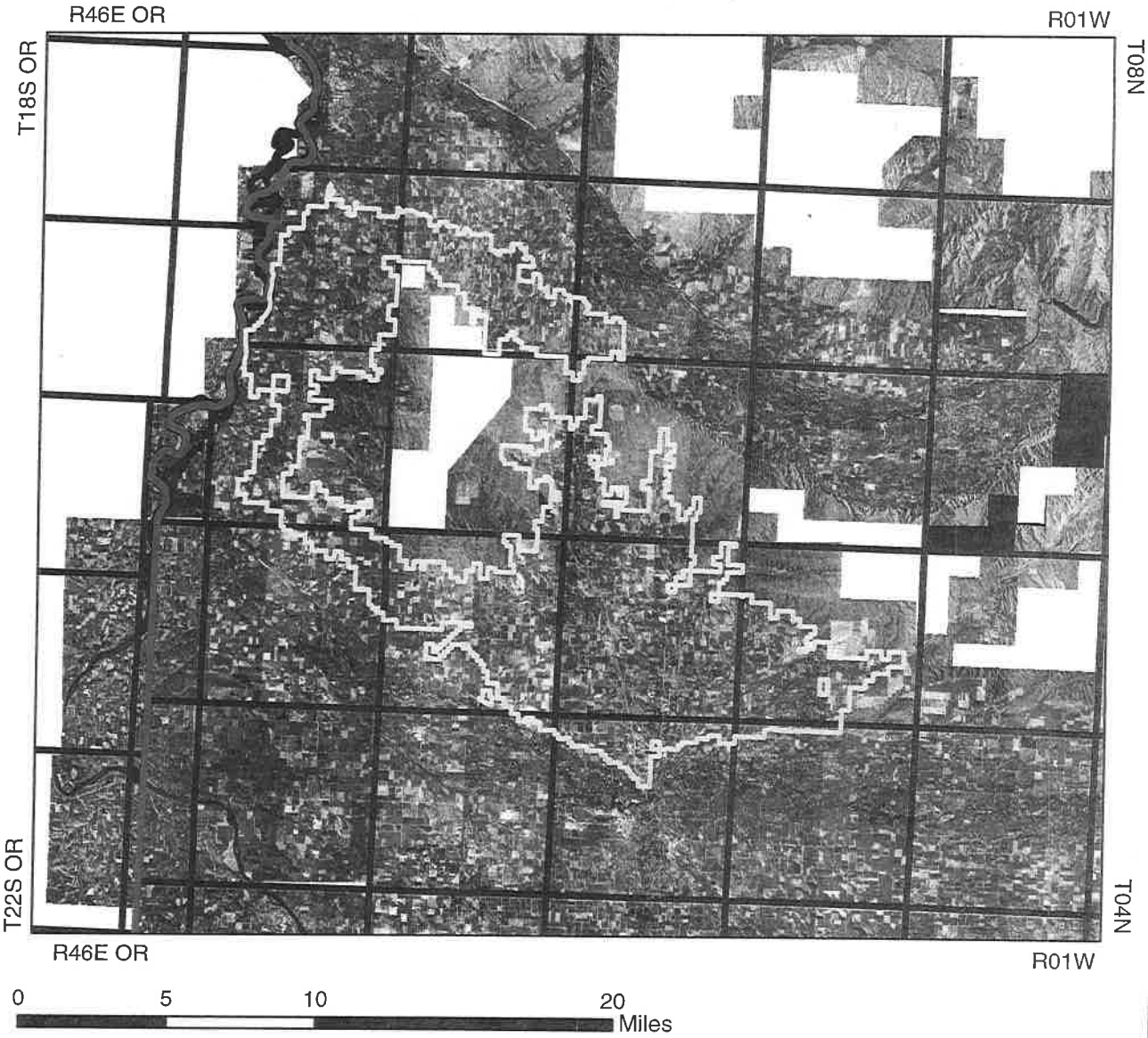
Canyon, Gem, Malheur Or, Payette Counties
IDWR Basin 63

Prepared by Danielle Favreau
On October 08, 2009
1987/88 Aerial Photography

United States Of America Acting Through

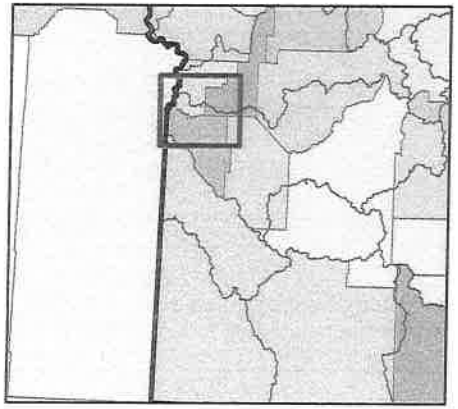
Adjudication Recommendations: 63-2322, 63-2878

Irrigation Service Area Boundary
GIS Place of Use Illustration



Legend

- Service Area
- State Outline
- Townships



Canyon, Gem, Malheur Or, Payette Counties
IDWR Basin 63

Prepared by Danielle Favreau
On October 08, 2009
1987/88 Aerial Photography

CERTIFICATE OF MAILING

I certify that on _____, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

W.O. LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

NAMPA & MERIDIAN IRR DIST
Represented by:
~~DANIEL V. STEENSON~~ Bryce Farris
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773

UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

BLACK CANYON IRRIGATION DIST
PO BOX 226
NOTUS, ID 83656

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

Signature of person or attorney mailing the form

STANDARD FORM 5 – 63-02878

STATUS CONFERENCE NOTES: **RIGHT NO.** 63-2878

DATE: 7-13-10

Dana H. withdrew W.O. LLC's objection on the record & will forward the SFS to Dave Gehlart for BOR & BLM. BCID & MID have signed already.

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2878

NAME AND ADDRESS: BLACK CANYON IRRIGATION DIST
PO BOX 226
NOTUS ID 83656

SOURCE: ELIJAH DRAIN TRIBUTARY: BOISE RIVER
WILSON DRAIN TRIBUTARY: BOISE RIVER

The rate of diversion for this water right from the Elijah Drain is 10.6 cfs and from the Wilson Drain the rate of diversion is 7.94 cfs.

QUANTITY: 18.540 CFS

PRIORITY DATE: 08/30/1951

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This right when combined with Right No. 63-2322 can be used to irrigate up to 6,880.73 acres of the 62,140 acres within the boundary of the Black Canyon Irrigation District.

This water right shall not alter or abrogate any provision of contract executed by the United States or State law regarding Black Canyon Irrigation District or Nampa & Meridian Irrigation District rights and responsibilities to use and make available water developed in drains within their boundaries.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SF5

ARCMAP UPDATED

10/06/2009

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2878

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This right when combined with Right No. 63-2322 can be used to irrigate up to 6,880.73 acres of the 62,140 acres within the boundary of the Black Canyon Irrigation District.

ADD NMID LANGUAGE ATTACHED AS A GEN. REMARK

BLM OBJECTION RESOLVED BY UPDATED ARCMAP

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

NOTE:
NO COND #200 TO RESOLVE W.O. LLC - BECAUSE THIS IS AN IRRG. DISTRICT NOT BOR.

RECEIVED
BLM ISO MR
JAN 21 2009
9:00 A.M.

McDevitt & Miller LLP
Lawyers

420 W. Bannock Street
P.O. Box 2564-83701
Boise, Idaho 83702

(208) 343-7500
(208) 336-6912 (Fax)

Chas. F. McDevitt
Dean J. (Joe) Miller

January 19, 2009

Via U.S. Mail

Scott Beazer
Water Right Specialist
Bureau of Land Management
1387 S. Vennell Way
Boise, ID 83709

Re: Water Right Claim No. 63-02878

Dear Mr. Beazer:

Thank you for your communication of December 19, 2008, together with the CD containing a "recommended digital boundary" for the Black Canyon Irrigation District.

My Water Master and Manager have reviewed the BLM exclusions recommended by your mapping and are in agreement with the same.

If you have questions, please let me know.

Very truly yours,

McDEVITT & MILLER LLP

Chas. F. McDevitt

CFM/hh

NOTE: BLM OK - I HAVE LATEST ARCMAP SHAPES IN BOR + BLM AN ~~THE~~ OUTLOOK FOLDER DAVID NEGRI OK

BOR & NMID OK - I HAVE LANGUAGE MARKED. IDWR OK

W.O. LLC - NO RESPONSE FROM DANA AS OF 7/22/09 LAST SEE EMAIL

Shurte, Jan

From: Bryce Farris [bryce@ringertlaw.com]
Sent: Monday, June 08, 2009 12:12 PM
To: Ridgeway, Renea; Gehlert, David (ENRD); Hofstetter Law Office; Charles McDevitt
Cc: Spencer, Nick; Shurte, Jan; McGarry, Elizabeth G
Subject: RE: 63-2878

Renea and Nick:
We have reached an agreement between Black Canyon, NMID and BOR concerning the above-referenced right. The agreement is to add the following remark to the right:

"This water right shall not alter or abrogate any provision of contract executed by the United States or State law regarding Black Canyon Irrigation District's or Nampa & Meridian Irrigation District's rights and responsibilities to use and make available water developed in drains within their boundaries."

This remark will resolve NMID's objection to the right. If all other objections have been resolved, then please prepare the SF5 and begin circulating it for signatures.
As always, please contact me should you have any questions.

Thanks,

S. Bryce Farris
Attorney at Law
RINGERT LAW CHARTERED
455 S. Third Street
P.O. Box 2773
Boise, ID 83701
Tel: (208) 342-4591
Fax: (208) 342-4657
bryce@ringertlaw.com

From: Ridgeway, Renea [mailto:Renea.Ridgeway@idwr.idaho.gov]
Sent: Friday, June 05, 2009 1:18 PM
To: Gehlert, David (ENRD); Hofstetter Law Office; Bryce Farris; Charles McDevitt
Cc: Spencer, Nick; Shurte, Jan
Subject: RE: 63-2878

Hi Everyone,
The only person that I heard back from in response to my e-mail below was Dave Gehlert who stated that he was out of the office on June 9th. As such, I have spoken with the Court and they have agreed to reschedule the date to July 28 and Diana stated that a trial date will be set at that time. The Court is issuing an order to reset the hearing and asked me to let you know that the June 9th time has been vacated. Thanks!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

STATUS CONFERENCE NOTES: **RIGHT NO.** 63-2878

DATE: 7-28-09

Dana will forward information to her client who will review & likely withdraw the objection. - WO LRC BLM & ~~BCP~~ agree on the boundary & remark.

BOR also agrees with remark & NMD. Just need to update shape, and shapefiles to Renea & Danielle asking Danielle to make CD's, then I will make the ADR (or SPS) with the ~~[redacted]~~ new language and send to Renea to go with the CD's & all.

Shurte, Jan

From: Shurte, Jan
Sent: Wednesday, July 15, 2009 4:07 PM
To: Ridgeway, Renea
Subject: FW: 63-2878

Renea - did Dana ever respond about his one. Just wondering. Thanks, Jan

-----Original Message-----
From: Ridgeway, Renea
Sent: Tuesday, July 07, 2009 9:32 AM
To: Hofstetter Law Office
Cc: Shurte, Jan; Spencer, Nick
Subject: RE: 63-2878

Dana,
Are we good to go on this? Or do you still need some additional time? I was going to have Jan send me a revised recommendation but if things are still unsettled I won't bother. Please advise. Thanks!

Renea Ridgeway
Paralegal
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Idaho Department of Water Resources
(208) 287-4814 office
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From: Charles McDevitt [mailto:Chas@McDevitt-Miller.com]
Sent: Thursday, June 11, 2009 3:35 PM
To: 'Hofstetter Law Office'; Ridgeway, Renea
Cc: 'Bryce Farris'; 'Gehlert, David (ENRD)'; Spencer, Nick; Shurte, Jan; 'McGarry, Elizabeth G'; Fredric_Price@blm.gov; Sherman_Beazer@blm.gov
Subject: RE: 63-2878

19 Idaho 176 clearly sets forth the information that Objector seeks. I won't ask for Attorneys fees. cfmc

-----Original Message-----
From: Hofstetter Law Office [mailto:Dana@IdahoWaterLaw.com]
Sent: Monday, June 08, 2009 9:03 PM
To: Ridgeway, Renea
Cc: Bryce Farris; Gehlert, David (ENRD); Charles McDevitt; Spencer, Nick; Shurte, Jan; McGarry, Elizabeth G; Fredric_Price@blm.gov; Sherman_Beazer@blm.gov
Subject: Re: 63-2878

In order to resolve the WO Objection, I would ask that either 1. Black Canyon agree to include the Pioneer case language or something similar in the SF5; or 2. Black Canyon's attorney send me documentation confirming that Black Canyon is an irrigation district established pursuant to Title 43, Idaho Code.

Thank you,
Dana

Ridgeway, Renea wrote:
> My notes reflect that BLM and W.O. LLC (D. Hofstetter) still have
> objections pending and that Dana still had some questions and was
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> Thanks!
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> Paralegal
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> Natural Resources Division
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> Idaho Department of Water Resources
>
> (208) 287-4814 office
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> (208) 287-6700 fax
>
> ---
>
> From: Bryce Farris [mailto:bryce@ringertlaw.com]
> Sent: Monday, June 08, 2009 12:12 PM
> To: Ridgeway, Renea; Gehlert, David (ENRD); Hofstetter Law Office; Charles McDevitt
> Cc: Spencer, Nick; Shurte, Jan; McGarry, Elizabeth G
> Subject: RE: 63-2878
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> S. Bryce Farris
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> Attorney at Law
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> 455 S. Third Street
>

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> From: Ridgeway, Renea [mailto:Renea.Ridgeway@idwr.idaho.gov]
> Sent: Wednesday, June 03, 2009 11:46 AM
> To: Hofstetter Law Office; Bryce Farris; Charles McDevitt; Gehlert,
> David (ENRD)
> Cc: Spencer, Nick; Shurte, Jan
> Subject: 63-2878
>

> Good Morning Everyone!
>
>
>
> The above referenced subcase has a status conference scheduled for
> June
> 9 and I'm wondering if you have had a chance to discuss the wastewater
> language and come to some sort of agreement. It appears from the
> notes in the file that everything has been resolved except for the
> waste water language. And Dana was researching whether or not the US
> v. Pioneer type language was necessary on a right held by an irrigation district.
> If an agreement has been reached please let me know as soon as
> possible so that I can have the water agent in charge draft a new
> recommendation and I can begin circulating the SF5. If we are still
> at a stand still, I will inform the Court and see if about
> rescheduling the status conference if nothing new has transpired since the last status.
>
>
>
> Thanks!
>
>
>
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> Office of the Attorney General
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Shurte, Jan

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> Renea Ridgeway
>
> Paralegal
>
> Office of the Attorney General
>
> Natural Resources Division
>
> Idaho Department of Water Resources
>
> (208) 287-4814 office
>
> (208) 287-6700 fax
>
> _____
>
> From: Bryce Farris [mailto:bryce@ringertlaw.com]
> Sent: Monday, June 08, 2009 12:12 PM
> To: Ridgeway, Renea; Gehlert, David (ENRD); Hofstetter Law Office;
> Charles McDevitt
> Cc: Spencer, Nick; Shurte, Jan; McGarry, Elizabeth G
> Subject: RE: 63-2878
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> As always, please contact me should you have any questions.
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> Thanks,
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> Attorney at Law
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> RINGERT LAW CHARTERED
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> 455 S. Third Street
>
> P.O. Box 2773
>
> Boise, ID 83701
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> Tel: (208) 342-4591
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> Fax: (208) 342-4657
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> bryce@ringertlaw.com
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> Sent: Friday, June 05, 2009 1:18 PM
> To: Gehlert, David (ENRD); Hofstetter Law Office; Bryce Farris;
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> From: Ridgeway, Renea [mailto:Renea.Ridgeway@idwr.idaho.gov]
> Sent: Wednesday, June 03, 2009 11:46 AM
> To: Hofstetter Law Office; Bryce Farris; Charles McDevitt; Gehlert,
> David (ENRD)
> Cc: Spencer, Nick; Shurte, Jan
> Subject: 63-2878
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Shurte, Jan

From: Hofstetter Law Office [Dana@IdahoWaterLaw.com]
Sent: Monday, June 08, 2009 9:03 PM
To: Ridgeway, Renea
Cc: Bryce Farris; Gehlert, David (ENRD); Charles McDevitt; Spencer, Nick; Shurte, Jan; McGarry, Elizabeth G; Fredric_Price@blm.gov; Sherman_Beazer@blm.gov
Subject: Re: 63-2878

In order to resolve the WO Objection, I would ask that either 1. Black Canyon agree to include the Pioneer case language or something similar in the SF5; or 2. Black Canyon's attorney send me documentation confirming that Black Canyon is an irrigation district established pursuant to Title 43, Idaho Code.

