

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: **A63-02392B**
Date Received: 3/21/1990
Receipt No: C015817
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: NAMPA & MERIDIAN IRRIGATION DISTRICT
Address: 1503 FIRST STREET SOUTH
NAMPA ID 83651

2. Date of Priority: SEP 13, 1927

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

4. Point of Diversion:

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

5. Description of diverting works:
DIVERSION DAM, HEADWORKS, RIDENBAUGH CANAL AND LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.630		

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

8. Total consumptive use is 810.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
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11. Place of use in counties:

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

SCANNED
APR 29 2008

13. Other Water Rights Used:

14. Remarks:

USE OF WATER UNDER THIS WATER RIGHT IS ROTATED AT TIMES WITH WATER DIVERTED UNDER OTHER WATER RIGHTS HELD BY NAMPA & MERIDIAN IRRIGATION DISTRICT OR BY THE UNITED STATES BUREAU OF RECLAMATION OR BOISE PROJECT BOARD OF CONTROL.

THIS WATER RIGHT IS BASED ON DEVELOPED WATERS OF DRAINAGE DISTRICT NO. 3 AND DRAINAGE DISTRICT NO. 4, PORTIONS OF WHICH ARE CREDITED TO NAMPA & MERIDIAN IRRIGATION DISTRICT FOR DIVERSION THROUGH THE RIDENBAUGH CANAL.

PLACE OF USE: LANDS WITHIN THE BOUNDARIES OF THE NAMPA & MERIDIAN IRRIGATION DISTRICT.

NOTE TO FILE: A GENERAL LAND LIST IS ENTERED UNDER A63-30181Z0
*AND A63-30181Z1. *

15. Basis of Claim: LICENSE

Water Right Number: 16237

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: A63-02392-^{02392B}
(PART)

Date Received:

Receipt No.: 0015816/0015817

Received By: _____

RECEIVED
MAR 23 1930

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
Western Regional Office

1. Name: NAMPA & MERIDIAN IRRIGATION DISTRICT
Address: 1503 First Street South, Nampa, Idaho 83651
2. Date of Priority: September 13, 1927
3. Source: BOISE RIVER Trib. to: SNAKE RIVER
4. Point of Diversion

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

5. Description of diverting works: Diversion dam, headworks, main (Ridenbaugh) canal and laterals.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
Irrigation	3/15	11/15	4.63		

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

8. Total consumptive use is 810.250 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use: Lands within the boundaries of Nampa & Meridian Irrigation District, as described in the "Description of Boundaries of Nampa & Meridian Irrigation District - Ada and Canyon Counties, Idaho" attached to Notice of Claim No. 63-00199B as Appendix 1.

The acreage is 22,622.38 acres.

11. Place of use in counties: Ada and Canyon.

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

The land identified in Appendix 1 of Claim No. 63-00199B is owned by the various landowners within Nampa & Meridian Irrigation District.

13. Other Water Rights Used:

See "Nampa & Meridian Irrigation District Water Rights List" attached hereto as Appendix 3.

14. Remarks: Use of water diverted under this water right is rotated at times with water diverted under other water rights held by Nampa & Meridian Irrigation District or by the United States Bureau of Reclamation or Boise Project Board of Control.

This water right is based on developed waters of Drainage District No. 3 and Drainage District No. 4, portions of which are credited to Nampa & Meridian Irrigation District for diversion through the Ridenbaugh Canal.

15. Basis of Claim: License No. 16237
Water Right Number: 63-02392 (part)

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 x do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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

For Organizations:

I do solemnly swear or affirm that I am president of NAMPA & MERIDIAN IRRIGATION DISTRICT, that I have signed the foregoing document in the space below as president of NAMPA & MERIDIAN IRRIGATION DISTRICT, and that the statements contained in the foregoing document are true and correct.

 A Bob Williams
Signature of Authorized Agent
President, NAMPA & MERIDIAN
IRRIGATION DISTRICT

 3-20-90
Date

STATE OF IDAHO)
) ss.
COUNTY OF CANYON)

Subscribed and sworn (or affirmed) before me this 20th day
of March, 1990.

Donna M. Moore
Notary Public
Residing at Caldwell, Idaho
My commission expires: 11/04/94

17. Notice of Appearance:

Notice is hereby given that I, W. F. Ringert, 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 W. F. Ringert

Address: P. O. Box 2773, Boise, Idaho 83701

Date 3-20-90

NAMPA & MERIDIAN IRRIGATION DISTRICT WATER RIGHTS LIST

A63-199B	
A63-00200A	A63-02109
A63-00200B	A63-02158
A63-00249	A63-02388
A63-00278	A63-02392
A63-00278A	A63-03613
A63-00279	A63-03614
A63-00279A	A63-03618
A63-00301	A63-04868
A63-00302	A63-05261
A63-00373	A63-05262
A63-02106	A63-05263
	A63-05264

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

RIGHT NUMBER: 63-2392B

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK LAW RINGERT-CLARK-CHTD
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 3.700 CFS

This wastewater right is 24 percent of the Drainage District No. 3 water right.

PRIORITY DATE: 09/13/1927

POINT OF DIVERSION:

T03N R03E S29 NWSW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.700 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir and/or Lake Lowell as decreed in SRBA Case No. 39576.		

PLACE OF USE:

69495 ACRES TOTAL

This water is collected within the boundaries of Drainage District No. 3 and is limited to the irrigation of 69,495 acres within the digital boundary of Nampa Meridian Irrigation District.

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 42-1441(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 Nos. 63-198AJ, 63-199B, 63-200B, 63-2968, 63-30181, and 63-32695 can be used to irrigate up to 69,495 acres within the digital boundary of the Nampa Meridian Irrigation District.

See additional info for this Rt. in 63-198 AJ

SF5 Right No. 63-2392B

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

The source of this right is wastewater collected by Drainage District No. 3 and returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at the point of diversion by the Nampa & Meridian Irrigation District to be used within their digital boundary.

~~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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The source of this right is wastewater returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at the points of diversion for the rightholder. Because the source of this water right is based upon the water returned to the Boise River, and the historic administration of this right, the quantity of water exchanged and diverted upstream at the points of diversion for the rightholder shall be curtailed only to the same extent that the amount of wastewater returned to the Boise River is reduced or less than the quantity provided in this right. This right is not subject to the Stewart Decree or the step down provisions and/or cuts provided in said Stewart Decree.

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

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

In Re SRBA	)	Subcase No. 63-2392B
	)	
Case No. 39576	)	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, *which removes federal public land from the digital boundary*. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:
Nampa & Meridian Irrigation District

OBJECTOR:
Bureau of Land Management

S. Bryce Farris Date
Attorney for Claimant/Objector

David L. Negri, USDOJ Date
Attorney for Objector

Jan Shurte 10-20-10
Jan Shurte Date
Adjudication Supervisor

Jan Shurte
Adjudication Supervisor

Date _____

Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

Date _____

CERTIFICATE OF MAILING

I certify that on _____, 2010, 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:

NAMPA & MERIDIAN IRRIGATION DISTRICT

Represented by:

S. BRYCE FARRIS
RINGERT LAW CHARTERED
455 S. THIRD ST.
P.O. BOX 2773
BOISE, ID 83701-2773

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA

Represented by:

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

Signature of person or attorney

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, May 27, 2010 2:14 PM
To: Harris, Lori
Cc: Shurte, Jan
Subject: DD#2 & Nampa Meridian SF5s
Attachments: img-527124455.pdf

Hi Lori,

Attached are the changes Bryce and I came up with on Right Nos. 63-2392B, 63-31937 & 63-32480. He wanted the season of use remark off of there because the source is not the Boise River. I said ok and then thought – these are credited back up and diverted out of the Boise River questioning whether to leave it or take it off. Then I looked on all the other rights for these credits back up and none of them have the season of use remark. So, please omit it on all of these rights. (I am writing this so I can put it in the file as to why I removed the remarks). Another change is omission of the digital boundary pou language and putting in the other remark as indicated on 63-32480. I did put in digital right before boundary for each ditch company on the remark to be moved. One last change also on 63-31937 is the addition of the name Little Pioneer Canal. Bryce was worried we would mix it up with the Pioneer Irrigation District. I can see his point there.

The name of their firm is Ringert Law. So, on all the rights we need to take out Clark. That will include 63-198AJ, 63-199B, 63-200B, 63-2968 and 63-30181 for NMID also. For NMID's SF5s I have attached an example of the changes on 63-198AJ that will apply to all of them. Omit Clark in the name and cross out the total acres. It is redundant to the condition below it. These rights are boundary changes only, but we still need to print each one out in SF5 form and send with the special boundary change SF5 cover sheet and a copy of the map. Ray has copies of the maps already and will just need to know about the above cover sheet.

Call if you have any questions. Would you please send me a copy of the SF5s so I can review one last time before we send them to Ray.

Thanks,
Jan



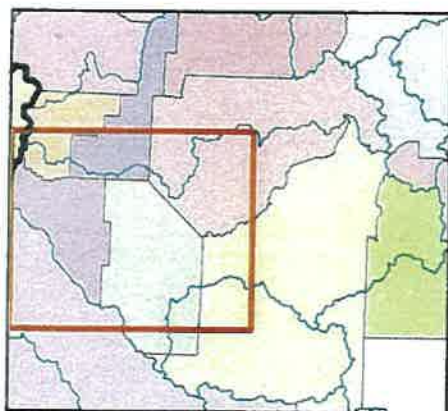
Nampa & Meridian Irrigation District

Adjudication Recommendations: 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968, 63-30181

Irrigation Service Area Boundary
GIS Place of Use Illustration

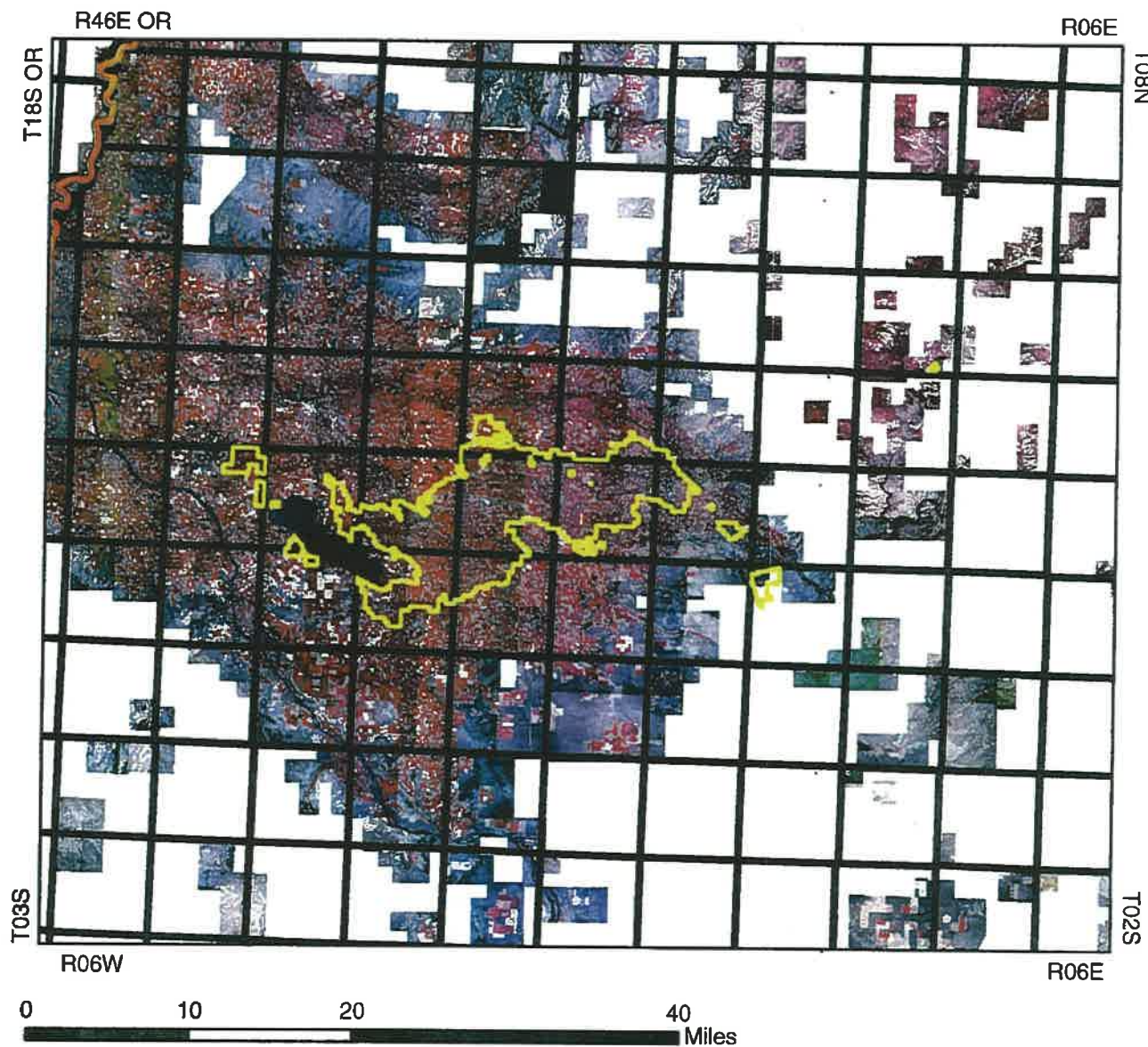
Legend

-  Service Area
-  State Outline
-  Townships



Ada, Boise, Canyon Counties
IDWR Basin 63

Prepared by Danielle Favreau
On May 21, 2010
1987/88 Aerial Photography



IN THE DISTRICT COURT
OF THE
THIRD JUDICIAL DISTRICT
OF THE
STATE OF IDAHO
COUNTY OF ADA

In the matter of Drainage
District No. 3, of
Ada County, State of
Idaho PLAINTIFF
VS.

DEFENDANT

- Order -

Filed *August 13th* 192*5*

at _____ o'clock _____ M

Stephen Utter
Clerk

By Hos E. Powell
Deputy Clerk

P. E. CAVANEY
LAWYER

SUITE 418 IDAHO BUILDING
BOISE, IDAHO

43
Hartman
Water & Court Order File
WATER DISTRICT 12-A

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA.

IN THE MATTER OF DRAINAGE DISTRICT)
NO. 3, OF ADA COUNTY, STATE OF IDAHO.)

COPY
ORDER.

The petition of Lafe Boone, C.A. Groves and Matt Beglan, Commissioners of Drainage District No. 3 of Ada County, State of Idaho, having been presented and considered by the Court, and it appearing therefrom that said commissioners, as trustees, having heretofore filed upon the developed water made available by the construction of the drainage system herein before mentioned in the amount of about 1500 inches, for the benefit of the lands within the said drainage district, which filing has been approved by the Department of the Reclamation of the State of Idaho, and Permit No. 16,237, having been duly issued by said Department to Commissioners of said drainage district, and it further appearing that there is now available for distribution to the respective drainage canals supplying water to the land within said drainage District, No. 3, about 1000 inches of water, developed as appears by the verified petition on file herein, without in any manner interfering with prior existing rights in the said Boise River.

NOW THEREFORE, IT IS ORDERED, That the WaterMaster of Boise River, be and he hereby is authorized to ratably distribute the water made available for irrigation purposes by reason of the construction of the said drainage system in Drainage District No. 3, of Ada County, State of Idaho, to the respective canals supplying irrigation water to the lands

water rights in the said Boise River.

IT IS FURTHER ORDERED, That such diversion and distribution be by said Water Master continued when the water can be beneficially applied and the quantity of water distributed may be diminished or increased from time to time, such increase however, not to exceed 1500, inches, according to the data and information which is now available to said Water Master, or which may from time to time be furnished to him, until further order of this Court, and,

IT IS FURTHER ORDERED, that the Commissioners of Drainage District No. 3, of Ada County, State of Idaho, as soon as convenient, provide proper means for and supply the Water Master of Boise River with the necessary data and information upon which he may distribute said water in its ratable proportion to the respective irrigation canals supplying irrigation water to the lands within said Drainage District.

Dated this ^{14th} 13th day of August, 1925.

Clinton H. Hartson
District Judge.

State of Idaho)
County of Ada) ss.

I, Stephen Utter, Clerk of the Third Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify the foregoing to be a full, true and correct copy of the original order in the above entitled matter with respect to the distribution of the developed water made available by the construction of the drainage system in Drainage District No. 3, of Ada County, State of Idaho; that the same was filed in my office on the 13th day of August, 1925, and is still on file therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 13th day of August, 1925.

Stephen Utter
Clerk
W. E. Powell

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

RIGHT NUMBER: 63-2392B

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK LAW RINGERT CLARK CHFD
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 3.700 CFS

This wastewater right is 24 percent of the Drainage District No. 3 water right.

PRIORITY DATE: 09/13/1927

POINT OF DIVERSION:

T03N R03E S29 NWSW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.700 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE:

69495 ACRES TOTAL

This water is collected within the boundaries of Drainage District No. 3 and is limited to the irrigation of 69,495 acres within the digital boundary of Nampa Meridian Irrigation District.

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 Nos. 63-198AJ, 63-199B, 63-200B, 63-2968 and 63-30181 can be used to irrigate up to 69,495 acres within the digital boundary of the Nampa Meridian Irrigation District.

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

The source of this right is wastewater collected by Drainage District No. 3 and returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at the point of diversion by the Nampa & Meridian Irrigation District to be used within their digital boundary.

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 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.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The source of this right is wastewater returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at the points of diversion for the rightholder. Because the source of this water right is based upon the water returned to the Boise River, and the historic administration of this right, the quantity of water exchanged and diverted upstream at the points of diversion for the rightholder shall be curtailed only to the same extent that the amount of wastewater returned to the Boise River is reduced or less than the quantity provided in this right. This right is not subject to the Stewart Decree or the step down provisions and/or cuts provided in said Stewart Decree.

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

Shurte, Jan

From: Shurte, Jan
Sent: Tuesday, May 25, 2010 4:39 PM
To: Bryce Farris
Cc: Spencer, Nick; Williams, Ray; Harris, Lori
Subject: 63-31937 DD#2, 63-2392B NMID, 63-32480 DD#2, Digital Boundary Map for NMID and Notes on NMID #s 63-198AJ, etc.
Attachments: Drft SF5s DD2 and NMID.pdf; 63-198AJ_sf5.jpg

Bryce,

Attached are Draft SF5s for the above sub cases. Please review these to insure that the items we agreed upon are included.

You had also requested that I look at the points of diversion listed on 63-31937 to be sure all the ditch companies were covered. This right lists 7 points of diversion for 9 canal companies. The reason for this is that the point of diversion in the SENE, S5, T3N, R2E is the main diversion for the Farmers Union Canal Co. which also carries water for the Boise Valley Irrigation Ditch Co., using the same diversion point. Also, the point of diversion listed in the NESE, Lot 1, S.23, T4N, R1E is the main diversion for the New Dry Creek Ditch Co. which also carries water for the New Union Ditch Co. using the same diversion point. All other points of diversion are single points for the remaining ditch companies. In checking the current decreed acres for each ditch company involved in this right, the total acres had changed from that previously recommended. This was due to objections, etc., on these rights and the decreed total for all companies is 31,536.3 acres rather than the previously recommended 29,309.15 acres. This change has been reflected on the attached draft SF5 for 63-31937. Once the SF5 for 63-31937 is signed by all, I will add the explanatory remark concerning the uncuttable delivery of these credited rights to Drainage District No. 4's Right No. 63-31936 as agreed upon.