Thank you,
Dana

Ridgeway, Renea wrote:
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> objections pending and that Dana still had some questions and was
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> Sent: Monday, June 08, 2009 12:12 PM
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Status Conference – BCID – 63-2878 & 2322

3/10/09

63-2878 – Dana Hofstetter (Obendorf's attorney) based her objection on the US vs Pioneer ID decision and language subsequently put on Lucky Peak's water right. Received a letter from Al Barker who distinguishes BOR rts from district rights. Per his letter it is not subject to being put on irrigation district rights.

63-2322 – Gehlert (US Attorney) ok with Nampa Meridian ID language. We are also as we have put it on other rights – no harm to Dept.

BLM objection to place of use – Chuck McDevitt needs to check with Black Canyon on place of use.

Need to review this Status Conf. on 3/10/09

Shurte, Jan

From: Sherman_Beazer@blm.gov
Sent: Wednesday, January 21, 2009 3:58 PM
To: Shurte, Jan; Ridgeway, Renea
Cc: Fredric_Price@blm.gov
Subject: Fw: 63-02878; Black Canyon Irrigation District

Attachments: 63-02878 letter.pdf; bcid_V2.prj; bcid_V2.sbn; bcid_V2.sbx; bcid_V2.shp; bcid_V2.shp.xml; bcid_V2.shx; bcid_V2.dbf

63-02878 letter.pdf (20 KB)

bcid_V2.prj (684 B)

bcid_V2.sbn (398 B)

bcid_V2.sbx (382 B)

bcid_V2.shp (19 KB)

bcid_V2.shp.xml (126 KB)

bcid_V2.shx (374 B)

bcid_V2.dbf (1 KB)

Jan,

Attached is a letter from Mr. McDevitt stating that the are in agreement with the Digital Boundary (V2) attached to this email. Looks like we are close once the other issues are worked through.

(See attached file: 63-02878 letter.pdf)

Thanks,
Scott Beazer
Water Rights Specialist
Phone: (208) 373-4022
Fax: (208) 373-3839
----- Forwarded by Sherman Beazer/ISO/ID/BLM/DOI on 01/21/2009 03:55 PM -----

Sherman Beazer/ISO/ID/BLM/DOI 12/19/2008 02:02 PM		To: jan.shurte@idwr.idaho.gov, Renea Ridgeway cc: Fredric Price/ISO/ID/BLM/DOI@BLM Subject: 63-02878; Black Canyon Irrigation District

Jan,

I just sent Mr. McDevitt a proposed Digital Boundary along with map blow-ups showing the changes. I call the proposed Digital Boundary "V2"
incase there are any further changes.

(See attached file: bcid_V2.prj)(See attached file: bcid_V2.sbn)(See attached file:

bcid_V2.sbx)(See attached file: bcid_V2.shp)(See attached file: bcid_V2.shp.xml)(See attached file: bcid_V2.shx)(See attached file: bcid_V2.dbf)

Thanks,
Scott Beazer
Water Rights Specialist
Phone: (208) 373-4022
Fax: (208) 373-3839

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, December 18, 2008 4:07 PM
To: Courtney, Andrea
Subject: RE: 63-2878 in the name of Black Canyon

Andrea – at this point I cannot see anything wrong with it. Looks like they covered all their concerns without us having to do something in the future for them. Jan

---

From: Courtney, Andrea
Sent: Thursday, December 18, 2008 4:03 PM
To: Shurte, Jan
Subject: FW: 63-2878 in the name of Black Canyon

Jan~
In case you hadn't seen the language below... Let me know if you have any concerns.
Andrea

From: Ridgeway, Renea
Sent: Thursday, December 18, 2008 4:01 PM
To: Spencer, Nick; Williams, Ray
Cc: Courtney, Andrea
Subject: RE: 63-2878 in the name of Black Canyon

It's mine and Andrea's – I just gave Andrea the file.

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

From: Spencer, Nick
Sent: Thursday, December 18, 2008 3:57 PM
To: Williams, Ray
Cc: Ridgeway, Renea
Subject: FW: 63-2878 in the name of Black Canyon

Ray, is this one yours or Renea's? NBS

From: Bryce Farris [mailto:bryce@ringertlaw.com]
Sent: Thursday, December 18, 2008 3:47 PM
To: Spencer, Nick
Cc: Charles McDevitt; Gehlert, David (ENRD); Elizabeth McGarry
Subject: 63-2878 in the name of Black Canyon

Nick:
I believe we have an agreement to resolve NMID's objection to the above-referenced water right. We have agreed to a remark which is similar to the remark that resolved NMID's objections to Pioneer Irrigation District's claims. The remark would provide as follows:

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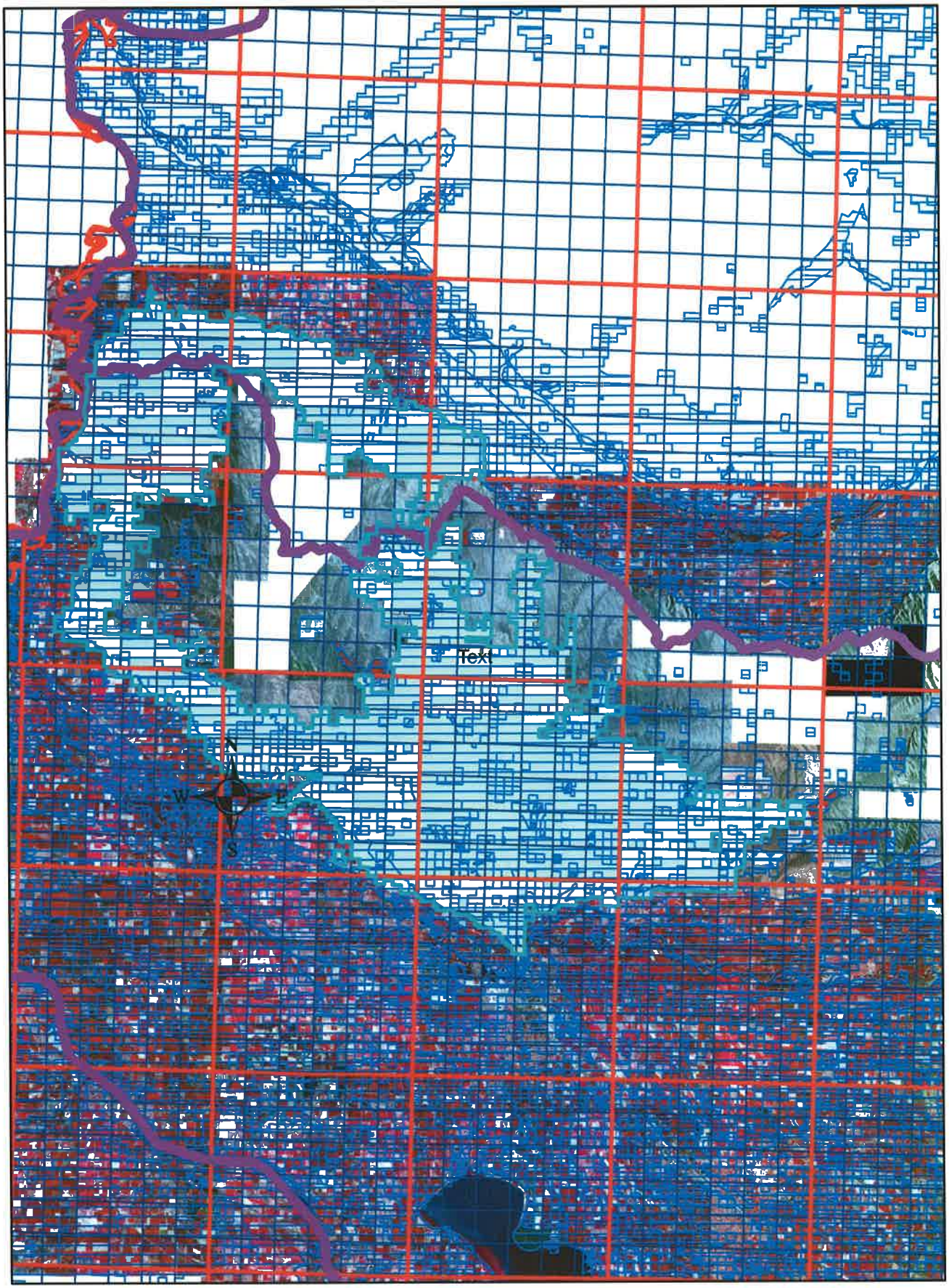
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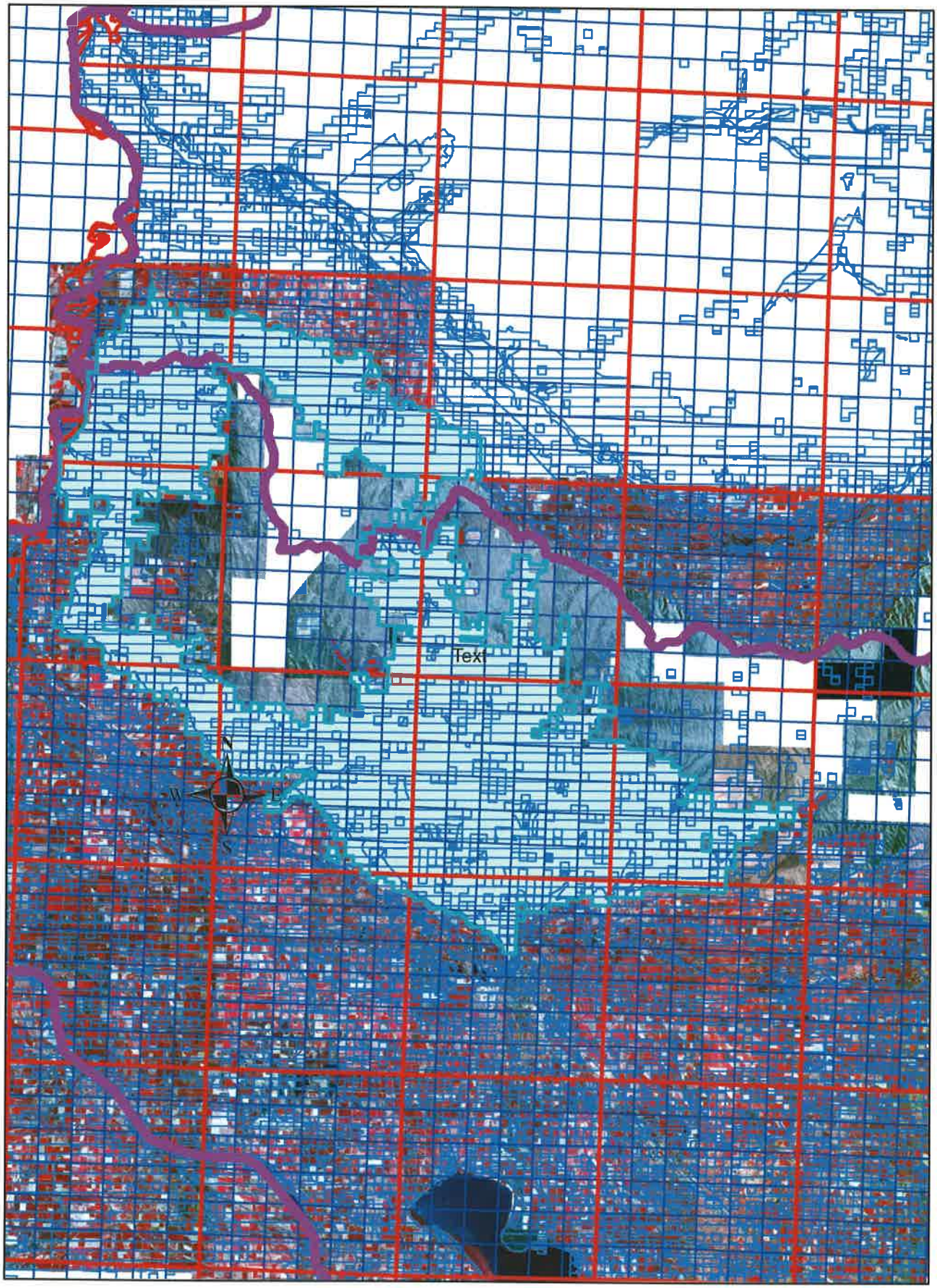
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RECEIVED
BLM ISO MR
JAN 21 2009
9:00 A.M.

McDevitt & Miller LLP
Lawyers

420 W. Bannock Street
P.O. Box 2564-83701
Boise, Idaho 83702

(208) 343-7500
(208) 336-6912 (Fax)

Chas. F. McDevitt
Dean J. (Joe) Miller

January 19, 2009

Via U.S. Mail

Scott Beazer
Water Right Specialist
Bureau of Land Management
1387 S. Vennell Way
Boise, ID 83709

Re: Water Right Claim No. 63-02878

Dear Mr. Beazer:

Thank you for your communication of December 19, 2008, together with the CD containing a "recommended digital boundary" for the Black Canyon Irrigation District.

My Water Master and Manager have reviewed the BLM exclusions recommended by your mapping and are in agreement with the same.

If you have questions, please let me know.

Very truly yours,

McDEVITT & MILLER LLP

Chas. F. McDevitt

CFM/hh

Shurte, Jan

From: Shurte, Jan
Sent: Friday, December 19, 2008 3:16 PM
To: Courtney, Andrea
Subject: RE: 63-2878 in the name of Black Canyon

I almost forgot – there is a BLM objection on this one also. BLM was supposed to send me the shapefiles, showing color after the last status conference. Renea emailed me and I had not yet received anything, so she contacted Scott Beazer at the BLM. I just received the information this afternoon from Scott – so I will need a little time to fix the boundaries. Huge job. Hopefully, the SM will give us a little time to do this.

PS – did you have a different function than you thought today?

From: Courtney, Andrea
Sent: Thursday, December 18, 2008 4:13 PM
To: Shurte, Jan
Cc: Ridgeway, Renea
Subject: RE: 63-2878 in the name of Black Canyon

Agreed. Their issue about BOR contracts really didn't impact the Dep't. I think this leaves Dana Hoffstetter's title objection and that is it.