Concerning the SF5 for DD#2's Right No. 63-32480, you indicated that you wanted me to look at the conditions on 63-31937 and see if any applied to 63-32480. The only changes I made to 63-32480 were to the name in order to make it the same as 63-31937 for future research of these rights. I also crossed out the total acres per new Department preference and because it is redundant with the other acreage conditions on this right. In the end I did not add any conditions from 63-31937. This 50 cfs right is not listed in the Boise River Water Distribution Report for Water District 63 as having ever been credited back to the point of diversion for these ditch companies. We could only find the 100 cfs under 63-31937 as having been credited. So, I treated this right as a regular waste water beneficial use recommendation.

Also attached is a digital boundary map for the Nampa Meridian Irrigation District. This map reflects the addition of the Creason Lateral irrigated lands and the removal of the BLM lands. Since the addition of the Creason land and the removal of the BLM lands were between 3 and 4 acres each, I decided not to change the total number of acres that can be irrigated within NMID's digital boundary.

There will be no changes to the written recommendations for Nampa Meridian Irrigation District's Right Nos. 63-198AJ, 63-199B, 63-200B, 63-2968 and 63-30181. The objections in those sub cases were the addition of the Creason Lateral lands and removal of BLM lands. This has been corrected as shown on the digital boundary map. This map will be submitted with the SF5s for these rights and a special cover page for the signatures bringing attention to the boundary changes.

Please let me know if these are ready to go or if you need to discuss these rights. I have a conflict for the June 2nd meeting and would like to get these on their way asap which I know you definitely want to also.

Sincerely,

Jan Shurte
Adjudication Supervisor
IDWR Western Region



Nampa & Meridian Irrigation District

Adjudication Recommendations: 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968, 63-30181

Irrigation Service Area Boundary
GIS Place of Use Illustration

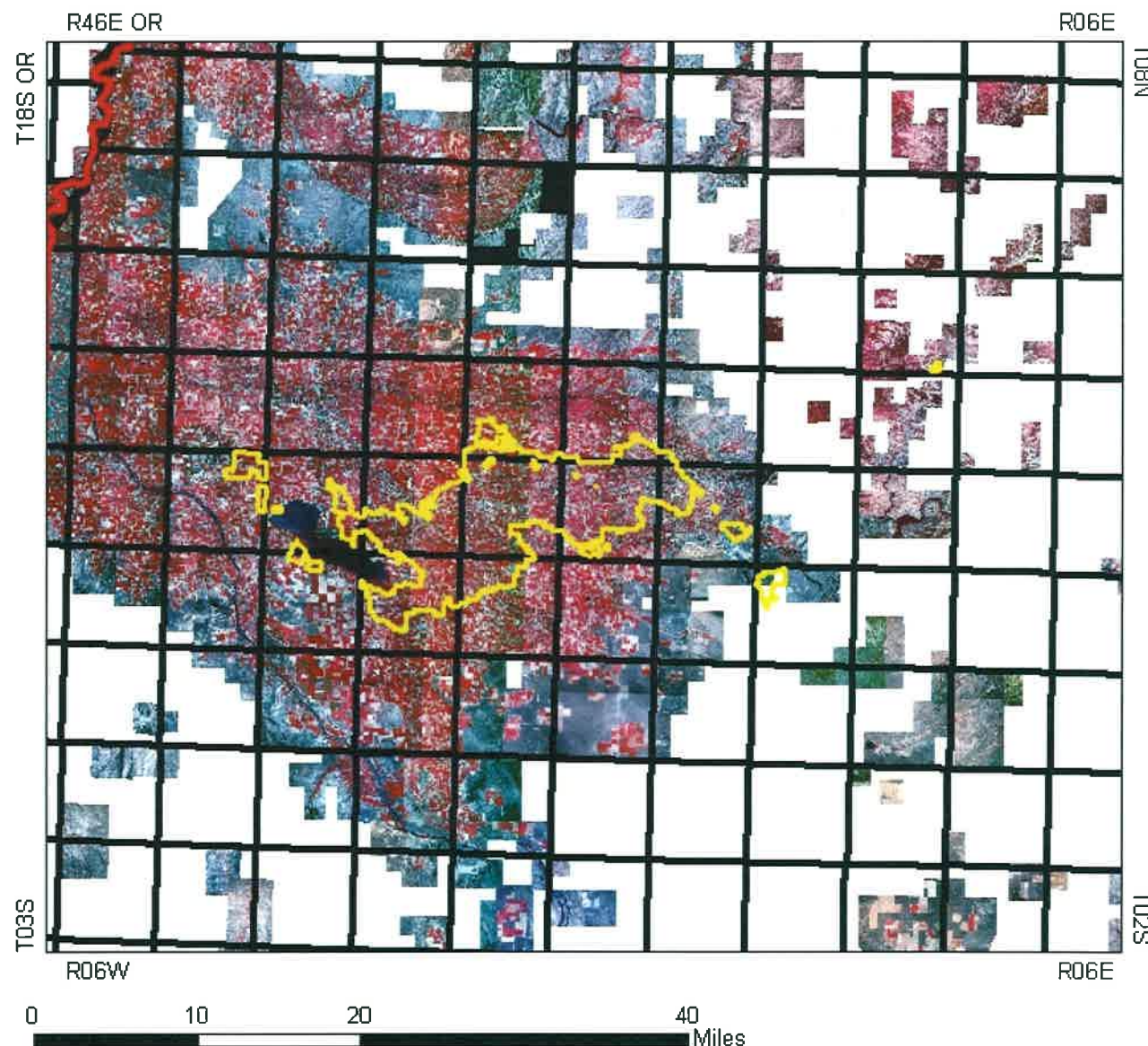
Legend

- Service Area
- State Outline
- Townships



Ada, Boise, Canyon Counties
IDWR Basin 63

Prepared by Danielle Favreau
On May 21, 2010
1987/88 Aerial Photography



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

RIGHT NUMBER: 63-2392B

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK LAW ~~CHTD~~
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773

SOURCE: WASTE WATER TRIBUTARY: BOISE RIVER

QUANTITY: 3.700 CFS

This wastewater right is 24 percent of the Drainage District No. 3 water right.

PRIORITY DATE: 09/13/1927

POINT OF DIVERSION:

T03N R03E S29 NWSW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.700 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE:

69495 ACRES TOTAL

This water is collected within the boundaries of Drainage District No. 3 and is limited to the irrigation of 69,495 acres within the digital boundary of Nampa Meridian Irrigation District.

~~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 Nos. 63-198AJ, 63-199B, 63-200B, 63-2968 and 63-30181 can be used to irrigate up to 69,495 acres within the digital boundary of the Nampa Meridian Irrigation District.

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

The source of this right is wastewater collected by Drainage District No. 3 and returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at the point of diversion by the Nampa & Meridian Irrigation District to be used within their digital boundary.

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 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.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The source of this right is wastewater returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at the points of diversion for the rightholder. Because the source of this water right is based upon the water returned to the Boise River, and the historic administration of this right, the quantity of water exchanged and diverted upstream at the points of diversion for the rightholder shall be curtailed only to the same extent that the amount of wastewater returned to the Boise River is reduced or less than the quantity provided in this right. This right is not subject to the Stewart Decree or the step down provisions and/or cuts provided in said Stewart Decree.

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

Cross through

SF5 Right No. 63-2392B

DRAFT

Sent for another
draft to LH on
5/20/10

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

RIGHT NUMBER: 63-2392B

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK CHTD
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 3.700 CFS

This wastewater right is 24 percent of the Drainage District No. 3 water right. OK

PRIORITY DATE: 09/13/1927

POINT OF DIVERSION:

T03N R03E S29 NWSW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	3.700 CFS

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

PLACE OF USE:

This water is collected within the boundaries of Drainage District No. 3 and is limited to the irrigation of 69,495 acres within the digital boundary of Nampa Meridian Irrigation District. OK

~~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 Nos. 63-198AJ, 63-199B, 63-200B, 63-2968 and 63-30181 can be used to irrigate up to 69,495 acres within the boundary of the Nampa Meridian Irrigation District. DIGITAL

SF5 Right No. 63-2392B

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 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.

delete

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The source of this right is wastewater returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at the points of diversion for the rightholder. Because the source of this water right is based upon the water returned to the Boise River, and the historic administration of this right, the quantity of water exchanged and diverted upstream at the points of diversion for the rightholder shall be curtailed only to the same extent that the amount of wastewater returned to the Boise River is reduced or less than the quantity provided in this right. This right is not subject to the Stewart Decree or the step down provisions and/or cuts provided in said Stewart Decree. *OK*

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

ADD IN ATTACHED GENERAL REMARK

The source of this right is wastewater collected by Drainage District No. 3 and returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at the point of diversion by the Nampa Meridian Irrigation District to be used within their digital boundaries.

Y,

Lori – this remark goes in the General Remarks.

As of 2/19/10

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

RIGHT NUMBER: 63-2392B

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK CHTD
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 3.700 CFS

This wastewater right is 24 percent of the Drainage District No. 3 water right. OK

PRIORITY DATE: 09/13/1927

POINT OF DIVERSION:

T03N R03E S29 NWSW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.700 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE:

This water is collected within the boundaries of Drainage District No. 3 and is limited to the irrigation of 69,495 acres within the digital boundary of Nampa Meridian Irrigation District. OK

~~The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202D(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 Nos. 63-198AJ, 63-199B, 63-200B, 63-2968 and 63-30181 can be used to irrigate up to 69,495 acres within the boundary of the Nampa Meridian Irrigation District. OK

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 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.

→ Source remark from 63-31937

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The source of this right is wastewater returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at the points of diversion for the rightholder. Because the source of this water right is based upon the water returned to the Boise River, and the historic administration of this right, the quantity of water exchanged and diverted upstream at the points of diversion for the rightholder shall be curtailed only to the same extent that the amount of wastewater returned to the Boise River is reduced or less than the quantity provided in this right. This right is not subject to the Stewart Decree or the step down provisions and/or cuts provided in said Stewart Decree.

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

*add in remark about the source of this right
is ww. etc.*

*THE SOURCE OF THIS RIGHT IS WASTEWATER
COLLECTED BY THE RIGHTHOLDER AND
RETURNED TO THE BOISE RIVER - ETC.*

Check pts of diversion - 9 pts in remark w/ %
& only 7 pts in the following its are diverted
from. Check to see if 2 ditch companies
have 1 POP.

Check average with Creason added & dam
removed - Call Danielle.

Add remark on 63-31937 about uncuttable
to 63-31936 on water side - its decreed.

Shurte, Jan

From: Courtney, Andrea
Sent: Tuesday, July 10, 2007 9:37 AM
To: Shurte, Jan
Cc: Harvey, Becky
Subject: Creason Lateral status conf update on 63-24098 & 63-30424

B63 PRT 2 OBS.

FILES

Jan~

The Special Master set a continued status conference for 2/26/08 at 9am to provide some time to resolve the 6 NMID claims with the NMID and BLM objections (63-198aj, 63-199b, 63-200b, 63-2392b, 63-2968, and 63-30181), which will likely resolve the Creason Lateral concerns as to boundary. He instructed that as soon as Creason Lateral feels confident that its concerns are taken care of through the NMID claims, then it can withdraw its two claims.

Andrea



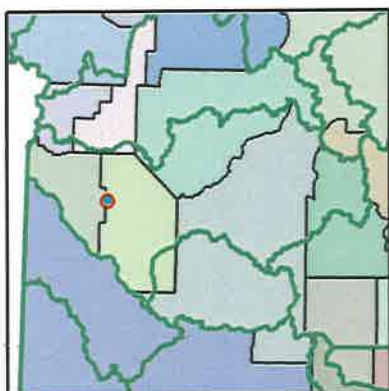
Idaho Department of Water Resources

Adjudication Claim:

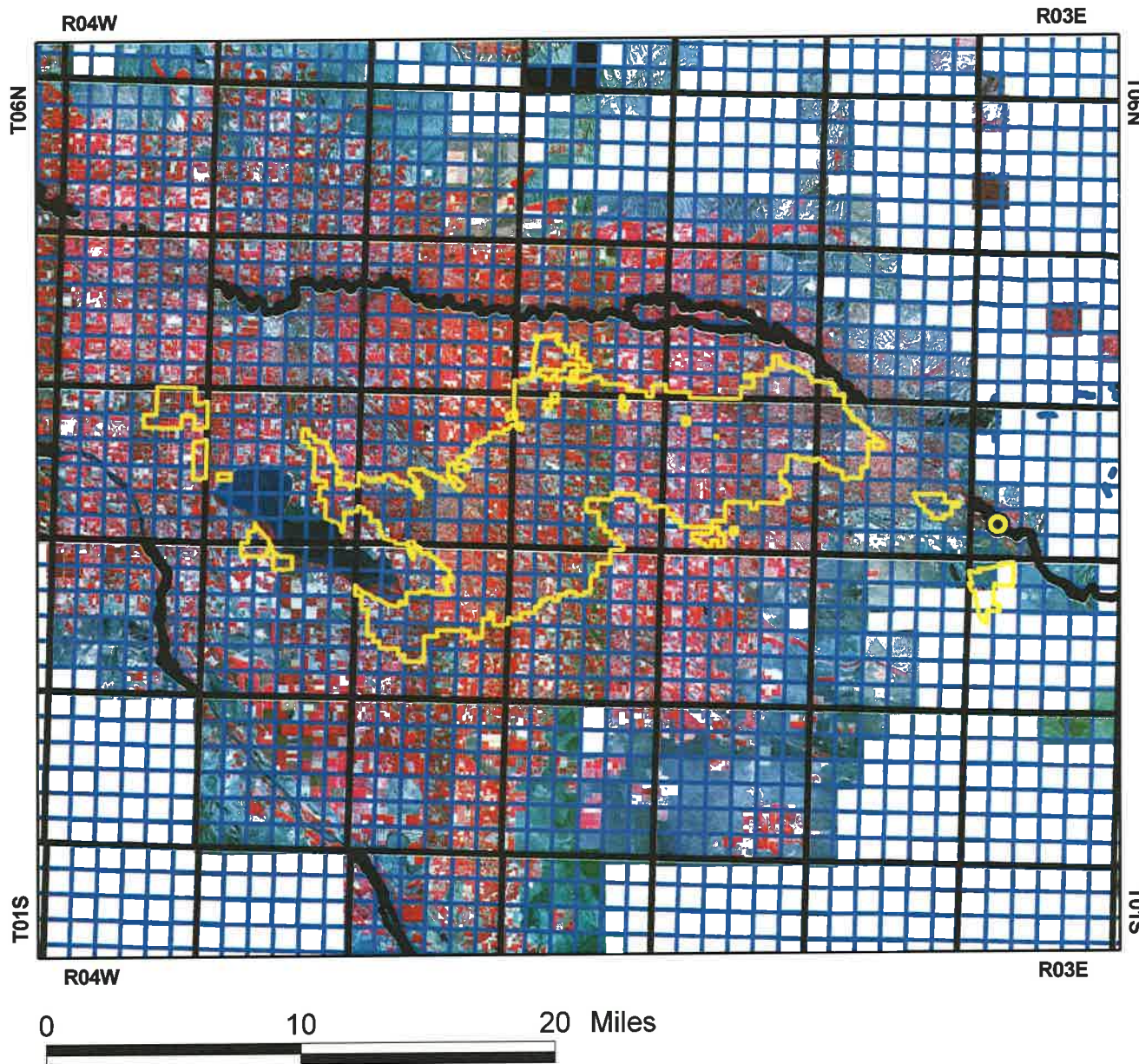
63-2392B

Legend

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



Ada, Canyon Counties
IDWR Basin 63



Prepared by A. Warntjes
On Friday, April 7, 2006
1987/88 Aerial Photography

08/17/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 29, 2006

Water right number: 63-2392B

NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK CHTD
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773
Telephone Number: (208)342-4591

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
See Notice of Error Reply for 63-198AJ (enclosed) and attached letter.
2. Describe the changes you wish to make in the proposed recommendation:
See Notice of Error Reply for 63-198AJ (enclosed) and attached letter.
3. Give a brief explanation as to why you disagree with these portions:
See Notice of Error Reply for 63-198AJ (enclosed) and attached letter.

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

DATE: 9-29-06 SIGNATURE: 

Please print your name: Daniel Steenson

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
OCT 03 2006

September 28, 2006

BY HAND DELIVERY

Donald Shaff
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Bosie, ID 83720-0098

Re: Preliminary Recommendations for Nampa & Meridian Irrigation District's
(NMID) Water Rights

Dear Don:

As we discussed by phone today, enclosed is a letter from Daren Coon, NMID's Secretary/Treasurer, identifying a parcel of land that should be included in the place of use for NMID's water rights.

As we also discussed today, the statement under the quantity element of NMID's water rights related to the Green Ranch diversion should state the amount of water to be used from that diversion as 4.5 afa per acre, rather than 3.5 afa per acre.

Water right 63-30181 has the shorter statement regarding the authorized rate of flow for the Surprise Valley diversion, but does not have the language relating to the amount of water to be used from the Surprise Valley diversion that is in 63-198AJ, 63-199B and 63-200B.

If possible, it would be helpful for future reference if the remarks could be in the same order in each of the water rights.

Today you confirmed that the explanatory material is included in the recommendations for internal IDWR record-keeping purposes only, so that, for ease of reference in IDWR's files, transfer conditions are associated with SRBA decrees. The court will not consider the explanatory material, and it will not be included in NMID's decrees. There is, therefore, no opportunity or need for NMID to object to any of the statements in the explanatory material. Any inaccuracies in those statements can be corrected later at an appropriate time.

SCANNED
OCT 03 2006

Donald Shaff
September 28, 2007
page 2

I have, nonetheless, reviewed the statements in the explanatory material sections of each of the recommendations for NMID's water rights. The following statement in the recommendations for water rights 63-199B and 63-200B concerns me: "The place of use for industrial and groundwater recharge purposes under right nos. 63-199B and 63-200B is limited to the lands served by the Surprise Valley diversion." I recognize that the statement is one of the conditions in the water right as a result of the transfer to add the Surprise Valley diversion and lands served by it. I think the statement is correct as to groundwater recharge, but I think it is not entirely accurate with respect to industrial use in light of I.C. § 43-335, which allows an irrigation district to lease water rights for use on industrial lands within its boundaries under certain circumstances:

LEASING OF WATER RIGHTS BY IRRIGATION DISTRICT WITHIN THE DISTRICT BY DISTRICT'S WHERE LANDOWNER CAN RECEIVE WATER THROUGH THE DISTRICT'S IRRIGATION SYSTEM. Any irrigation district which has within its boundaries residential, commercial or industrial lands, or any combination of those lands, and which holds water rights for those lands, shall have the right to lease, to any municipality, municipal provider, public utility, domestic water users organization which furnishes water service to those lands, or to any other entity for the distribution of water to those lands for uses other than culinary purposes, those water rights which are held for any residential, commercial or industrial lands for which the owner has elected not to receive his proportionate share of the irrigation district's water through the irrigation system of the district; provided, however, that no water right under which water is delivered through a community ditch shall be leased without the written consent of the ditch users who do not elect not to receive water from the district. For purposes of this chapter, the terms "municipality" and "municipal provider" shall be defined as provided in section 42-202B, Idaho Code; "culinary purposes" shall mean the use of water for direct human consumption, cooking, sanitary purposes, and other such uses. Nothing in this chapter shall be construed as amending or affecting the laws of Idaho pertaining to the control and regulation of public utilities, municipal providers or water corporations.