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Sent: Thursday, December 18, 2008 4:07 PM
To: Courtney, Andrea
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884-5475

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bryce@ringertlaw.com

RECEIVED
MAY 06 2008
DEPARTMENT OF
WATER RESOURCES

2008 MAY 05 PM 01:30
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	) ORDER SETTING SUBCASE(S) FOR INITIAL HEARING
Case No. 39576	)
	) SUBCASE NO: 63-02878

The Initial Hearing for this subcase will be held before Special Master THEODORE R. BOOTH

FRIDAY, JUNE 06, 2008 at 10:45 AM (MT)
NAMPA
120 - 9TH AVE S
NAMPA, ID

ATTENDANCE IS MANDATORY. All parties are required to attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity to meet with a representative of the Idaho Department of Water Resources (IDWR) and/or the objector in an attempt to reconcile any difference between the claim and the Director's Report. Bring any and all information you believe is relevant to your claim and/or objection. If the claim cannot be reconciled at the Initial Hearing, the court will set the subcase(s) for trial within 45 days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by JUNE 02, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

(continued)

Dated: MAY 05, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 05, 2008, with sufficient first-class postage to the following:

W.O. LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

NAMPA & MERIDIAN IRR DIST
Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

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

BLACK CANYON IRRIGATION DIST
PO BOX 226
NOTUS, ID 83656
Phone: 208-459-4141

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

/S/ DIANA R DELANEY
Deputy Clerk

RECEIVED
MAR 11 2009
DEPARTMENT OF
WATER RESOURCES

2009 MAR 10 AM 09:47
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	)	ORDER SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
	)	SUBCASE NO: 63-02878

Please be advised that Special Master THEODORE R. BOOTH has set a Status Conference in the above subcase(s) as follows:

TUESDAY, JUNE 09, 2009 at 09:30 AM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number 225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: MARCH 10, 2009

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on MARCH 10, 2009, with sufficient first-class postage to the following:

BLACK CANYON IRRIGATION DIST
Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

W.O. LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

NAMPA & MERIDIAN IRR DIST
Represented by:
S. BRYCE FARRIS
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

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

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

/S/ DIANA R DELANEY
Deputy Clerk

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 63-2878**
	)	
Case No. 39576	)	**MOTION TO AMEND OPPOSITION TO WATER RIGHT**
	)	

Comes Now, Black Canyon Irrigation District ("BCID") by and through its attorneys of record McDevitt & Miller LLP, by Chas F. McDevitt, and moves to amend its opposition to Subcase No. 63-2878.

To amend Section 10 to read as follows:

"a remark should be added to the water right as follows"

"The source of this right is waste water. The wasting of water may be discontinued at any time."

Amend reasons supporting Objections as follows—deleting present "reasons" and add the following:

Remark will inform water users that water may not continue to be available.

Reached ? other settlement See language in 6/8/09 email from NMID.

Dated this 21st day of August, 2007.

McDevitt & Miller LLP

Chas F. McDevitt

CERTIFICATE OF MAILING

I certify that on August 31st, 2007, I mailed the original and copies of this Motion, 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:

   Current Owner:

   Name: Nampa & Meridian Irrigation District

   Address: 1503 First Street South
   Nampa, ID 83651

3. Copies to:

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

   United States Department of Justice
   Environment & Nat'l Resources Div
   550 W Fort Street, MSC 033
   Boise, ID 83724

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

   Daniel V. Steenson
   Ringert Clark Chartered
   P.O. Box 2773
   Boise, ID 83701

Heather Houle, Legal Asst
McDEVITT & MILLER LLP

RECEIVED
JUN 19 2007
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	A. **Subcase** 63-2878 (Insert water right no.)
Case No. 39576	)	**STANDARD FORM 1 OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NAMPA & MERIDIAN IRRIGATION DISTRICT

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: 208-466-7861

Name & Address of Attorney, if any:
Daniel V. Steenson
S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

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

Name: Black Canyon Irrigation District
Address: P.O. Box 226
Notus, Idaho 83656

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. X **Source**
   Should be: See below.

3. ☐ **Quantity**
   Should be: _____

4. ☐ **Priority Date**
   Should be: _____

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

6. ☐ **Instream Flow Description**
   Should be: N/A

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

8. ☐ **Period of Year**
   Should be: _____

9. ☐ **Place of Use**
   Should be: _____

10. ☐ **I object because:**

    ☐ This water right should not exist.

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

E. REASONS SUPPORTING OBJECTION (S): The point of diversion for this water right is downstream of Nampa & Meridian Irrigation District (NMID). At a minimum, a portion of the source of this water right includes the drainage/waste water of NMID and its lands, and under Idaho law is subject to NMID's right to cease wasting, change the manner or place of wasting or to recapture it. In addition, the rights of Claimant and NMID with respect to the drainage water is subject to various contracts between Claimant, NMID and/or the United States Bureau of Reclamation. NMID's rights under Idaho law and the contracts should be recognized in a remark.

F. **VERIFICATION** (must be completed)

State of Idaho)
) ss.
County of Ada)

S. Bryce Farris, duly sworn, upon oath, deposes and says:

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.

S. Bryce Farris

Subscribed and sworn to before me on: June 15, 2017

KIMI A. WHITE NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 2/4/2020

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on June 15, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

   Name: Black Canyon Irrigation District
   Address: P.O. Box 226
   Notus, Idaho 83656

3. Copies to:

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

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

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

   Chas F. McDevitt
   McDevitt & Miller, LLP
   P.O. Box 2564
   Boise, ID 83701

Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED
JUN 21 2007
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA	**A. Subcase** 63-2878 (Insert water right number)
Case 39576	**STANDARD FORM 1 OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: **W.O. LLC**

Address: **26358 Sand Road**
Parma, Idaho 83660

Daytime Phone: **(208) 482-7397**

Name & Address of Attorney, if any:
Dana L. Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702

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

Name: **Black Canyon Irrigation District**

Address: **P.O. Box 226**
Notus, ID 83656

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: **Consistent with *United States of America v. Pioneer Irrigation Dist.*, Idaho Supreme Court Case No. 31790 (March 9, 2007)**

2. ☐ **Source**
   Should be: _____

3. ☐ **Quantity**
   Should be: _____

4. ☐ **Priority Date**
   Should be: _____

5. ☐ **Point of Diversion**
   Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**
   Should be: _____

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

8. ☐ **Period of Year**
   Should be: _____

9. ☐ **Place of Use**
   Should be: _____

10. **I object because:**

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

E. REASONS SUPPORTING OBJECTION(S): ***United States of America v. Pioneer Irrigation Dist.*, Idaho Supreme Court Case No. 31790 (March 9, 2007) applies.**

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

State of **Idaho**)
) ss.
County of **Ada**)

Dana L. Hofstetter, 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: June 15, 2007

SUE E. GIBERMAN NOTARY PUBLIC STATE OF IDAHO

Notary Public for the State of Idaho
Residing at: Boise Idaho
My Commission expires: 2-25-09

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 June 20, 2007, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court *(via Hand Delivery)*
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: **Black Canyon Irrigation District**

Address: **P.O. Box 226**

Notus, ID 83656

3. Copies to:

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

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

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

Signature of Objector or attorney
mailing on Objector's behalf

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

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

A. Subcase 63-02878
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: see below
Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Name: Black Canyon Irrigation Dist.
Address: P.O. Box 226; Notus, Idaho 83656
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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

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

2. ☐ **Source**
   Should be:

3. ☐ **Quantity**
   Should be:

4. ☐ **Priority Date**
   Should be:

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

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

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

8. ☐ **Period of Year**
   Should be:

9. ☒ **Place of Use**
   Should be: See attached.

11. **I object because:**

☐ This water right should not exist.

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

E. **REASONS SUPPORTING OBJECTION(S):**
The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal public land.

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

State of Idaho)
) ss.
County of ADA)

Fredric W. Price, Water Rights Specialist , 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: June 13, 2007

Linda C. Buck

LINDA C. BUCK NOTARY PUBLIC STATE OF IDAHO

Notary Public for State of Idaho
Residing at: Mountain Home, ID.
My Commission Expires: 12-21-2011

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 June 13TH, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Black Canyon Irrigation Dist.
Address: P.O. Box 226; Notus, Idaho 83656
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

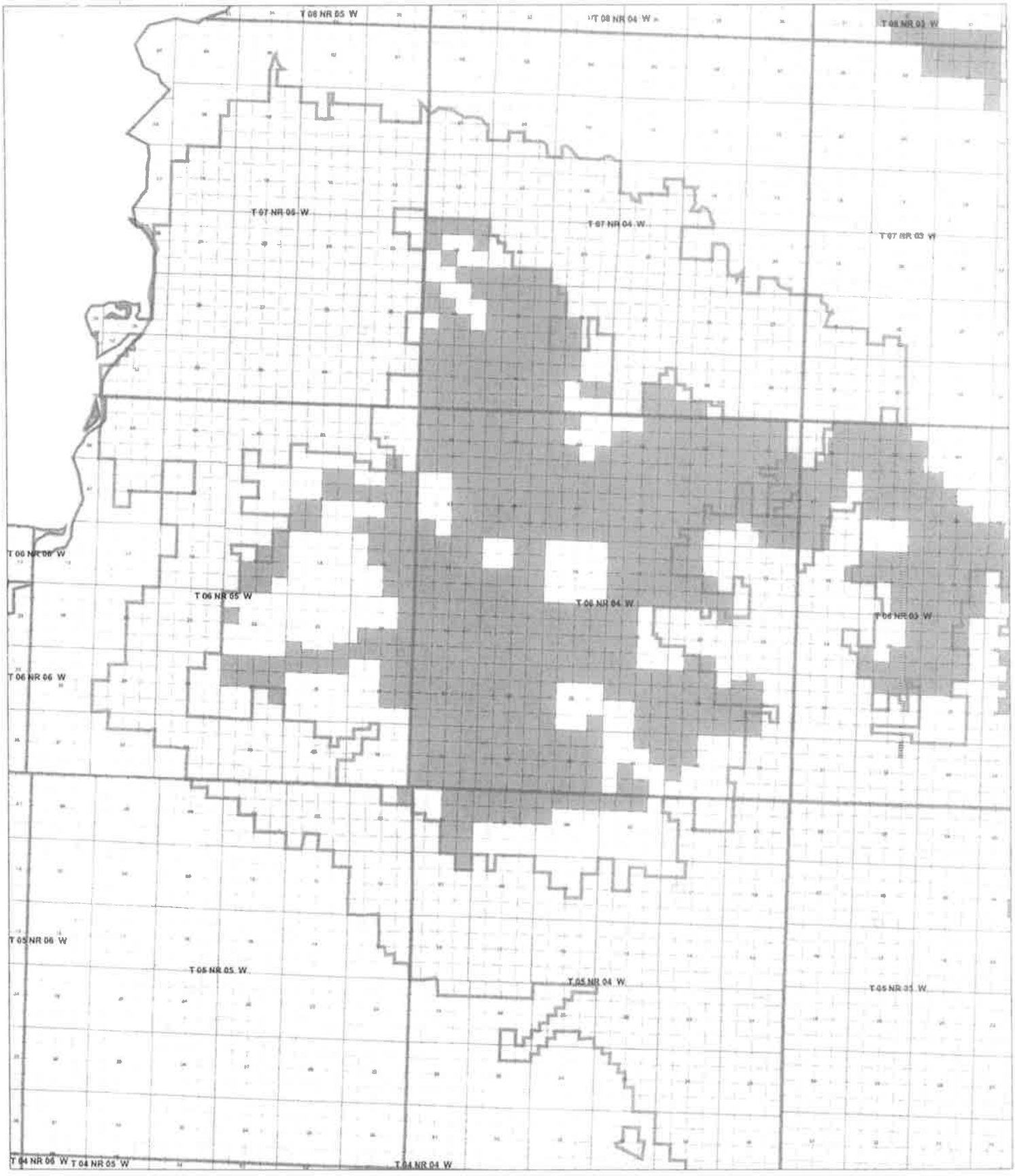
3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
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

Signature of Objector or attorney mailing on Objector's behalf

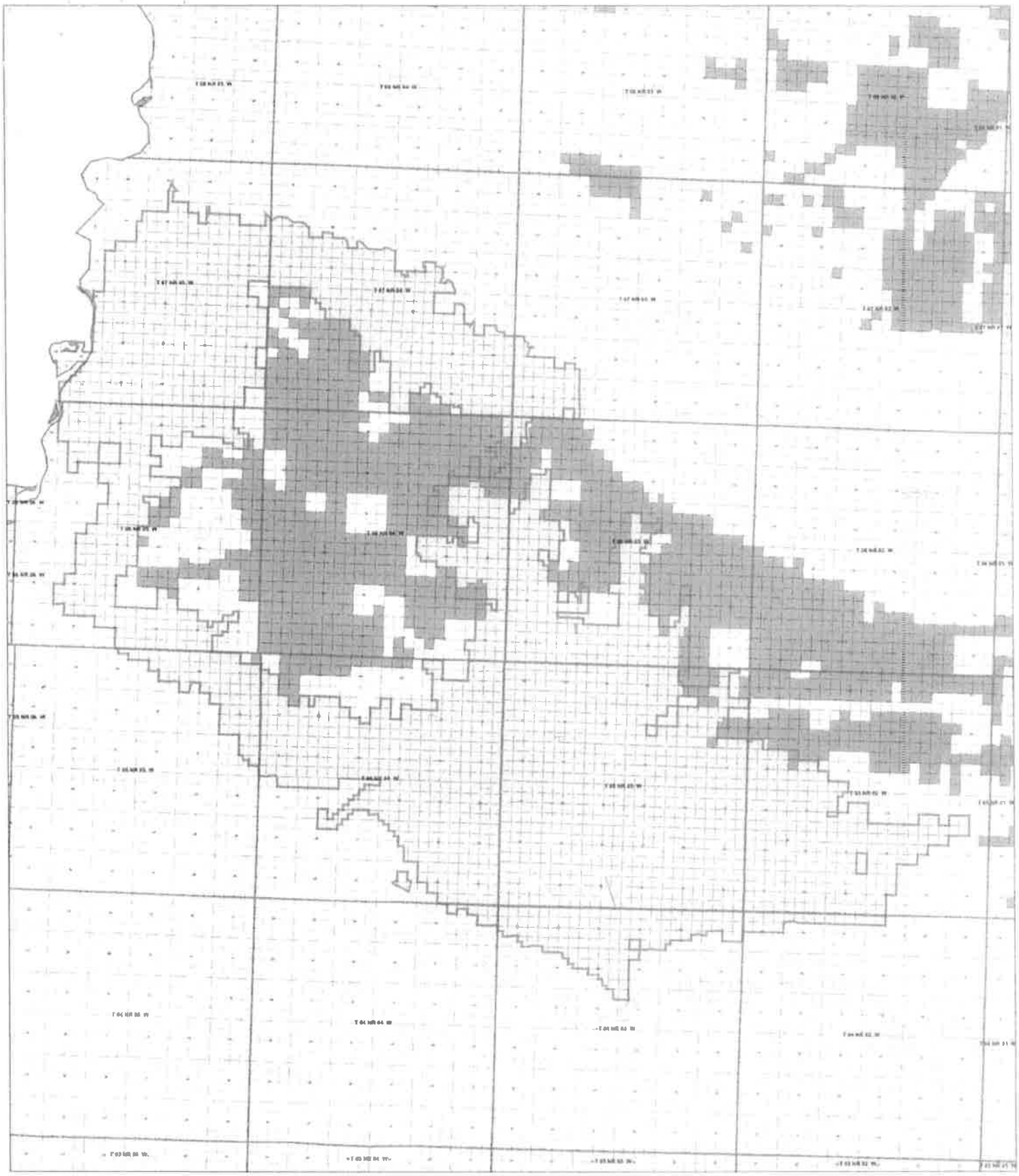


Legend

- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- Black_Canyon_Irrigation_District_Digital_Boundary

0 0.20.4 0.8 1.2 1.6 Miles

N



Legend

- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- Black_Canyon_Irrigation_District_Digital_Boundary