Since the statements in the explanatory material are not at issue in the SRBA process, this is really an academic issue at this point. The situation contemplated by the statute is, I believe, the only one in which the referenced statement in the explanatory material and the water right is not entirely accurate.

As we discussed over the phone, we are verifying the 40 acre limitation in water right 63-198AJ. Subject to double-checking, it appears that NMID does not have any other concerns with the preliminary recommendations.

SCANNED
OCT 03 2006

Donald Shaff
September 28, 2007
page 3

I will talk to you tomorrow after you have had an opportunity to review this letter and enclosure.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daniel Steenson". The signature is written in a cursive, slightly slanted style.

Daniel V. Steenson

Enclosure

cc: Daren Coon
John Anderson

DISTRIBUTION OF DRAINAGE WATER
TO VARIOUS CANALS

CHART NO. 6

DRAINAGE DISTRICT NO. 2

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

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

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

DRAINAGE DISTRICT NO. 3

Not Claimed by Drainage Dist

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

Handwritten notes:
 - 1.6 cfs (next to 49.00)
 - 2.3 cfs (next to 24.00)
 - 24% of 15.4 cfs = 3.70 cfs (next to 15.00)
 - 1.5 (next to 10.00)
 - .31 (next to 2.00)

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

DRAINAGE DISTRICT NO. 4

Claimed by Drainage Dist

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

Handwritten arrow pointing to 51.34 "

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

Am't Claimed by Nampa MID = 4.63 cfs

*Consists of 3.7 cfs DD No. 3
 + DD No. 4 (which is being
 recommended to
 DD No. 4)*

Warntjes, Anita

From: Tuthill, Dave
Sent: Tuesday, March 28, 2006 11:48 AM
To: 'Dan Steenson'; John Anderson; Daren Coon
Cc: Warntjes, Anita; Favreau, Danielle
Subject: NMID Irrigated Acres

Dan, John and Daren,

This am we reviewed where we are at in computing NMID acres. Here is an approach that might fit the unique situation for NMID:

1. We are finding that the irrigation delivery organizations in the Treasure Valley have been able to identify sufficient irrigated acres to justify the acres originally assigned water in their plat books. This target of irrigated acres count has widely been achieved.
2. Lands irrigated under the NMID service area have changed greatly over the years due to urbanization. To the extent that land was not removed from the rolls, the irrigation water right remains.
3. NMID place of use includes both the tax roll and rental roll lands.
4. In some cases NMID water is used on land that was originally platted as too high to receive water. In other cases NMID water is not used on land that was platted to be irrigated with NMID water. It is our understanding that originally unplatted land now receiving NMID water has been added to the rolls on an acre-by-acre basis under the supervision of NMID.
5. Darren advised us at the last meeting in our office that he had counted the acreage in the plat books, but we are not aware of a tabulated copy of this information.
6. To justify the acreage in the original plat books we need a tabulated copy of the information.
7. IDWR has assisted different water delivery organizations in different ways via the SRBA process -- this is not a one-size-fits-all process.
8. IDWR recognizes that there is only one copy of the plat book. Accordingly we would be willing to visit your offices during normal business hours, and tabulate the acres to which water was originally provided by keying into a laptop the number of irrigated acres per tract as described in the plat book. We would be willing to share the resulting spreadsheet with you and ask for a double-check. This listing could be used to back up a count of acres irrigated by the project.

How does this approach sound? Please advise if you would suggest improvements to the approach. Our goal is to create a defensible count of acres -- hopefully one that both NMID and IDWR can support as we make our recommendations to the SRBA Court.

Thanks, Dave

P.S. Anita, would you please place a copy of this email in our NMID file?

3/28/2006

Receipt Details for ID C015816

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/21/1990 3:50:46 PM	3/21/1990	State	\$27,142.00	Warrant
Payer	NAMPA & MERIDIAN IRR DIST			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
115			
Card Expiration Date	Credit Card Transaction #		

Comment VARIABLE SRBA FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$27,142.00	VARIABLE SRBA FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
\$100.00	NAMPA & MERIDIAN IRR. DIST.	3/22/1990	

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
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[Print Report](#)

Receipt Details for ID C015817

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/21/1990 3:53:56 PM	3/21/1990	State	\$350.00	Warrant
Payer		NAMPA & MERIDIAN IRR DIST		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
116			
Card Expiration Date	Credit Card Transaction #		

Comment	SRBA FLAT FEES (VAR. FEE ON C015816)
---------	--------------------------------------

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$350.00	SRBA FLAT FEES (VAR. FEE ON C015816)	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	30181	Z0	\$50.00	Claim
63	198	AJ	\$50.00	Claim
63	199	B	\$50.00	Claim
63	199	C	\$50.00	Claim
63	200	B	\$50.00	Claim
63	200	C	\$50.00	Claim
63	2392	B	\$50.00	Claim

Print Report

STATE OF IDAHO
LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. 16237
Water District No.

Amount 15.4 sec. ft.
Priority 9-13-1927

THIS IS TO CERTIFY that Drainage District #3, of Ada County, of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 10, 1925; that Permit No. 16237 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 15.4 second feet, was issued thereunder on September 4, 1930, showing that said works were completed on the 13th day of December, 1925; and that on the 15th day of May, 1928, Drainage District #3 of Ada County, of Boise, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Drain ditches "A", "B", "B-1" and "F", tributaries of Boise River, for the purpose of irrigation and domestic use under Use Permit No. 16237, of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3627, on the 4th day of September, 1930;

The right hereby confirmed dates from September 13, 1927;

The Points of Diversion are located as follows:

Outlet Drain "A" bears N. 71°45' E. 562 ft. from Cor. Secs. 9, 10, 15 and 16, T. 3 N., R. 2 E.
Outlet Drain "B" bears 660' E. and 165' N. of $\frac{1}{4}$ Cor. common to Secs. 14 and 23, T. 3 N., R. 2 E.
Outlet Drain "B-1" bears 1320' E. and 2090' N. of $\frac{1}{4}$ Cor. common to Secs. 24 and 25, T. 3 N., R. 2 E.
Outlet Drain "F" bears 215' E. of NW Cor. of $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 9, T. 3 N., R. 2 E., Ada 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 15.4 cubic feet per second.

Description and location of use: SW $\frac{1}{4}$ Sec. 19; NW $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 30; T. 3 N., R. 3 E., B. M.; SE $\frac{1}{4}$ Sec. 9; SW $\frac{1}{4}$ Sec. 10; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ Sec. 14; S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 15; NE $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 16; NW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 21; All Sec. 22; All Sec. 23; SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 24; NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 25; NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 26; NE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 27; NE $\frac{1}{4}$ Sec. 28; Twp. 3 N., R. 2 E., 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.

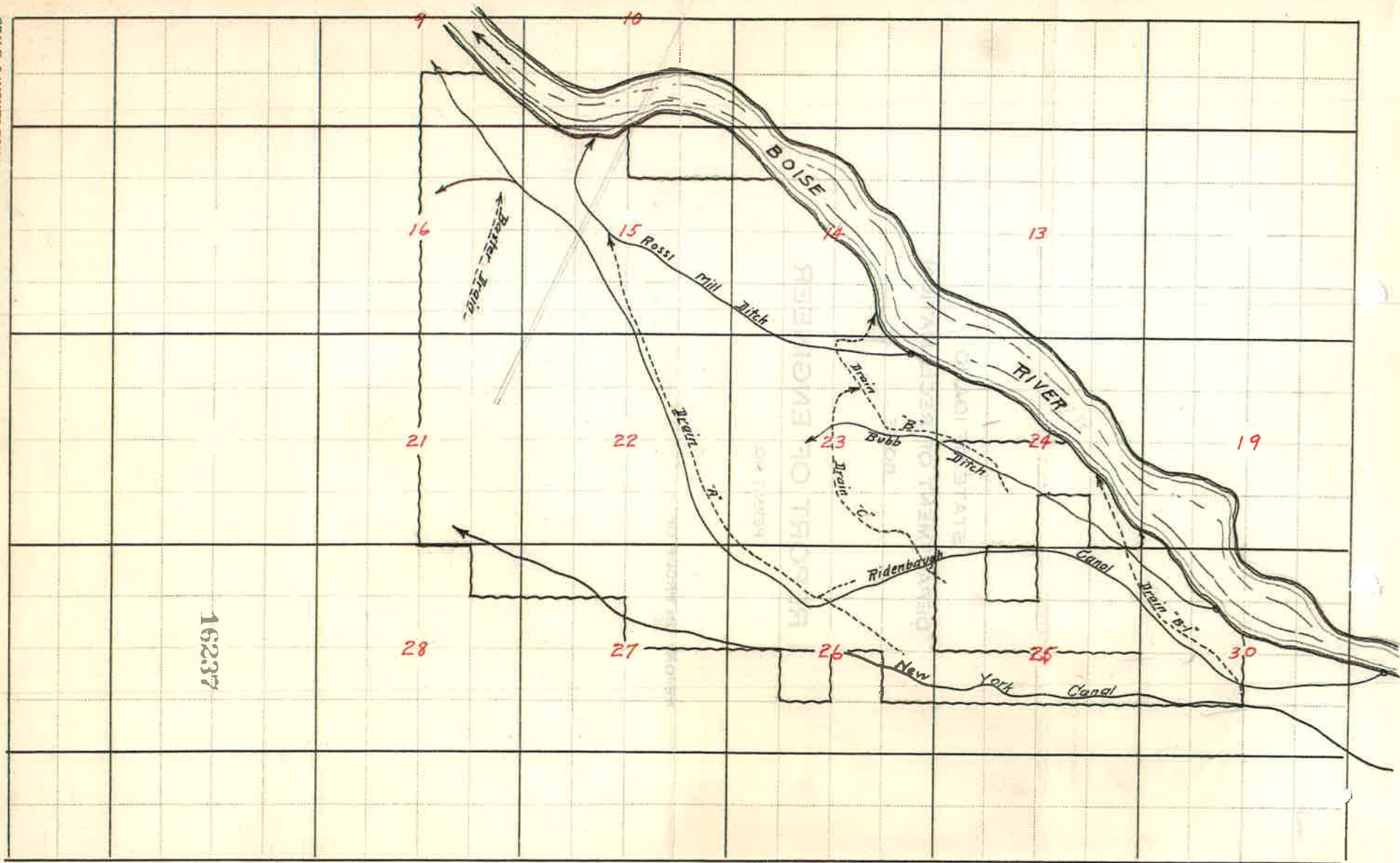
WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 4th day of September, 1930.

GEO. M. CARTER
Commissioner of Reclamation

(SEAL)

63-2392

SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.



S. BRYCE FARRIS (ISB #5636)
RINGERT LAW CHARTERED
455 S. Third Street
P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED
2009 NOV 20 AM 10 21

Attorneys for Nampa & Meridian Irrigation District

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

In Re SRBA	)	
	)	Subcase No. 63-33117
	)	
Case No. 39576	)	
	)	STIPULATION
	)	
	)	
	)	

_____ **COMES NOW** Nampa & Meridian Irrigation District ("NMID"), by and through its counsel of record, Ringert Law Chartered, and Doug Bullock and Heather A. Cunningham ("Claimants") hereby enter into the following Stipulation.

WHEREAS, Claimants have filed a late claim for water right # 63-33117 and at the time of this Stipulation the Idaho Department of Water Resources has not issued a recommendation for said late claim. Since the recommendation has not been issued, neither Claimant or NMID have filed an objection and/or response relating to the late claim.

WHEREAS, NMID has claimed certain water rights which are currently pending the SRBA. Claimants have not filed an objection and/or response to NMID's claimed water rights but Claimants' late claim, water right #63-33117, is a competing claim to a portion of the water rights

claimed by NMID.

WHEREAS, even though the parties have not filed objections and/or responses to the claims of the other party, NMID and Claimants have reached an understanding to resolve their competing claims in the SRBA and NMID and Claimants stipulate and agree to the following:

1. NMID will adopt the Resolution attached hereto as Exhibit A, and incorporated herein by this reference, for the purpose of confirming Claimants' continued right to the delivery of water to Claimants' lands pursuant to contracts entered into between NMID and Claimants' predecessors in interest.
2. This Stipulation, including the attached Resolution, will be placed by the Idaho Department of Water Resources in the water right record and file for the following water rights which have been claimed by NMID: water right nos. 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968 and 63-30181.
3. By means of this Stipulation, Claimants hereby agree to the withdrawal of Claimants' late claim for water right no. 63-33117. If necessary, Claimants will take any further action required by the Court or IDWR to ensure that Claimants' late claim for water right no. 63-33117 is withdrawn.
4. Each party agrees to bear its own attorney fees and costs.

DATED this 19 day of ^{November}~~October~~, 2009.

Claimants:

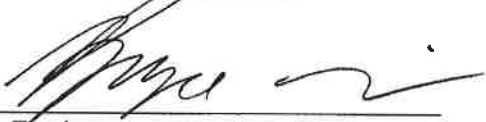


Doug Bullock


Heather A. Cunningham

DATED this 19 day of ~~October~~ ^{November}, 2009.

RINGERT LAW CHARTERED

By: 
S. Bryce Farris
Attorney for Nampa & Meridian Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of ~~October~~ ^{November}, 2009, I served a true and correct copy of the foregoing document by U.S. mail, postage pre-paid to the following:

Director of IDWR
P.O. Box 83720
Boise, Idaho 83720-0098

Heather A. Cunningham
P.O. Box 1583
Boise, ID 83701


S. Bryce Farris

EXHIBIT A

RESOLUTION OF THE NAMPA & MERIDIAN IRRIGATION DISTRICT

WHEREAS, the Nampa & Meridian Irrigation District ("NMID") has certain water right claims which are currently pending in the Snake River Basin Adjudication; and

WHEREAS, Doug Bullock and Heather Cunningham ("Claimants") have filed a competing claim (63-33117) for the portion of the water right delivered by NMID to Claimants' lands, and which is also pending in the Snake River Basin Adjudication; and

WHEREAS, NMID and Claimants desire to settle the issues involving NMID and Claimants' competing claims to a water right; and

WHEREAS, as part of said settlement of the issues with Claimants, NMID recognizes and agrees that Claimants receive water from the water rights of NMID pursuant to contractual rights and are not landowners of the District. More specifically:

(1) Claimants are successors in interest to a portion of the property previously owned by R.S. Rule and Eliza Rule, who contracted with NMID for the delivery of water to their land in 1922 and a true and correct copy of said contract attached hereto as Exhibit A and incorporated herein by this reference. Further, the legal description of Claimants property to which Exhibit A is applicable is attached hereto as Exhibit A-1 and incorporated herein by this reference;

(2) Claimants are successors in interest to a portion of the property previously owned by J.R. Fruit and Eva M. Fruit, who contracted with NMID for the delivery of water to their land in 1922 and a true and correct copy of said contract attached hereto as Exhibit B and incorporated herein by this reference. Further, the legal description of Claimants property to which Exhibit B is applicable is attached hereto as Exhibit B-1 and incorporated herein by this reference; and

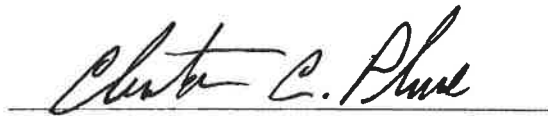
(3) Claimants are successors in interest to a portion of the property previously owned by Lorin P. Houmann and Franciska Houmann, who contracted with NMID for the delivery of water to their land in 1922 and a true and correct copy of said contract attached hereto as Exhibit C and incorporated herein by this reference. Further, the legal description of Claimants property to which Exhibit C is applicable is attached hereto as Exhibit C-1 and incorporated herein by this reference

WHEREAS, as part of the said settlement of the issues with Claimants, NMID further recognizes and agrees to continue to deliver water to Claimants, depending on availability, from the water rights of NMID, pursuant to the above referenced contracts so long as those contracts are in full force and effect.

NOW, THEREFORE, upon motion made by Mr. Sisco and seconded by Mr. Pline, the Board of Directors of Nampa & Meridian Irrigation District adopts and approves this Resolution confirming the rights of the Claimants to continue to be delivered water, depending on availability, from the water rights of NMID, pursuant to contracts so long as those contracts remain in full force and effect.

Dated the 17 day of October, 2009.

NAMPA & MERIDIAN IRRIGATION DISTRICT

A handwritten signature in cursive script, reading "Clinton C. Pline", is written over a horizontal line.

Clinton C. Pline, President

ATTEST:

A handwritten signature in black ink, reading "Daren Coon", written over a horizontal line.

Daren Coon, Secretary/Treasurer

THIS AGREEMENT, Made this 27th day of March, 1922,
between Nampa & Meridian Irrigation District, first party, and H. S. Rule and his wife,
Eliza Rule,
second parties,

WITNESSETH:

WHEREAS, second parties are the owners of the following land, to-wit: Lot one (1) in block eight (8)
and lot four (4) in block nine (9) Scott's Subdivision,

in Ada County, Idaho, with a water right appurtenant thereto from Boise River through the Ridenbaugh Canal, and first party, as the owner of said canal, has heretofore maintained and operated the same and delivered the water to which second parties have a right to them and to their predecessors for an annual maintenance charge paid in advance of the irrigation season; and

WHEREAS, The parties hereto desire to reach an agreement as to the proper method of determining said annual charge to be paid in future:

NOW, THEREFORE, As a complete settlement of all differences between said parties relating to said charge in the past and to establish a permanent method for fixing the amount and time of payment in the future, the parties agree as follows:

First party agrees to perform the annual maintenance work on account of said water right of second parties and to deliver the water perpetually hereafter to which second parties have a right during the irrigation season of each year into the lateral at the point where second parties and their predecessors have been accustomed to receive the same, and second parties and their successors in title to said water right agree to pay first party annually for said service a maintenance charge equal to one-half of the general maintenance rate on Ridenbaugh's water rights lawfully levied by first party against lands within the District for the previous year, under Section 4384, Compiled Statutes of Idaho. Provided, that in no event shall second parties ever be required to pay or to contribute to the payment of the principal or interest of any bonded indebtedness of the first party; nor to contribute in any manner to its sinking fund or reserve fund; nor to the payment of the construction cost of its irrigation works; nor the construction, or maintenance cost of its drainage works, under or pursuant to this contract. The charges for maintenance are to be paid in advance on or before the first day of April of each year and first party will be under no obligation to make delivery of water until payment has been made. Provided, That second parties shall be entitled to a copy of the annual statement of the classified expenses of the district issued in the month of January each year to its land owners and first party will place second parties on its mailing list for said statements, and if for any reason they do not receive the same, they shall be furnished a copy on application.

It is further agreed that said water right of second parties is from the appropriation diverted from Boise River by the Morris Canal in the year 1872, the same being the first appropriation of the Ridenbaugh Canal system of first party, and first parties agree to adopt a resolution classifying said land and water right in said appropriation and in the first class of water rights appropriated by said canal from Boise River.