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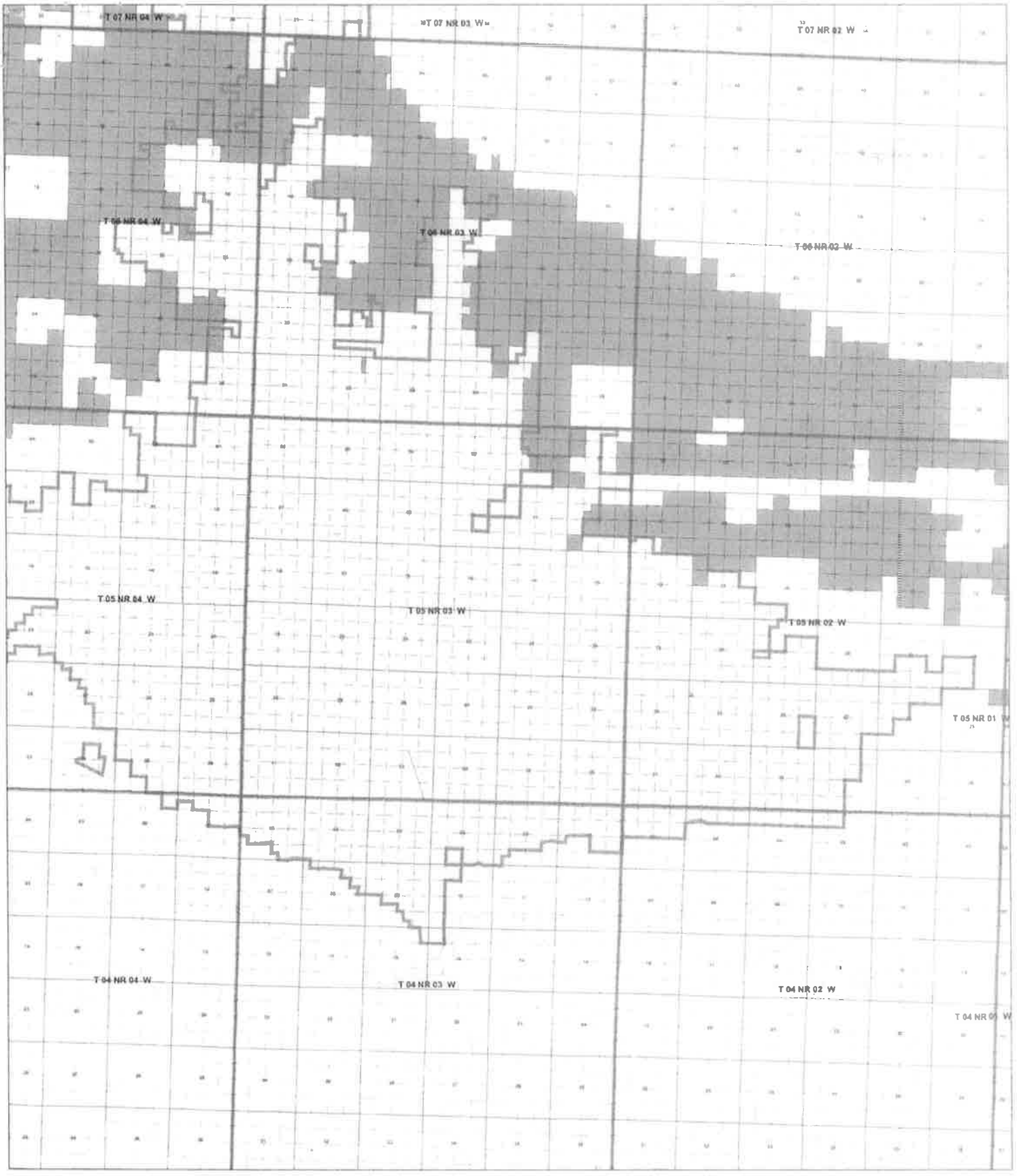
N



Legend

- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- Black_Canyon_Irrigation_District_Digital_Boundary

0 0.2 0.4 0.8 1.2 1.6 Miles

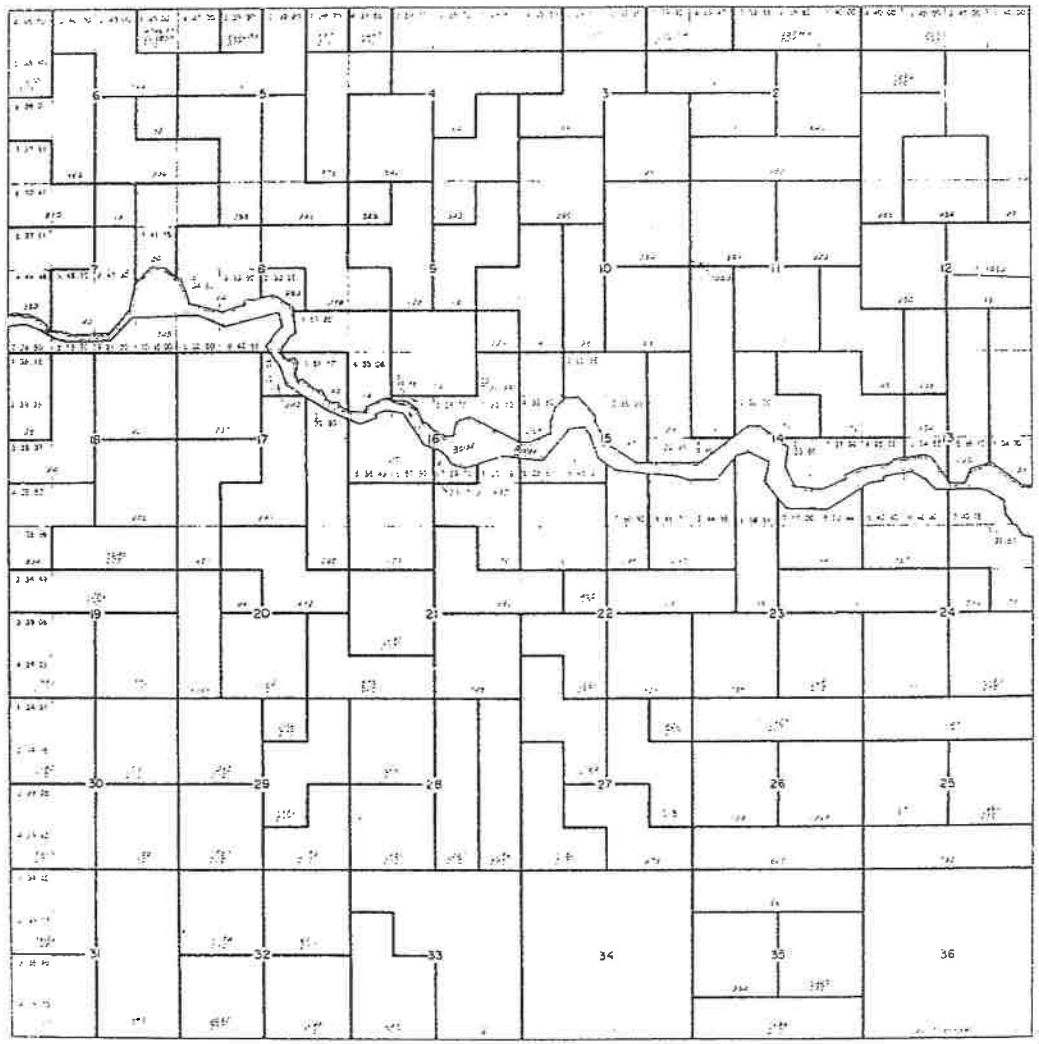
N

TOWNSHIP 4 NORTH RANGE 2 WEST OF THE BOISE MERIDIAN, IDAHO

CANYON COUNTY 027

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEGREGATED TRACTS

RESURVEY TRACT NO.	T.	R.	SEC.	ORIGINAL SURVEY SUBDIVISION

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

CURRENT TP	CURRENT SS
EFF. 9 '83	

SURVEY PLATS

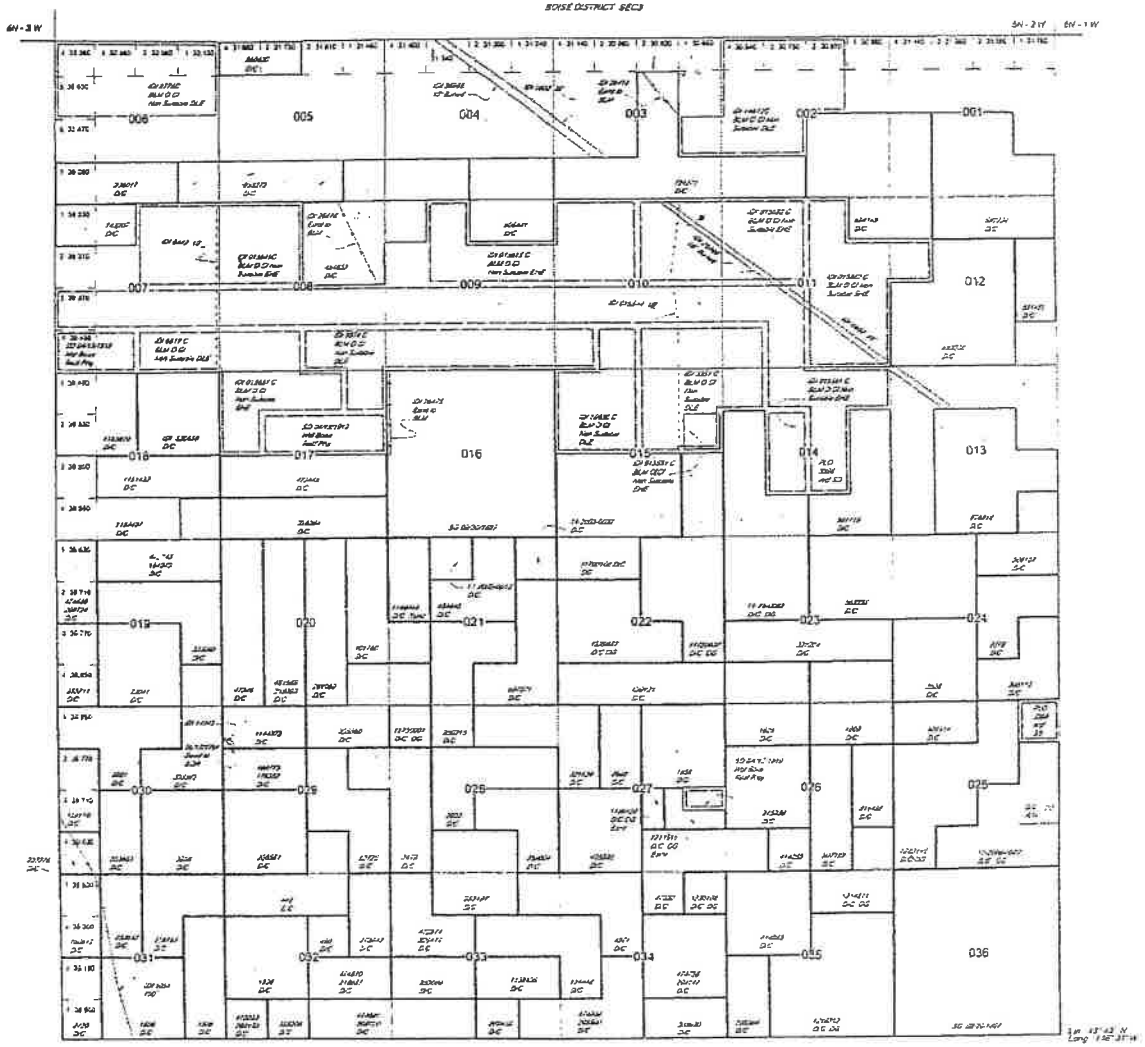
SCALE IN Chains

WARNING STATEMENT

TOWNSHIP 5 NORTH RANGE 2 WEST OF THE BOISE MERIDIAN, IDAHO

CANYON COUNTY 027

BOISE DISTRICT SEC3



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS

SERIALITY	ORIGINAL SURVEY			
TRACT NO.	T.	R.	SEC.	SUBDIVISION

3 027350 Black Canyon Irrigation Dist
(Ag or Cong GR-1(U)-(16) affects land in
Secs 7, 17, 18, 21, 27, 28, 29, 33

PLC 5351 Apps received prior to 10:00 AM
08/22/1973 considered Sim Rec'd
Sec 21 NENW

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LAND REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

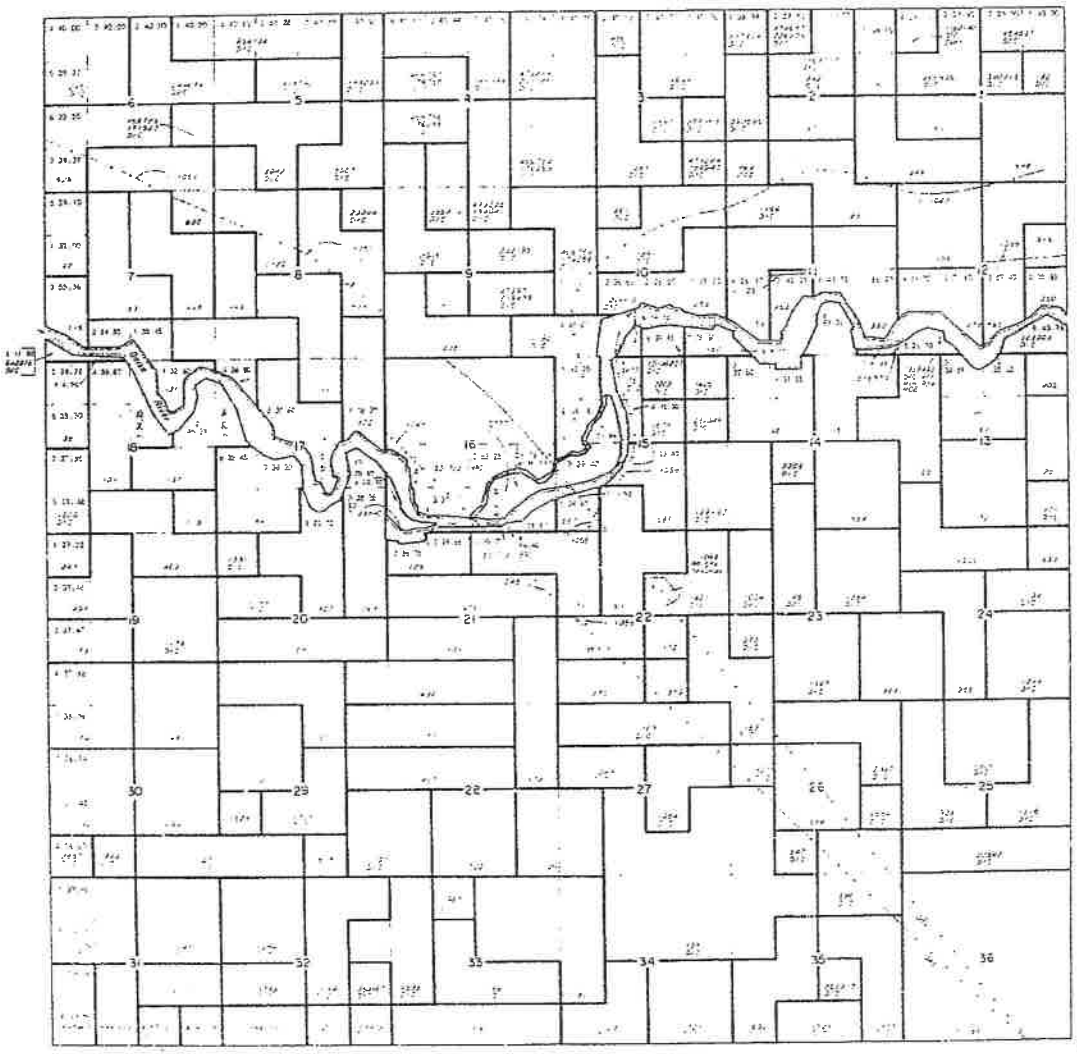
AREA	
CONVERTED FFT	BY
LAST UPDATED	BY
BASE #	QUAD #
POSTED TO PUBLIC RECORDS	BY JAN 2 0 2006
PUBLIC LAND SURVEY SYSTEM (PLSS):	
BLM GCDB ACCUMAS	
OTHER	
PROJECTED COORDINATE SYSTEM	
NOTES	
LRC PLAT 3	

TOWNSHIP 4 NORTH RANGE 3 WEST OF THE BOISE MERIDIAN, IDAHO

CANYON COUNTY 027

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEGREGATED TRACTS				
RESURVEY			ORIGINAL SURVEY	
TRACT NO	T	R	SEC	SUBDIVISION

D 027560 Black Canyon Irrigation Dist
Exc of Corp #'s 19151 affects land in
Secs 1, 2

FOR ORDERS EFFECTING DISPOSAL OF USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

CURRENT TO | CURRENT TO

100K PLATS OG

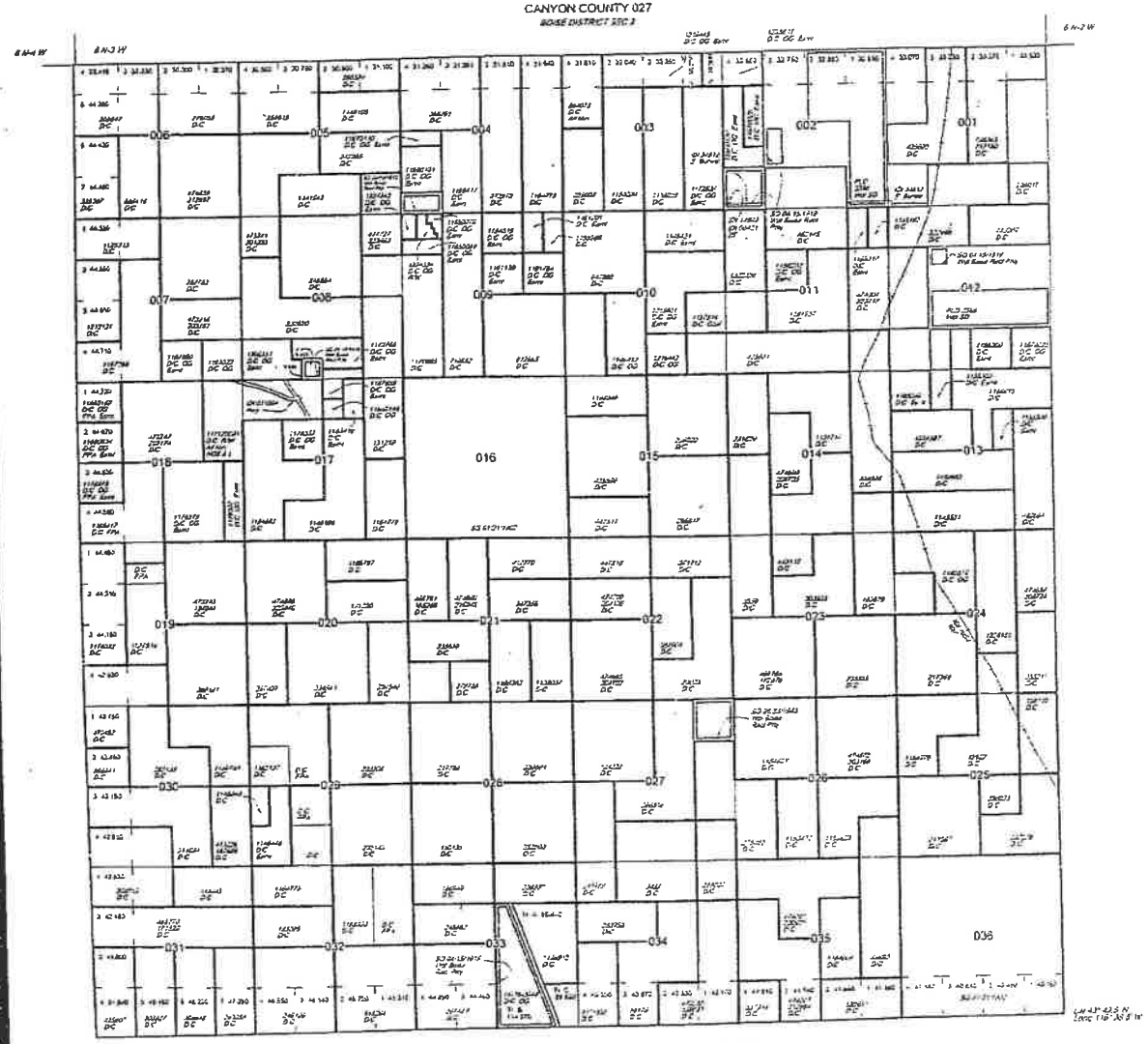
SCALE in Chains

WARNING STATEMENT

TOWNSHIP 5 NORTH RANGE 3 WEST OF THE BOISE MERIDIAN, IDAHO

CANYON COUNTY 027

BOISE DISTRICT SEC 3



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS

RESURVEY	ORIGINAL SURVEY			
TRACT NO.	T.	R.	SEC.	SUBDIVISION

S 077560 Black Canyon Irrigation Dist
(Act of Cong 08/11/1916) affects land in
Sec 1 Lc 3 incl
Sec 2 to 10 incl
Sec 17 to 21 incl
Sec 24 to 27 incl
Sec 29, 30
Sec 32 to 35 incl

ID1 0285 Ester to US (Fence & Culvert)
Sec 12: Part W2NW

PLO 5554 Order revoked prior to 10:00 AM 08/22/1973
Segregated Sts Red
Sec 2 E½NE¼
Sec 12: NE¼SE¼NW¼, S2SE¼NW¼ NE¼SW¼, SW¼SW¼, NW¼SE¼

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LAND REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

FILE NO.	
CONVEYED TO	MER TWP NOR RGE WEST
LAND LOCATED	MER TWP NOR RGE WEST
GAGE #	GAGE #
POSTED TO PUBLIC RECORDS BY	SEP 2 6 2006
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BASE GEOG ACCURACY	Dr 24 2003
OTHER	N/A
PROJECTED COORDINATE SYSTEM	NAD 1983 HARN STATE IDAHO WEST 3302
NOTES	
LAS PLATS	

U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way, Boise, Idaho 83709
(208) 373-4000

SCALE 1" = 80 CHAINS

NORTH

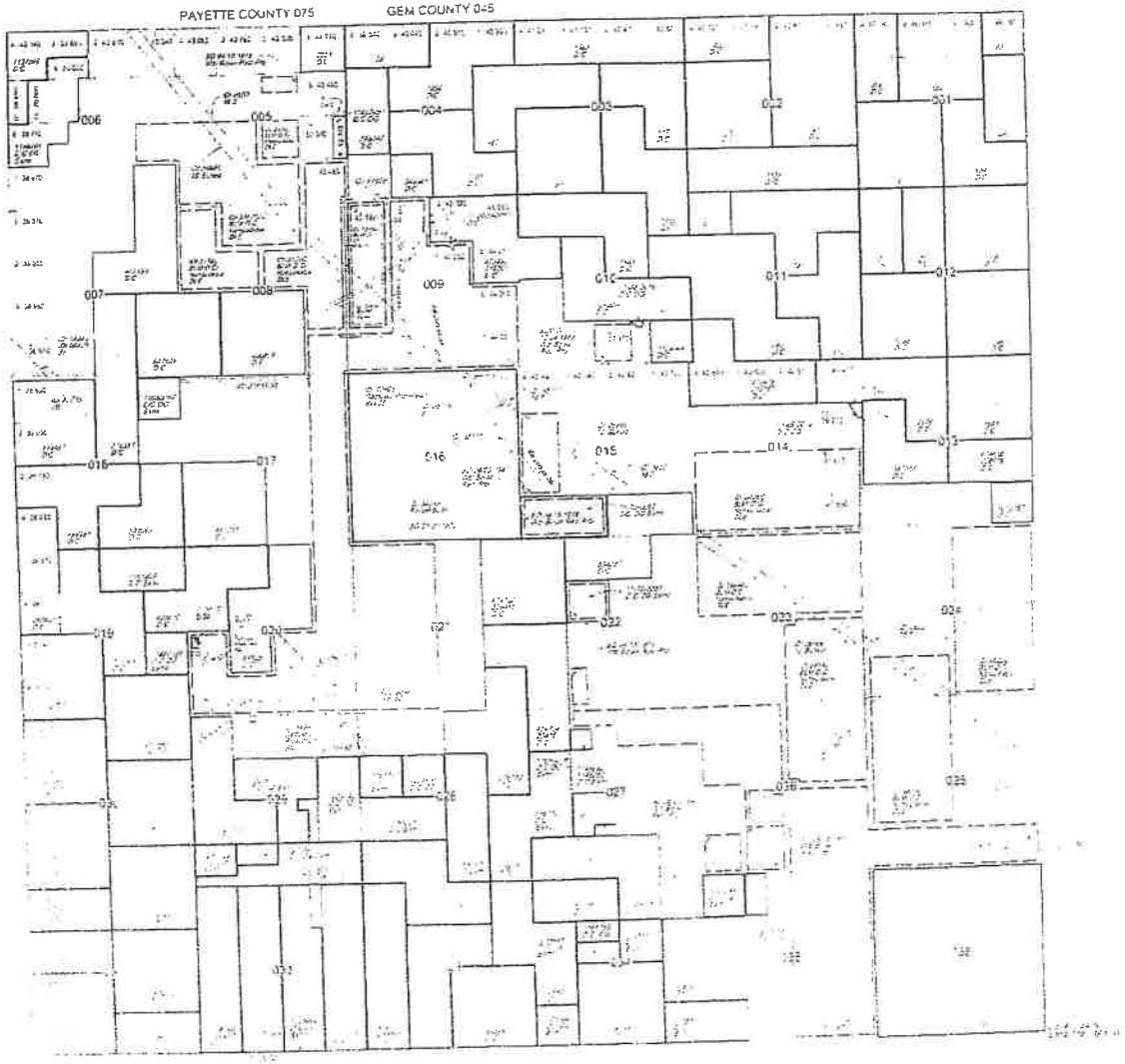
DISCLAIMER

This data is GIS, a graphic display of the Bureau of Land Management's (BLM) Records of Title and Land Status. The BLM's records are the official land status records and may have been collected by several engineering surveys of varying accuracy standards. Refer to Disclaimer for official land records.

The accuracy of the information contained on this map is based on the BLM's Records of Title and Land Status. The BLM's records are the official land status records and may have been collected by several engineering surveys of varying accuracy standards. Refer to Disclaimer for official land records.

TOWNSHIP 6 NORTH RANGE 3 WEST OF THE BOISE MERIDIAN, IDAHO

PAYETTE COUNTY 075 GEM COUNTY 045

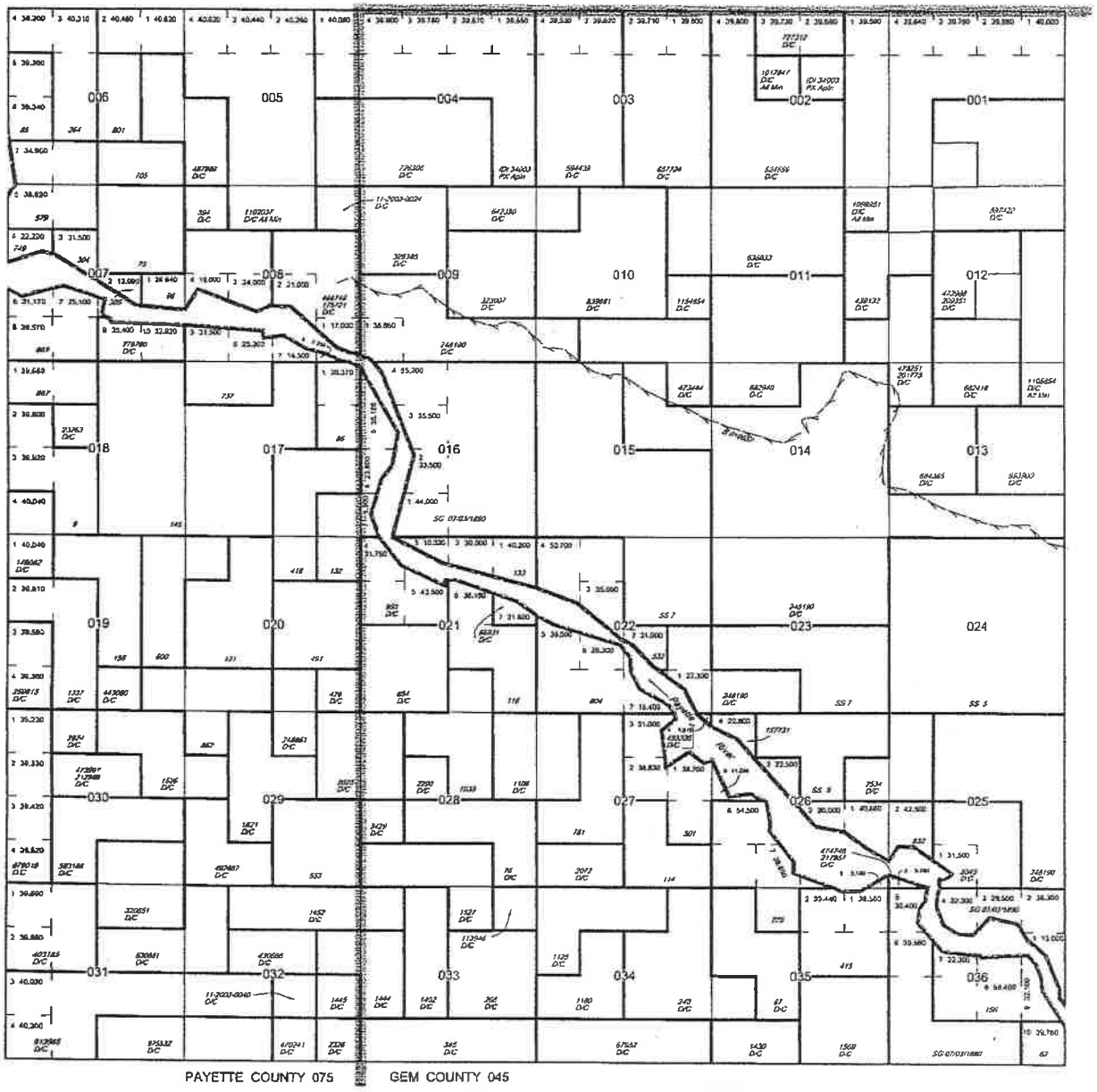


STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

TOWNSHIP 7 NORTH RANGE 3 WEST OF THE BOISE MERIDIAN, IDAHO

BOISE DISTRICT SEC 3



PAYETTE COUNTY 075 GEM COUNTY 045

U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000

SCALE in chains

SCALE in feet

SCALE in meters

NORTH

DISCLAIMER:

This plat is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records hereon do not reflect title changes which may have been affected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

Tract notation shown on withdrawals represent the last action taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS				
RESURVEY			ORIGINAL SURVEY	
TRACT NO	T	R	SEC	SUBDIVISION

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LAND REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