It is further agreed that the maintenance charges for said land for 1921 shall be governed by this contract, and in case payment has been made thereof at a higher rate than herein provided, the excess shall be credited upon the maintenance charge for 1922.

This agreement shall perpetually bind the parties, their heirs, successors and assigns.

IN WITNESS WHEREOF, The President of first party has hereunto affixed the name of said District and his signature in execution of this agreement, pursuant to a resolution of its board of directors, heretofore duly and regularly adopted, authorizing and directing him so to do, and the Secretary of first party, in like manner authorized and directed, has attested the execution hereof, and in witness whereof, the second parties have hereunto affixed their signatures the day and year first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT,

By, H. S. Rule, President,
First party.

Eliza Rule
Second party.

ATTEST:

[Signature]
Secretary.

STATE OF IDAHO,

COUNTY OF Ada, ss.

On this 27th day of March, 1922, xxx, before me

L. G. Knight,

Notary Public in and for said State, personally appeared R. S. Rule, and Eliza Rule,

husband and wife,

known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

L. G. Knight
Notary Public for Idaho.
Residence, Boise, Idaho.

STATE OF IDAHO,

COUNTY OF Ada, ss.

On this 27th day of May, in the year 1922, before me, L. G. Knight,
a Notary Public, personally appeared H. S. Rule and P. D. Clay, known to me to be the President and Secretary of the corporation that executed this instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

L. G. Knight
Notary Public for Idaho.
Residence, Boise, Idaho.

37

85800 467

No. 57-144

CONTRACT

BETWEEN
NAMPA AND MERIDIAN
IRRIGATION DISTRICT
AND

R. S. Rule, et ux

Dated 192

Filed for record at the request of

Nampa & Meridian Irr. Dist
at 7:43 o'clock A. M., this 10th
day of May 1922

Stephen W. [redacted] order.

Ada Co. Idaho

By Josephine Smith Deputy.

Fees, \$ 1

BY THE CO. PROPERTY & RECORDS, Boise, Idaho

Books 505 Contract 137

EXHIBIT A-1

The legal description for 430 Bethel is:

The west 165 feet of Lot 4 in Block 9 of SCOTT'S SUBDIVISION,
according to the official plat thereof, filed in Book 1 of Plats at Page
34, Official Records of Ada County, Idaho.

EXCEPT THE NORTH 40 FEET THEREOF.

TOGETHER WITH THE EAST HALF OF THAT ALLY
VACATED DECEMBER 8, 1987, AS INSTRUMENT NO.
8767114.

THIS AGREEMENT, Made this 27th day of March, 1922,
between Nampa & Meridian Irrigation District, first party, and
J. R. Fruit and Eva M. Fruit, husband and wife, second parties.

WITNESSETH

WHEREAS, second parties are the owners of the following land, to-wit:
The east half of the east half of lot three block nine,
Scott's Sub Division,

in Ada County, Idaho, with a water right appurtenant thereto from Boise River through the Ridenbaugh Canal, and first party, as the owner of said canal, has heretofore maintained and operated the same and delivered the water to which second parties have a right to them and to their predecessors for an annual maintenance charge paid in advance of the irrigation season; and

WHEREAS, The parties hereto desire to reach an agreement as to the proper method of determining said annual charge to be paid in future:

NOW, THEREFORE, As a complete settlement of all differences between said parties relating to said charge in the past and to establish a permanent method for fixing the amount and time of payment in the future, the parties agree as follows:

First party agrees to perform the annual maintenance work on account of said water right of second parties and to deliver the water perpetually hereafter to which second parties have a right during the irrigation season of each year into the lateral at the point where second parties and their predecessors have been accustomed to receive the same, and second parties and their successors in title to said water right agree to pay first party annually for said service a maintenance charge equal to one-half of the general maintenance rate on Ridenbaugh water rights lawfully levied by first party against lands within the District for the previous year, under Section 4384, Compiled Statutes of Idaho. Provided, that in no event shall second parties ever be required to pay or to contribute to the payment of the principal or interest of any bonded indebtedness of the first party; nor to contribute in any manner to its sinking fund or reserve fund; nor to the payment of the construction cost of its irrigation works; nor the construction, or maintenance cost of its drainage works, under or pursuant to this contract. The charges for maintenance are to be paid in advance on or before the first day of April of each year and first party will be under no obligation to make delivery of water until payment has been made. Provided, That second parties shall be entitled to a copy of the annual statement of the classified expenses of the district issued in the month of January each year to its land owners and first party will place second parties on its mailing list for said statements, and if for any reason they do not receive the same, they shall be furnished a copy on application.

It is further agreed that said water right of second parties is from the appropriation diverted from Boise River by the Morris Canal in the year 1878, the same being the first appropriation of the Ridenbaugh Canal system of first party, and first parties agree to adopt a resolution classifying said land and water right in said appropriation and in the first class of water rights appropriated by said canal from Boise River.

It is further agreed that the maintenance charges for said land for 1921 shall be governed by this contract, and in case payment has been made thereof at a higher rate than herein provided, the excess shall be credited upon the maintenance charge for 1922.

This agreement shall perpetually bind the parties, their heirs, successors and assigns.

IN WITNESS WHEREOF, The President of first party has hereunto affixed the name of said District and his signature in execution of this agreement, pursuant to a resolution of its board of directors, heretofore duly and regularly adopted, authorizing and directing him so to do, and the Secretary of first party, in like manner authorized and directed, has attested the execution hereof, and in witness whereof, the second parties have hereunto affixed their signatures the day and year first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT,

By H. Z. Randall President,
First party.

J. R. Fruit
Eva M. Fruit

Second party.

ATTEST:

[Signature]

Secretary.

STATE OF IDAHO

COUNTY OF Ada ss.

On this 27th day of March, 1922

L. G. Knight,

Notary Public in and for said State, personally appeared

J. R. Fruit and Eva M. Fruit, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

L. B. Knight
Notary Public for Idaho.
Residence, Boise, Idaho.

STATE OF IDAHO, } ss.

COUNTY OF ADA

On this 1st day of July in the year 1922, before me, *Hugh B. McQuinn*, a Notary Public, personally appeared *H. L. Randall* and *P. D. Clay*, known to me to be the President and Secretary of the corporation that executed this instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

H. B. McQuinn
Notary Public for Idaho.
Residence, Boise, Idaho.

99602

No. *St. 16.3-12*

CONTRACT

BETWEEN

NAMPA AND MERIDIAN
IRRIGATION DISTRICT

AND

J. R. Fruit, et ux

Dated 1st day of July, 1922

Filed for record at the request of

Nampa & Meridian Irr. Dist.

at 7:42 o'clock A. M., this 16th

day of May, 1922

Salphie L. Tuttle
Recorder.

Ada County, Idaho

By *Josephine Smith*
Deputy

Wess. 8

Book 17 to Page 136

EXHIBIT B-1

The legal description for 4404 Bethel Street is:

The West Half of the East half of the East half of Lot 3 in Block 9 of SCOTT'S SUBDIVISION, according to the official plat thereof, filed in Book 1 of Plats at Page 34, Official Records of Ada County, Idaho.

The East half of the East half of the East half of Lot 3, Block 9, SCOTT'S SUBDIVISION, according to the plat thereof, filed in Book 1 of Plats at page 34, records of Ada County, Idaho.

Also known as Rental Agreement No 1625-23 of 29 Feb 09
formerly known as Rental No 1625-1620

THIS AGREEMENT, Made this 31st day of March, 1922,
Between Nampa & Meridian Irrigation District, first party, and
Lorin P. Houmann and Franciska Houmann, husband and wife,
second parties,

WITNESSETH:

WHEREAS, second parties are the owners of the following land, to-wit:
Lot two excepting therefrom .7 (seven tenths) Acre in the northeast
corner, Block nine, Scott's subdivision.

in Ada County, Idaho, with a water right appurtenant thereto from Boise River through the Ridenbaugh Canal, and first party,
as the owner of said canal, has heretofore maintained and operated the same and delivered the water to which second parties have
a right to them and to their predecessors for an annual maintenance charge paid in advance of the irrigation season; and

WHEREAS, The parties hereto desire to reach an agreement as to the proper method of determining said annual charge to be
paid in future:

NOW, THEREFORE, As a complete settlement of all differences between said parties relating to said charge in the past and
to establish a permanent method for fixing the amount and time of payment in the future, the parties agree as follows:

First party agrees to perform the annual maintenance work on account of said water right of second parties and to deliver the
water perpetually hereafter to which second parties have a right during the irrigation season of each year into the lateral at the
point where second parties and their predecessors have been accustomed to receive the same, and second parties and their successors
in title to said water right agree to pay first party annually for said service a maintenance charge equal to one-half of the general
maintenance rate on Ridenbaugh water rights lawfully levied by first party against lands within the District for the previous year,
under Section 4384, Compiled Statutes of Idaho. Provided, that in no event shall second parties ever be required to pay or to con-
tribute to the payment of the principal or interest of any bonded indebtedness of the first party; nor to contribute in any manner
to its sinking fund or reserve fund; nor to the payment of the construction cost of its irrigation works; nor the construction, or main-
tenance cost of its drainage works, under or pursuant to this contract. The charges for maintenance are to be paid in advance on
or before the first day of April of each year and first party will be under no obligation to make delivery of water until payment has
been made. Provided, That second parties shall be entitled to a copy of the annual statement of the classified expenses of the dis-
trict issued in the month of January each year to its land owners and first party will place second parties on its mailing list for
said statements, and if for any reason they do not receive the same, they shall be furnished a copy on application.