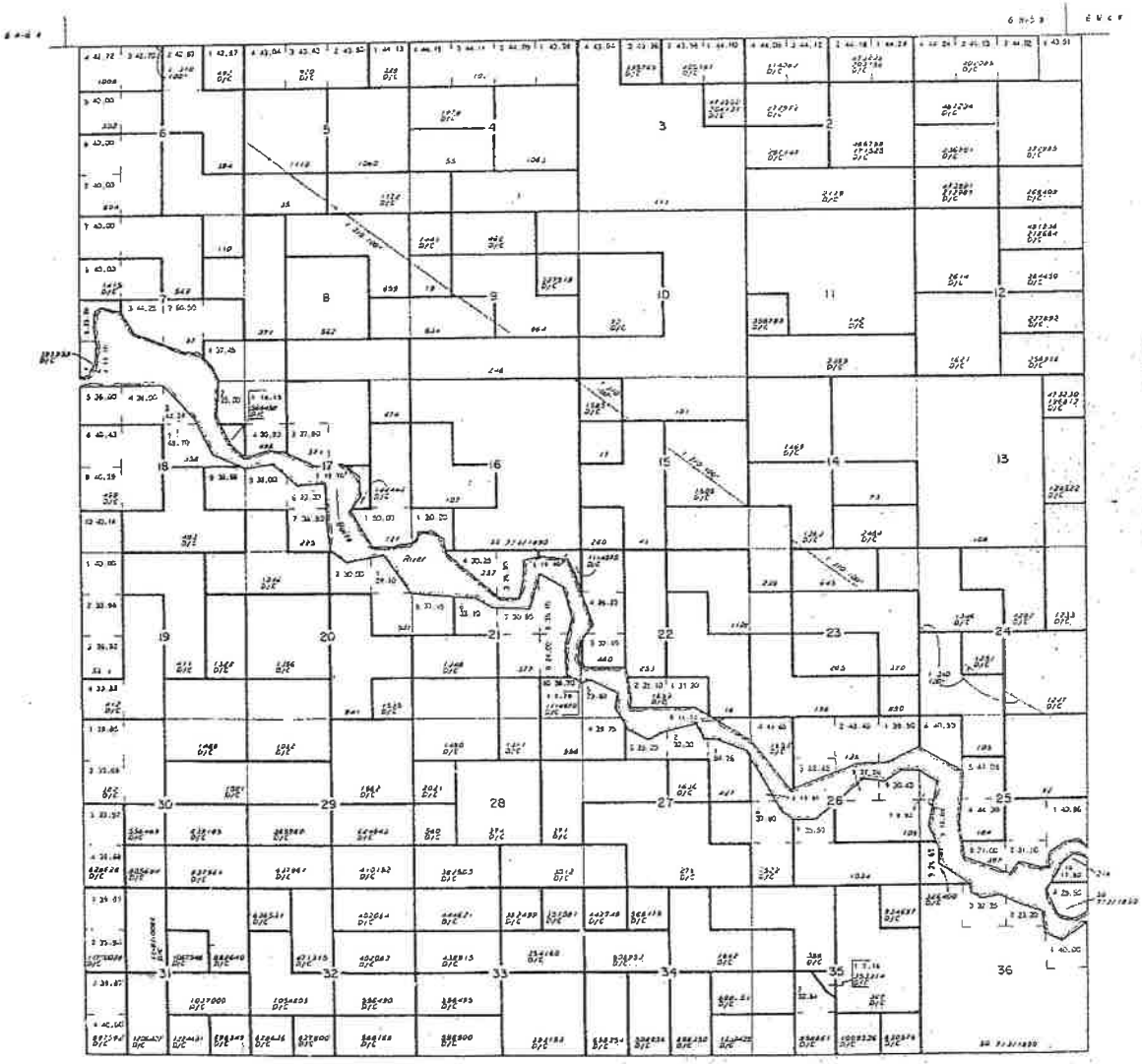
FILE REF:	
CONVERTED TIFF:	BY:
LAST UPDATED:	BY:
QA/QC #1:	QA/QC #2:
POSTED TO PUBLIC RECORDS:	BY:
PUBLIC LAND SURVEY SYSTEM (PLSS):	
BLM GCDB ACQUIRED:	
OTHER:	
PROJECTED COORDINATE SYSTEM:	UTM ZONE 11N, NAD 1983
NOTES:	
USE PLATS:	

Index Plat
T. 7 N
R. 3 W

TOWNSHIP 5 NORTH RANGE 5 WEST OF THE BOISE MERIDIAN, IDAHO

CANYON COUNTY 027

BOISE DISTRICT SEC 3



SCALE in Chains

10 3 0 10 20 30 60

WARNING STATEMENT

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS

RESURVEY TRACT NO	ORIGINAL SURVEY T	R	SEC	SUBDIVISION

BL 10-6874 Nilder Irrigation Dist Dct of Cons 8/21/1981 affects land in
- Secs 31, 32, 34, 35

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

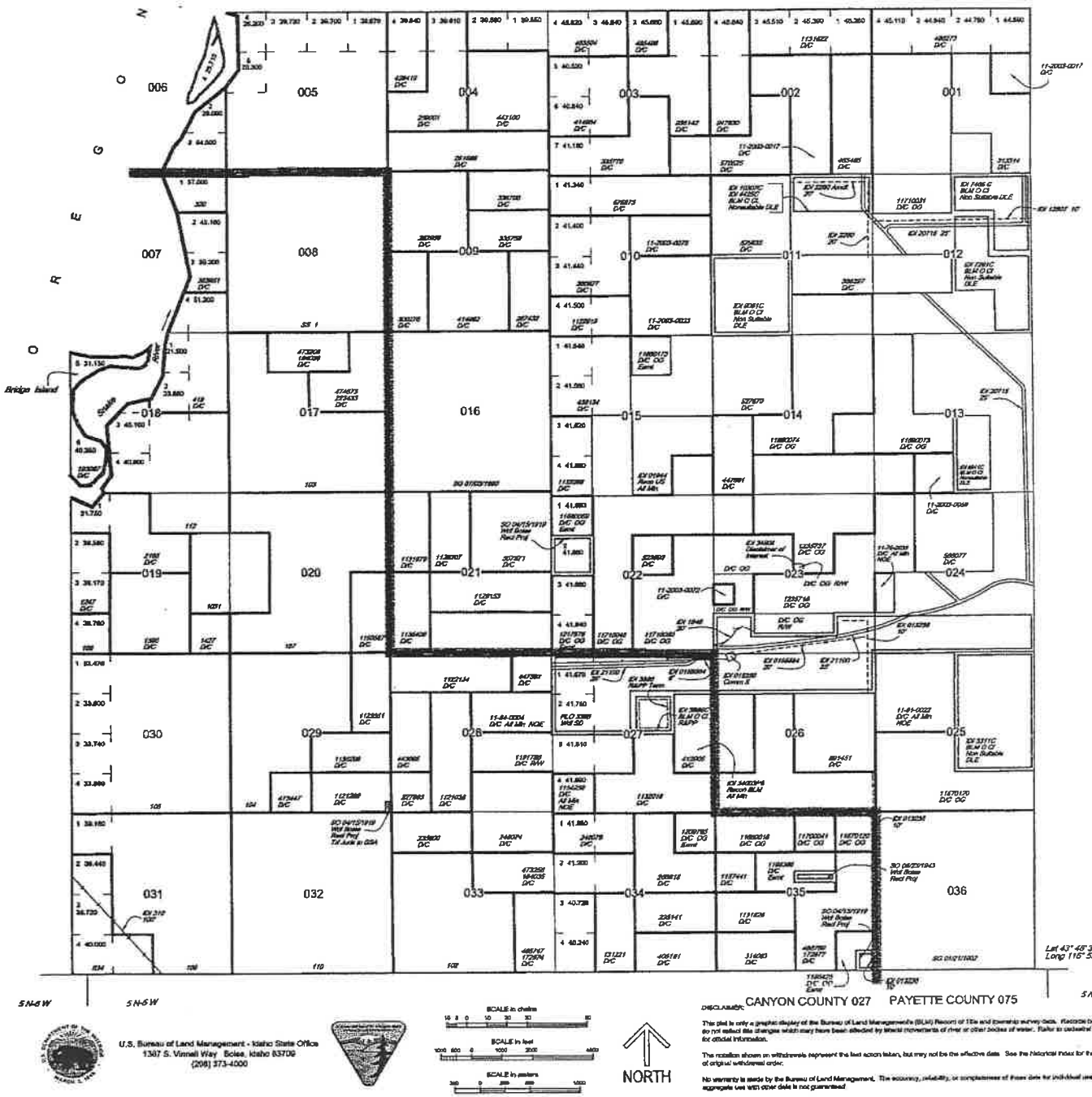
CORRECT TO	CURRENT TO

USE PLATS: OG

Boise Mer
T. 5N.
R. 5W.

TOWNSHIP 6 NORTH RANGE 5 WEST OF THE BOISE MERIDIAN, IDAHO

BOISE DISTRICT SEC 5



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000

DISCLAIMER:

This plat is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records section do not reflect title changes which may have been effected by legal conveyance of river or other bodies of water. Refer to cadastral surveys for official information.

The notation shown on withdrawals represent the last action taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS				
RESURVEY				ORIGINAL SURVEY
TRACT NO	T	R	SEC	SUBDIVISION

B 027560 Black Canyon Irrigation Dist (Act of Cong 08/11/1916) affects land in
Secs. 1,2,10,11,15,20,21,22,27,28,29,34,35

PLO 3018,04/08/1963 Wdl Deer Flat NWR, all islands in Snake River owned by the US
Secs. 8,7,18

IDI 3886 R&PP Landfill Lse Term 02/01/1994
Sec. 27: SWNE

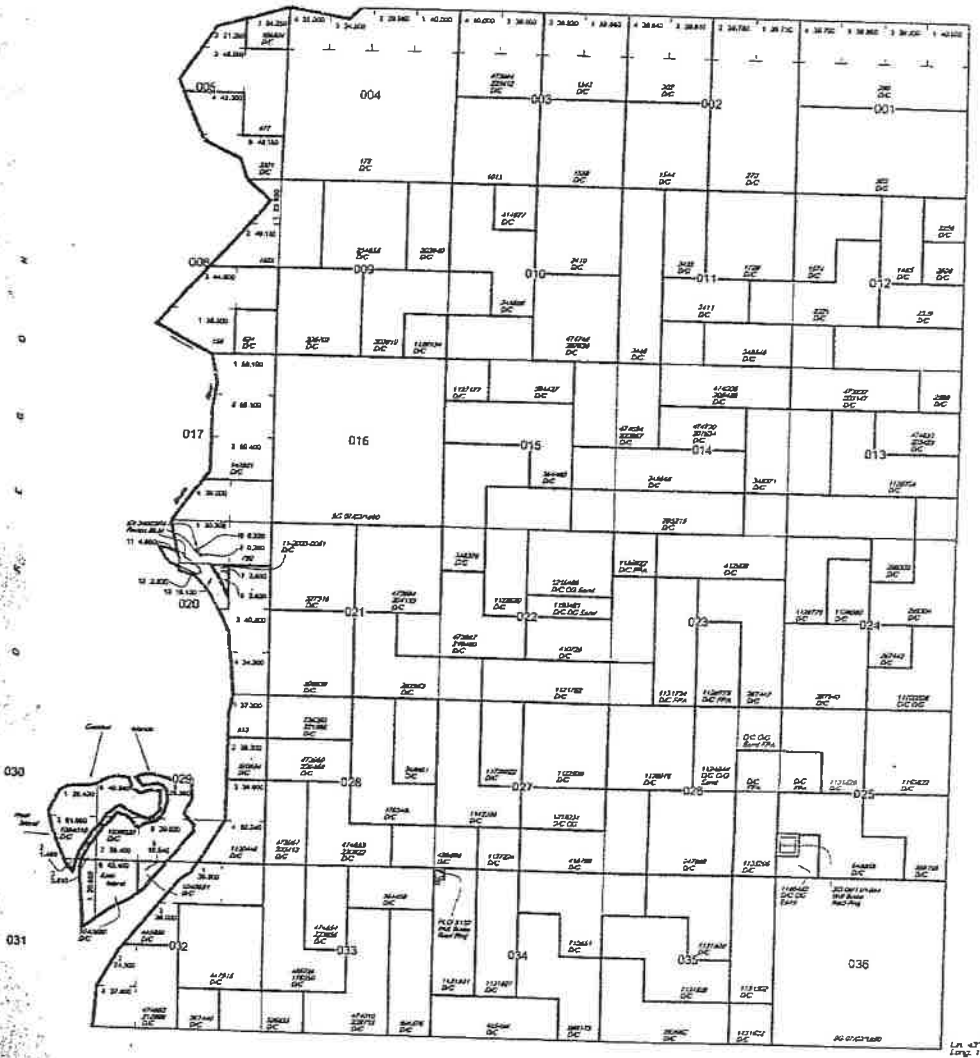
FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LAND REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

FILE REF:	ID060060N005WMAP0000a.dwg
CONVERTED TIFF:	10/18/2006 BY: LPM
LAST UPDATED:	10/18/2006 BY: LPM
QA/QC #1:	EG QA/QC #2: DWS
POSTED TO PUBLIC RECORDS:	BY:
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM GCDB ACQUIRED:	04/29/2005
DIMAS:	N/A
PROJECTED COORDINATE SYSTEM:	UTM ZONE 11N, NAD 1983
NOTES:	
USE PLATS:	

Boise Mer
T. 6 N.
R. 5 W.

TOWNSHIP 7 NORTH RANGE 5 WEST OF THE BOISE MERIDIAN, IDAHO

PAYETTE COUNTY 075
BOISE DISTRICT SEC 3



Lat. 43° 54' 00" N
Long. 116° 57' 30" W

U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000

SCALE in Inches

SCALE in feet

SCALE in meters

NORTH

DISCLAIMER

This plat is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and cadastral survey data. Records may not always reflect title changes which may have been effected by several instruments of record at other sources of data. Refer to cadastral survey for official information.

The information provided with this plat is believed reliable but may not be the official data. See the instrument cited for the land description in official files.

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS

SEGREGATED TRACT NO.	T.	R.	ORIGINAL SURVEY SEC.	SUBDIVISION

E 027560 Black Canyon Irrigation Dist (Act of Cong 08/15/1918) affects land in:
Secs 17, 18
Secs 22 to 27 Incl
Secs 34, 35

PLO 2018 04/08/1963 Hist Deer Flat (WMR, all lands in Snake River
Secs 20, 29

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LAND REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

FILE PATH:	
DIGITIZED BY:	VERIFIED BY:
LAST UPDATED:	BY:
GIADS #1:	GIADS #2:
POSTED TO PUBLIC RECORDS:	BY: JAN 31 2007
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM DOES ACQUIRE:	
DIVISION:	
PROJECTED COORDINATE SYSTEM:	
NOTES:	
USE PLATS:	

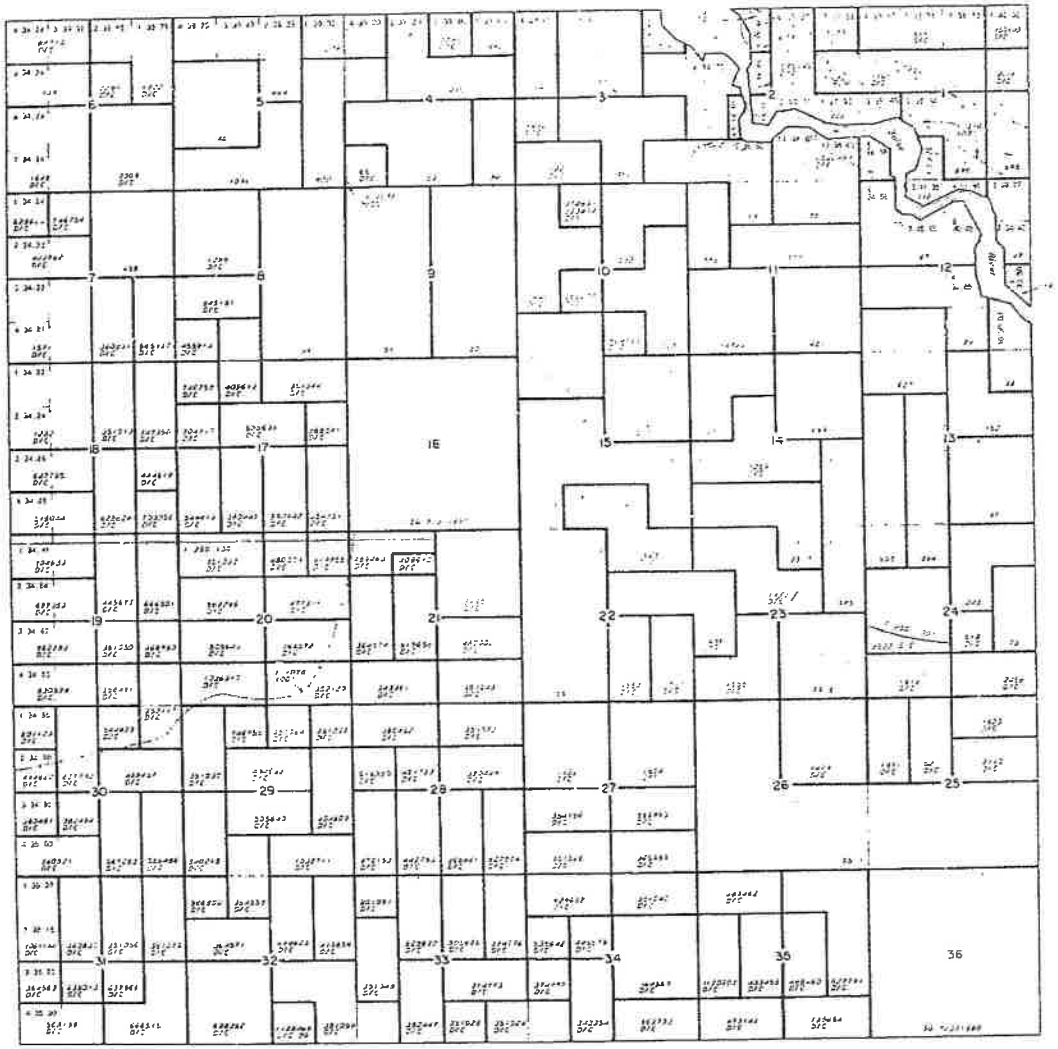
TOWNSHIP 4 NORTH RANGE 4 WEST OF THE BOISE MERIDIAN, IDAHO

CANYON COUNTY 027

BOISE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEGREGATED TRACTS				
SEGREGATED TRACT NO.	ORIGINAL SURVEY T	R	SEC	SUBDIVISION

1-1-87 Arbor Irrigation Dist lies at long
THIS affects sec within
Secs 17, 20, 29, 31

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO

USC PLATS 09

SCALE in Chains

0 5 0 10 20 30 40

WARNING STATEMENT

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER

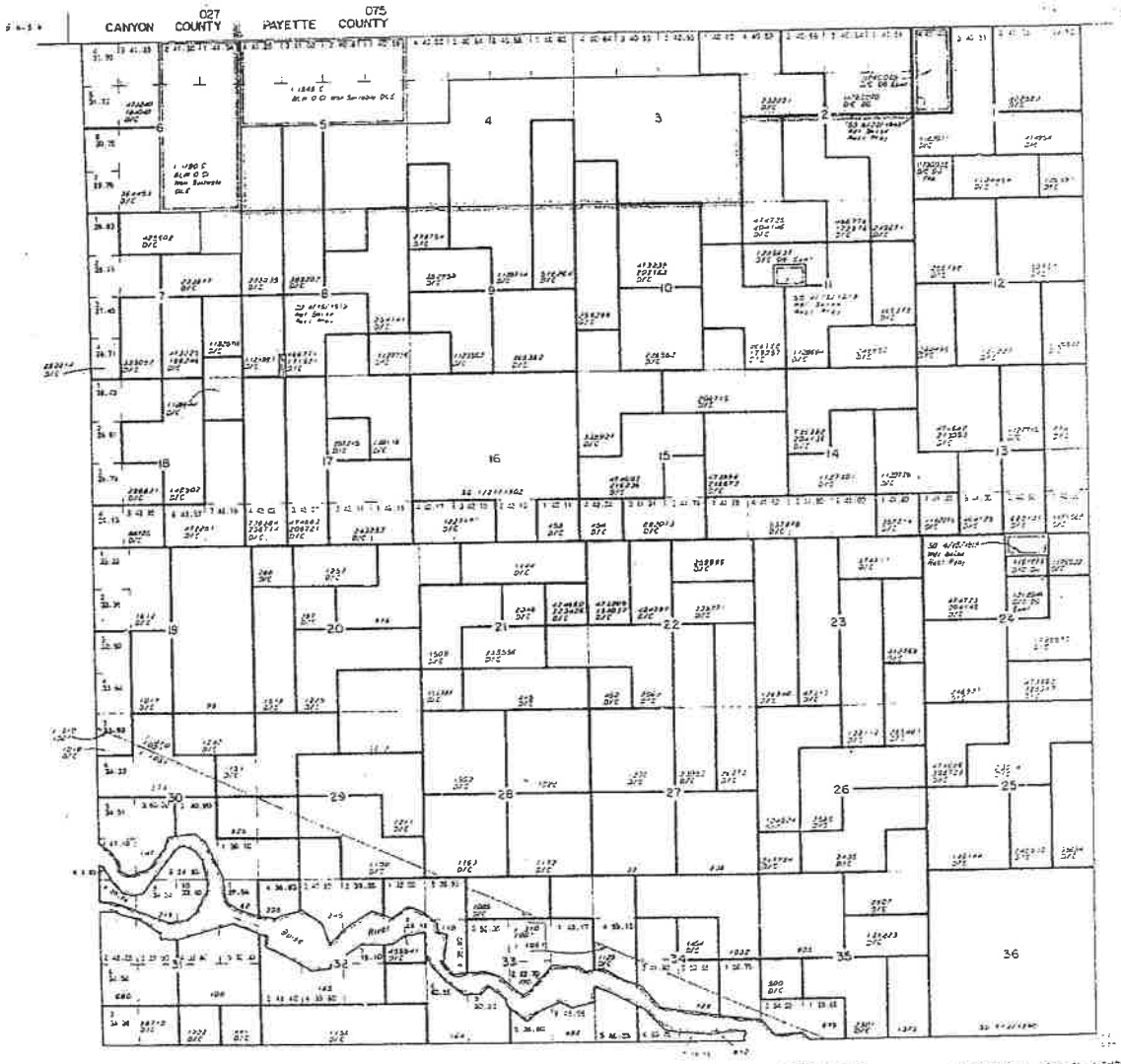
Scale Ver
T 4 N
R 4 W

TOWNSHIP 5 NORTH RANGE 4 WEST OF THE BOISE MERIDIAN, IDAHO

BOISE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT



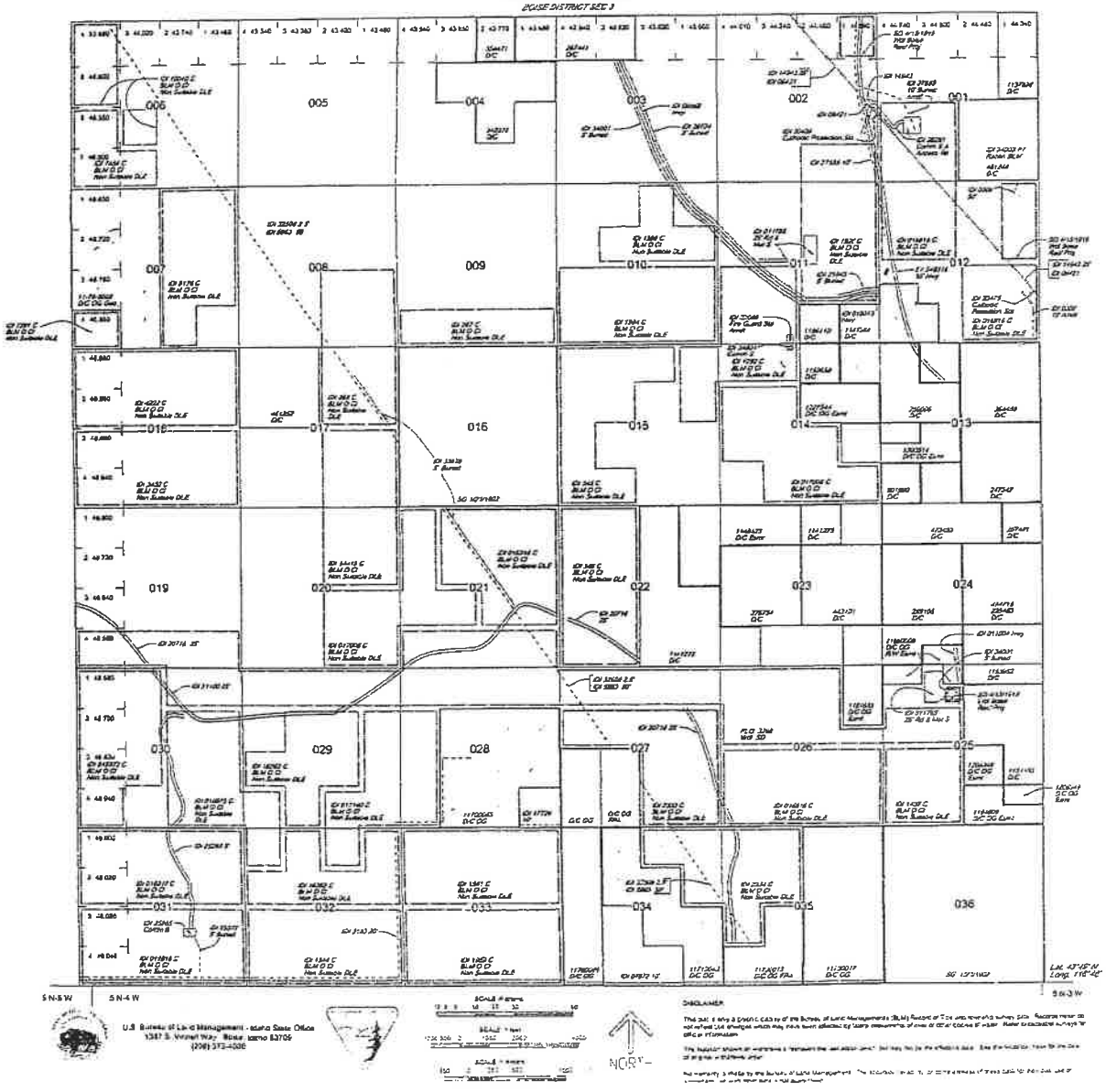
INDEX TO SEGREGATED TRACTS

SCALE IN CHAINS

TOWNSHIP 6 NORTH RANGE 4 WEST OF THE BOISE MERIDIAN, IDAHO

PAYETTE COUNTY 075

BOISE DISTRICT SEC 3



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS

RESURVEY				ORIGINAL SURVEY
TRACT NO	T	R	SEC	SUBDIVISION

ID 037550 Black Canyon Irrigation Dist (Act of Cong
6-7-1916) affects land in
Secs 1 to 4 incl
Secs 10 to 14 incl
Secs 22 to 28 incl

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LAND REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

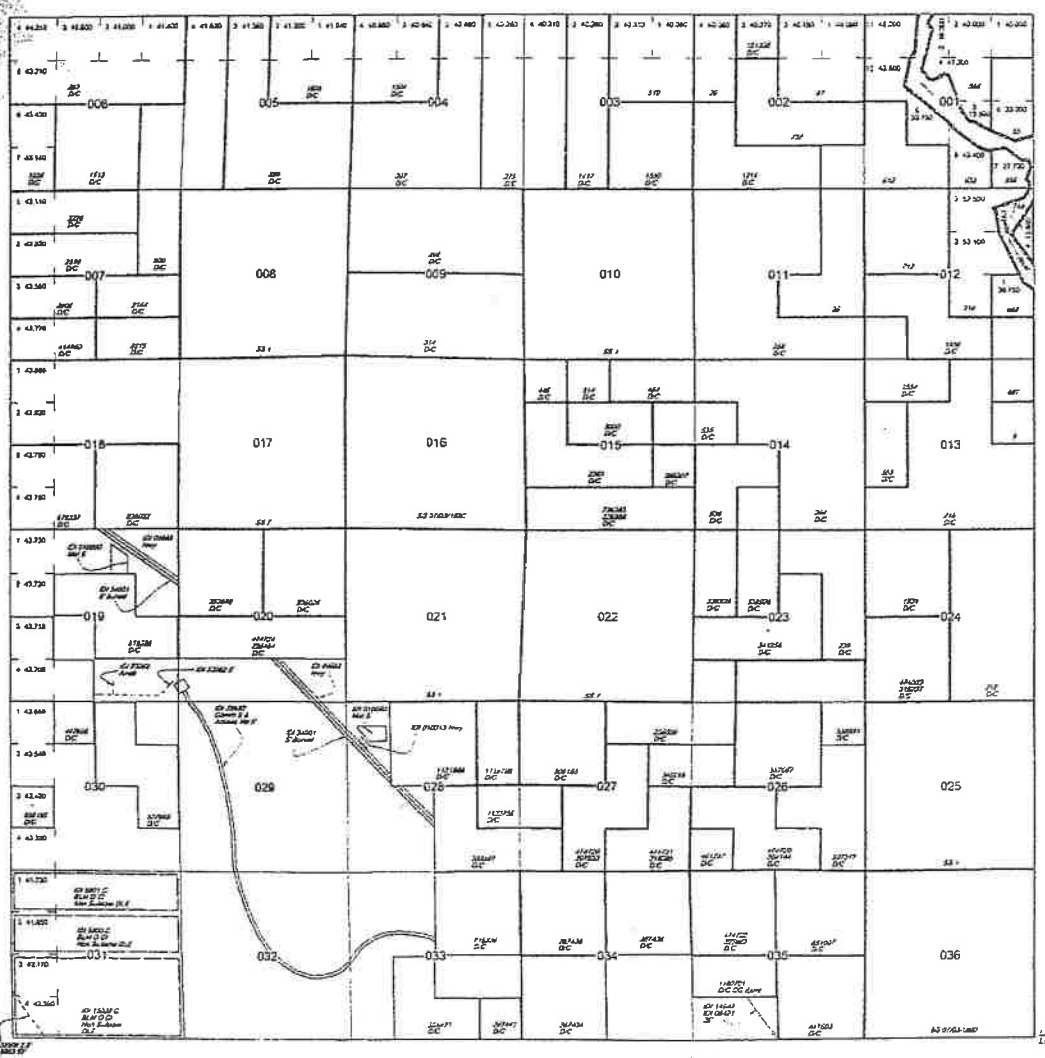
FILE REF		
CONVERTED TYP	01/01/2005	BY BY
LAST UPDATED	01/01/2005	BY BY
LAST YEARSER	FEB 0 2 2005	BY
POSTED TO PUBLIC RECORDS		
PUBLIC LAND SURVEY SYSTEM (PLSS)		
BLM SCOPE ACCURACY		1:1/1,200+
USFS OFF ACCURACY		n/a
PROJECTED COORDINATE SYSTEM		UTM ZONE 11N (NAD 1983)
NOTES		
LIST PLATS		

U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way, Boise, Idaho 83709
(208) 373-4000

DISCLAIMER

TOWNSHIP 7 NORTH RANGE 4 WEST OF THE BOISE MERIDIAN, IDAHO

PAYETTE COUNTY 075
BOISE DISTRICT SEC 3



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

INDEX TO SEGREGATED TRACTS				
RESURVEY		ORIGINAL SURVEY		
TRACT NO.	T.	R.	SEC.	SUBDIVISION

R 027580 Black Canyon Irrigation Dist (Act of Cong 08/11/1916) affects land in
Secs 19, 20, 27, 28, 29, 30, 31, 33, 34, 35

Min only FFHC OCD to US 08/07/1957 Road Wtv
Sec 8: 64LB in N2NE

Adm Junc of all FFHC Acq Min Interests Trf to BLM 08/15/1957 pursuant to 54 Stat 789

PLO 5331 Aprvd received prior to 10 A.M. 09/22/1973 considered Sim filed
Sec 20: S2SE
Sec 29: N2SW

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LAND REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

FILE REF	
COMPILED THIS	10/22/2008 BY DWB
LAST UPDATED	10/27/2008 BY DWB
GAGE #1	DATE #1
GAGE #2	DATE #2
POSTED TO PUBLIC RECORDS BY	NOV 05 2008
PUBLIC LAND SURVEY SYSTEM (PLSS):	
BLM GLOBE ACCEPTED	04/09/2008
OTHER	N/A
PROJECTED COORDINATE SYSTEM	UTM ZONE 11N, NAD 1983
NOTES	
MISC PLATS	

Surv No
T 7 N
R 4 W

U.S. Bureau of Land Management | Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000

SCALE 1 inch = 40 chains

SCALE 1 inch = 80 chains

SCALE 1 inch = 2 miles

NORTH

DISCLAIMER

This plat is only a graphic display of the Bureau of Land Management's (BLM) Records of Title and approved survey data. Records herein do not reflect title changes which may have been effected by metes movements or other factors of record. Refer to applicable survey for official information.

The acreage shown has not been computed to represent the total actual parcel, but only has the effect of a guide. See the Publication Index for the date of original or subsequent survey.

This property is managed by the Bureau of Land Management. This is subject to valid existing rights and may be subject to rights-of-way, withdrawals, classifications, and other actions of record.

Lat 43° 54' N.
Long 116° 48' W.

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

RIGHT NUMBER: 63-2878

NAME AND ADDRESS: BLACK CANYON IRRIGATION DIST
PO BOX 226
NOTUS ID 83656

SOURCE: ELIJAH DRAIN TRIBUTARY: BOISE RIVER
WILSON DRAIN TRIBUTARY: BOISE RIVER

The rate of diversion for this water right from the Elijah Drain is 10.6 cfs and from the Wilson Drain the rate of diversion is 7.94 cfs.

QUANTITY: 18.540 CFS

PRIORITY DATE: 08/30/1951

POINT OF DIVERSION: T03N R03W S12 SENE Within CANYON County

T03N R03W S12 SESW Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	18.540 CFS

PLACE OF USE:

62140 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.

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

This right when combined with Right No. 63-2322 can be used to irrigate up to 6,880.73 acres of the 62,140 acres within the boundary of the Black Canyon Irrigation District.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

08/17/2006

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

RIGHT NUMBER: 63-2878

NAME AND ADDRESS: BLACK CANYON IRRIGATION DIST
PO BOX 226
NOTUS ID 83656

SOURCE: ELIJAH DRAIN TRIBUTARY: BOISE RIVER
WILSON DRAIN TRIBUTARY: BOISE RIVER

The rate of diversion for this water right from the Elijah Drain is 10.6 cfs and from the Wilson Drain the rate of diversion is 7.94 cfs.

QUANTITY: 18.540 CFS

PRIORITY DATE: 08/30/1951

POINT OF DIVERSION:
T03N R03W S12 SENE Within CANYON County
T03N R03W S12 SESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	18.540 CFS

PLACE OF USE:

62140 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.

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

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

This right when combined with Right No. 63-2322 can be used to irrigate up to 6,880.73 acres of the 62,140 acres within the boundary of the Black Canyon Irrigation District.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Tuthill, Dave

To: Favreau, Danielle
Subject: RE: black canyon contract acres

Thank you, Danielle. I will round to 6,881.

Dave

-----Original Message-----
From: Favreau, Danielle
Sent: Monday, August 21, 2006 1:40 PM
To: 'Ruth Page'
Cc: Tuthill, Dave
Subject: RE: black canyon contract acres

Thank you Ruth!

Danielle

Danielle Bruno-Favreau
GIS Specialist
Idaho Water Resource Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098
Phone: (208) 287-4938
Fax: (208) 287-6701

-----Original Message-----
From: Ruth Page [mailto:RPAGE@pn.usbr.gov]
Sent: Monday, August 21, 2006 1:33 PM
To: beckyand@cableone.net; Favreau, Danielle
Subject: Re: black canyon contract acres

Hi Danielle,

The contract acres for the First Unit a.k.a. Notus Unit is 6,880.73 acres.

>>> "Favreau, Danielle" <Danielle.Favreau@idwr.idaho.gov> 8/17/2006 10:28:01 AM >>>

Hi Ruth,

Does Black Canyon Irrigation District have a contract acres amount for their Boise River water (63-2322)? If yes, do you know what it is?

Thanks,

Danielle

Danielle Bruno-Favreau
GIS Specialist
Idaho Water Resource Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098
Phone: (208) 287-4938

08/17/2006

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

RIGHT NUMBER: 63-2322

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE: ELIJAH SLOUGH TRIBUTARY: BOISE RIVER
WILSON SLOUGH TRIBUTARY: BOISE RIVER

QUANTITY: 120.000 CFS

PRIORITY DATE: 10/04/1918

POINT OF DIVERSION:
T03N R03W S12 NENW Within CANYON County
T03N R03W S12 NWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	120.000 CFS

PLACE OF USE:

62140 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 when combined with Right No. 63-2878 can be used to irrigate up to 6,880.73 acres of the 62,140 acres within the boundary of the Black Canyon Irrigation District.

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.

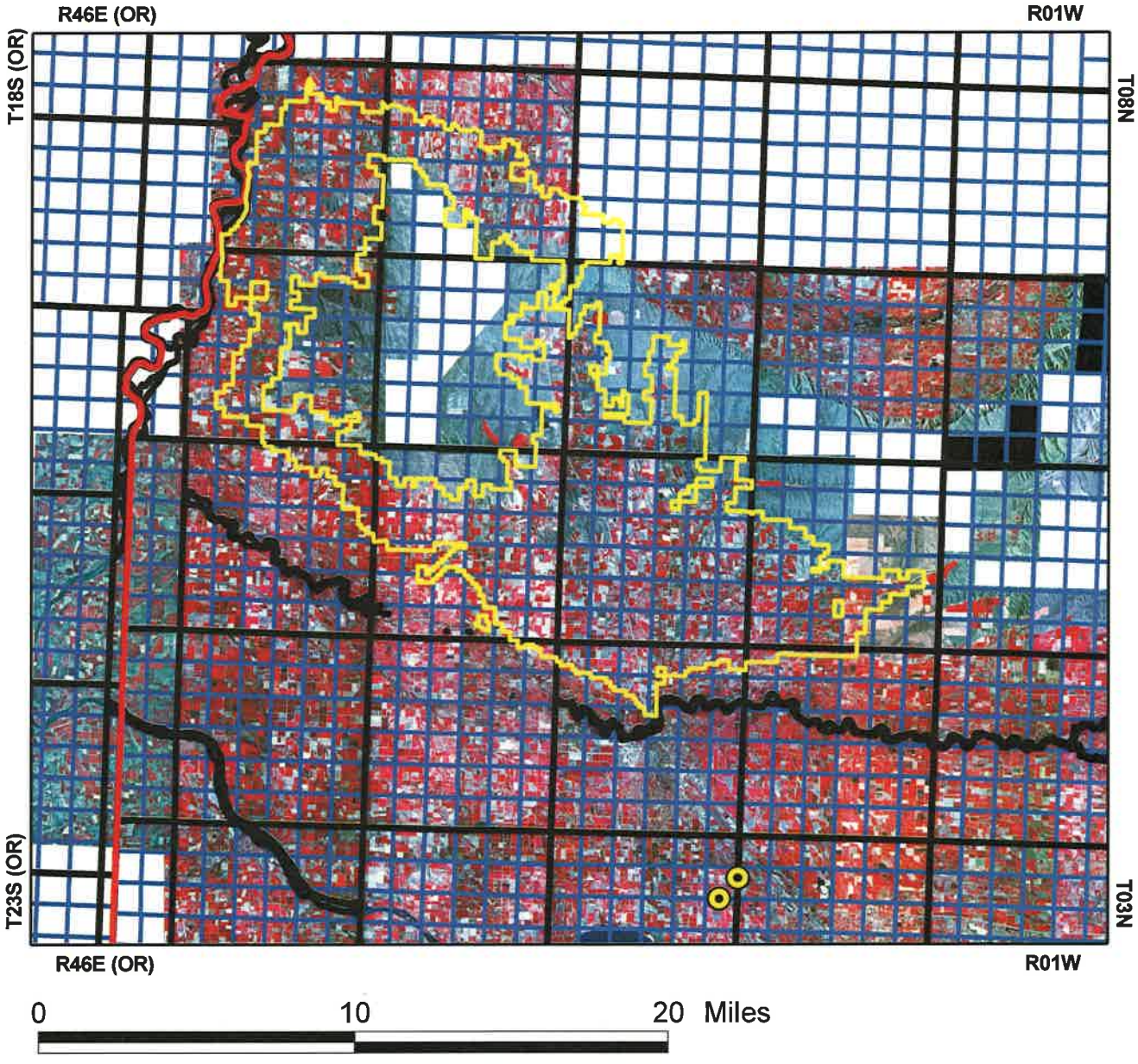
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Idaho Department of Water Resources

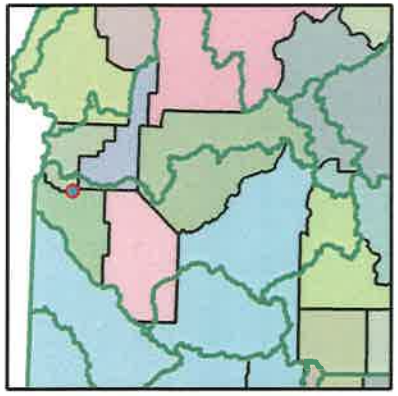
Adjudication Claim:

63-2878



Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections



Payette, Gem, Canyon Counties
IDWR Basin 63

N

Prepared by A. Warntjes
On Tuesday, February 21, 2006
1987/88 Aerial Photography

State of Idaho

License and Certificate of Water Right

Water License No. 22453 Amount 18.54 second feet

Water District No. Priority August 30, 1951

THIS IS TO CERTIFY that BLACK CANYON IRRIGATION DISTRICT of Notus, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 30, 19 51; that Permit No. 22453 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 18.54 second feet, was issued thereunder on May 12, 19 52, showing that said works were completed on the 29th day of January, 19 52; and that on the 29th day of January, 19 52,

BLACK CANYON IRRIGATION DISTRICT

of Notus, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Wilson Drain and Elijah Drain, for the purpose of irrigation and domestic use, under Use Permit No. 22453 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4909, on the 12th day of May, 19 52;

The right hereby confirmed dates from August 30, 1951;

The Point of Diversion are located in the SE¼ SW¼ and in the SE ¼ NE ¼, Sec. 12, Tp. 3 N., R. 3 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 7.94 cubic feet per second from Wilson Drain, and 10.60 cubic feet per second from Elijah Drain.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Land within the boundaries of the Black Canyon Irrigation District, in Township 4 North, Ranges 3 and 4 West, B.M. and Township 5 North, Ranges 3 and 4 West, B.M.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 12th day of May, 19 52.

MARK R. KULP
State Reclamation Engineer

(SEAL)

63 1878

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

May 2, 1990

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Herbert W. Rettig
Attorneys at Law
1024 Belmont St.
P.O. Box 729
Caldwell, Idaho 83606

Re: Black Canyon Dam Filing A63-02878

Dear Mr. Rettig:

I have received your letter Dtd. April 13th, 1990 and have changed the following per your reguest:

Par. 12 Ownership from Yes to "No".
Par. 14 Remarks- added "additional".
Par. 11 Couldn't add Canyon County on computer in that field without adding Township & Range, so I noted "POU is in Canyon County" in Remarks.

You are right by assuming this document will remain on record with the original for future use. If you can think of any other changes or corrections, let me know and I will do the same.

Sincerely,

Ron Howerton
Sr. Water Resource Agent
Adjudication Section

cc: Black Canyon Irrigation District

MICROFILMED
AUG 1 8 1992

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: A63-02878
Date Received: 3/15/1990
Receipt No: W011142
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: BLACK CANYON IRRIGATION DISTRICT 208-459-4141
   Address: P.O. BOX 226
   NOTUS, ID 83656

2. Date of Priority: AUG 30, 1951

3. Source: WILSON DRAIN Trib. to: BOISE RIVER
   ELIJAH DRAIN BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03W	12		SE	NE		CANYON
				SE	SW		CANYON

5. Description of diverting works:
   CONC. DIV. WORKS,GATES,CANALS,LATERALS,PIPE SIPHON ACROSS BOISE R

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	18.540		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

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

11. Place of use in counties:

COPY
MICROFILMED
AUG 18 1992

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

13. Other Water Rights Used:
A63-02322

14. Remarks:
THIS CLAIM IS SUPPLEMENTAL TO CLAIM A63-02322 FOR 120CFS.(6,152) ACRES FROM THE SAME SOURCES; AND IS TO PROVIDE WATER TO ADDITIONAL ACRES SHOWN ABOVE AND LOCATED WITHIN THE BOUNDARIES OF BLACK CANYON IRRIGATION DISTRICT. THE TOTAL OF WATER FOR ALL ACRES SERVICED BY THESE SOURCES AND CLAIMS DO NOT EXCEED 0.02 CFS PER ACRE. LANDS ARE WITHIN THE SERVICE AREA OF BLACK CANYON IRRIGATION DISTRICT. MAP OF DISTRICT IS ATTACHED AS SCHEDULE 2. THIS CLAIM IS LIMITED TO 775 ACRES. THE ACTUAL POU CANNOT BE SPECIFICALLY LISTED AS THE ADDITIONAL ACRES WERE DETERMINED AFTER THE DISTRICT REVIEWED THE FEDERAL CLAIM AND FOUND EITHER MORE OR LESS ACRES WITHIN THEIR LAND LIST AND AFTER FIGURING SUBTRACTIONS AND ADDITIONS IN EACH SECTION THEY FOUND 775 ACRES FROM THE BALANCE OF EACH AMOUNT FIGURED FROM THE LAND LIST. SO THEY FILED IN 1951 AND RECEIVED THIS LICENCE TO COVER THE ADDITIONAL ACRES. THEY ARE ABLE TO FILE THIS CLAIM WITHOUT LISTING THE POU BY THE MEMO " PERMISSIBLE PLACE OF USE "

15. Basis of Claim: LICENSE
Water Right Number: 22453

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AUG 1 8 1992

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

_____
Signature of Authorized Agent

_____
Title and Organization

_____
Date

State of Idaho)
) SS.
County of _____)

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

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
AUG 1 8 1992

LAW OFFICES OF
RETTIG, ROSENBERRY & LOVAN
ATTORNEYS AT LAW
1024 BELMONT STREET
P. O. BOX 729
CALDWELL, IDAHO
83606

HERBERT W. RETTIG
RICHARD ROSENBERRY
GREGG E. LOVAN

TELEPHONE
(208) 459-1541
(208) 342-3804
FAX
(208) 459-1588

April 13, 1990

RECEIVED
APR 16 1990
Department of Water Resources
Western Regional Office

Ron Howerton
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

Re: Black Canyon Irrigation District Claim A63-02878

Dear Mr. Howerton:

I am in receipt of your proposed computer print-out relating to the above claim. I have reviewed this with my client and it is acceptable to us with the following notations:

Paragraphs 11 - the place of use is Canyon County.

Paragraph 12 - Black Canyon Irrigation District does not own the property listed as place of use.

Paragraph 14 - my suggestion for amendment would be that on the fifth line from the bottom of the paragraph following the number 775, the word "additional" be inserted so that it is clear that there were 775 additional acres found in the 1951 claim.

I assume that the document you sent me is a document which will be entered into the computer records of the court for the purpose of listing our claim and that the claim form which my client has filed will remain on record with the department for future use. Please forward me a copy of your final form of claim when you have completed it. If you think any additional changes or corrections are needed, please let me know.

Sincerely yours,

RETTIG, ROSENBERRY & LOVAN

Herbert W. Rettig

HWR/bc
cc: Roy Orr

MICROFILMED
AUG 18 1992

INTER-DEPARTMENT MEMO — 1

FROM Ron H.

THEIR FAX # 459-1588 AT HERBS RETTIG.

DATE 3/19/90

TO A63-02878

SUBJECT BLACK CANYON IRRIG. DIST. 459-3987 Home Phone #.

1) CALLED WILBER ANDREW ABOUT WHERE THE 775 ACRES WERE LOCATED SPECIFICLY AS CLAIM STATUS entire land list.

2) CALLED ATTORNEY FOR BLACK CANYON IRRIG. DISTRICT, (MR HERB RETTIG.) to find out land list for 775 ACRES. (459-1541)

Phone Conversation: MR. RETTIG SAID HE HAD THE LIST FOR THE 775 ACRES AND THAT THE FEDERAL GOVT HAD the WR# for the rest. The Fed gut of course is tyed up with possibly not paying if they did they would BILL BLACK CANYON IRRIG.

The 775 is for additional acres not ~~—~~ originally included in Fed WR#.

Ron H.
SIGNATURE

MICROFILMED
AUG 16 1992

3) HERB TALKED TO LYNNE SHE CALLED ME AND SAID COULD Claim this with-out acres shown under memo "PERMISSIBLE POW". OVER

3) cont. however any one that had a supplemental with in the district would have to pay the 1st/acre fee as don't know exactly where the acres prio are.

4) if fed govt has to pay their share then they will probably kill black canyon... ?

MICROFILMED
AUG 13 1992