It is further agreed that said water right of second parties is from the appropriation diverted from Boise River by the Morris
Canal in the year 1878, the same being the first appropriation of the Ridenbaugh Canal system of first party, and first parties agree
to adopt a resolution classifying said land and water right in said appropriation and in the first class of water rights appropriated by
said canal from Boise River.

It is further agreed that the maintenance charges for said land for 1921 shall be governed by this contract, and in case payment
has been made thereof at a higher rate than herein provided, the excess shall be credited upon the maintenance charge for 1922.

This agreement shall perpetually bind the parties, their heirs, successors and assigns.

IN WITNESS WHEREOF, The President of first party has hereunto affixed the name of said District and his signature in
execution of this agreement, pursuant to a resolution of its board of directors, heretofore duly and regularly adopted, authorizing
and directing him so to do, and the Secretary of first party, in like manner authorized and directed, has attested the execution hereof,
and in witness whereof, the second parties have hereunto affixed their signatures the day and year first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT,

By H. L. Randall President,
First party.

Lorin P. Houmann
Franciska Houmann
Second party.

ATTEST:

[Signature]

Secretary.

STATE OF IDAHO

COUNTY OF Ada ss.

On this 31st day of March, 1922

L. G. Knight,

Notary Public in and for said State, personally appeared

Lorin P. Houmann and Franciska Houmann, husband and wife,
known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed
the same.

C

IN WITNESS WHEREOF, I e hereunto set my hand and affixed my official seal a day and year in this certificate first above written.

L. G. T. K. 1922
Notary Public for Idaho.
Residence, Boise, Idaho.

STATE OF IDAHO, } ss.

COUNTY OF ADA

On this 1st day of May, in the year 1922, before me, Hugh E. McElroy, a Notary Public, personally appeared H. L. Randall and P. D. Clegg, known to me to be the President and Secretary of the corporation that executed this instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

L. G. T. K. 1922
Notary Public for Idaho.
Residence, Boise, Idaho.

99500

No. 2-10

CONTRACT

BETWEEN

NAMPA AND MERIDIAN
IRRIGATION DISTRICT

AND

Larin P. Heumann et ux

Dated 1st day of May, 1922

Filed for record at the request of

Nampa & Meridian Irr. Dist.

at 7:39 o'clock P.M., this 10th

day of May, 1922

Stephen D. Dyer
Recorder.

Ada County, Idaho
By *Josephine Smith*
Deputy.

Fees, 3.80

Book of Contracts Page 133.
COPIED

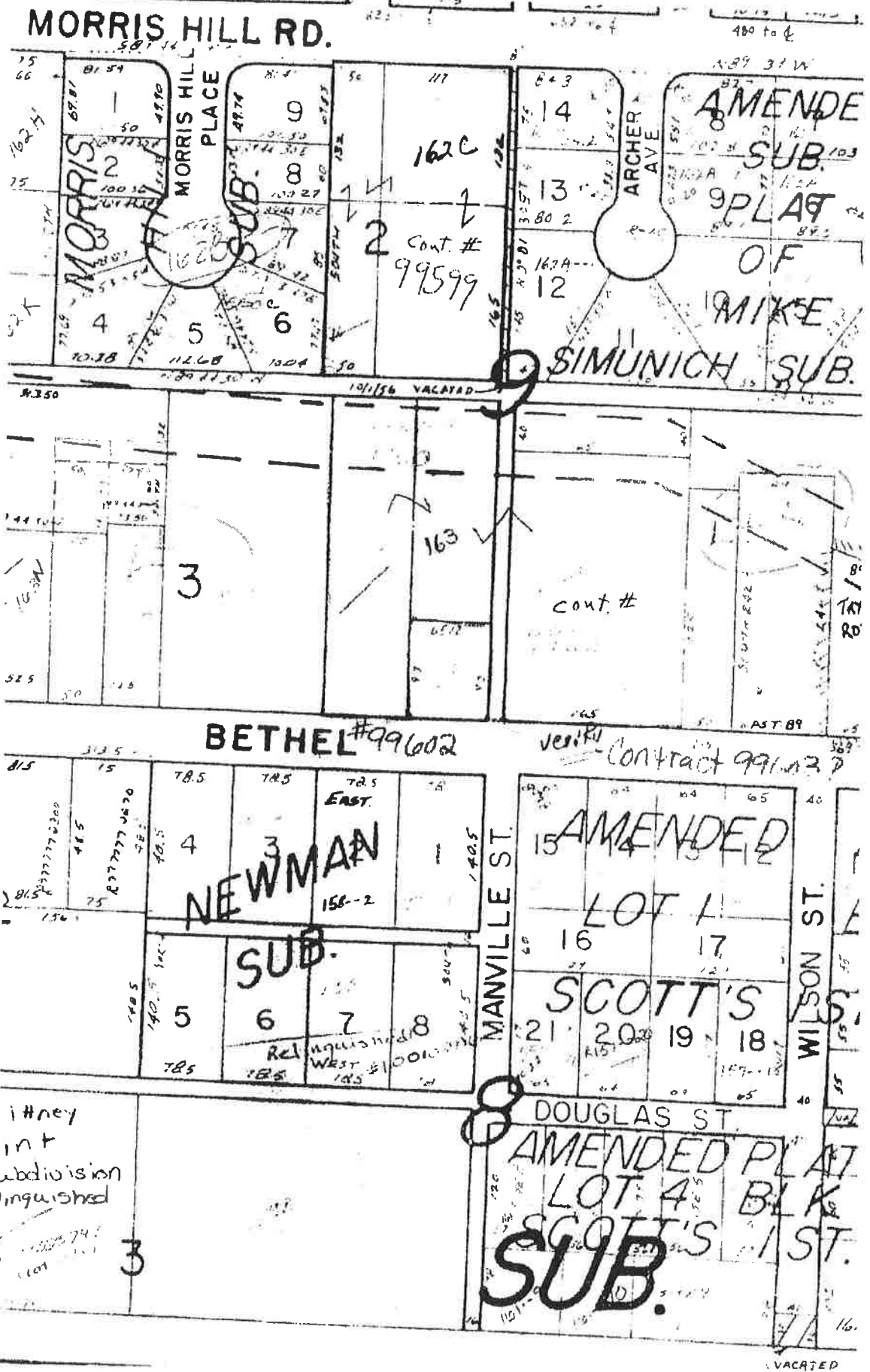
EXHIBIT C-1

A portion of Lot 2 in Block 9 of SCOTT'S SUBDIVISION, according to the plat thereof, recorded in Book 1 of Plats at Page 34, records of Ada County, Idaho.

Beginning at the Northeast corner of said Lot 2 of Block 9 of SCOTT'S SUBDIVISION, the Point of Beginning;
thence running West, along the North boundary line of Lot 2, 167 feet;
thence South 297 feet;
thence East along the South 297 feet;
thence East along the South boundary of Lot 2, 167 feet;
thence North 297 feet to the Point of Beginning.

Together with that portion of the alley adjoining on the East, which attached by operation of law and was vacated by Instrument No. 401045 Recorded October 1, 1956.

Sec 8 3N 2E



RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 04:44
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 NOS: 63-00198AJ 63-00199B
		63-00200B 63-02392B 63-02968
		63-30181

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

FRIDAY, JUNE 27, 2008 at 01:00 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, 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 23, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

Page 1 5/22/08

(continued)

Dated: MAY 23, 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 23, 2008,
with sufficient first-class postage to the following:

NAMPA & MERIDIAN IRRIGATION
NAMPA & MERIDIAN IRRIGATION DI
DISTRICT
C/O RINGERT CLARK CHTD
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

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

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

UNITED STATES OF AMERICA
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

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 63-02392B
(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: Nampa & Meridian Irrigation District; attn, Dan Steenson

Address: P.O. Box 2773; Boise, Idaho 83701-2773

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)

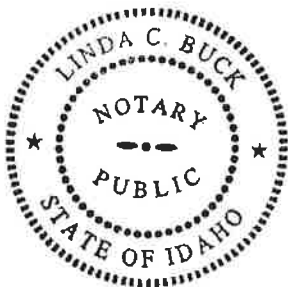
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 13, 2007

Linda C. Buck
Linda C. Buck



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: Nampa & Meridian Irrigation District; attn, Dan Steenson

Address: P.O. Box 2773; Boise, Idaho 83701-2773

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

**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 63-02392B
(Insert water right no.)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Nampa & Meridian Irrigation District

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: (208) 466-7861

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

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

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

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

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

E. VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

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

That I am the party/claimant filing this response, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this response, 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: August 10, 2007



Kimi A. White
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 04/21/10

CERTIFICATE OF MAILING

I certify that on August 10th, 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

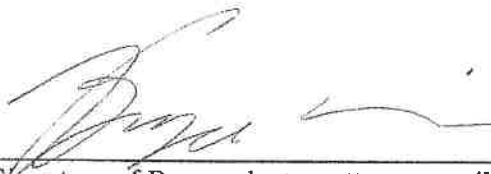
2. Copies to:

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

United States of America acting through the Department of Interior,
Bureau of Land Management
1387 South Vinnell Way
Boise, ID 83709-1657



Signature of Respondent or attorney mailing on
Respondent's behalf

12/14/2006

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

RIGHT NUMBER: 63-2392B

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK CHTD
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 3.700 CFS

This wastewater right is 24 percent of the Drainage District No. 3 water right.

PRIORITY DATE: 09/13/1927

POINT OF
DIVERSION: T03N R03E S29 NWSW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.700 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE:

69495 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 Nos. 63-198AJ, 63-199B, 63-200B, 63-2968 and 63-30181 can be used to irrigate up to 69,495 acres within the boundary of the Nampa Meridian 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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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



Legend

BLM

TOWNSHIPS_ID24_POLY

nampa_meridian

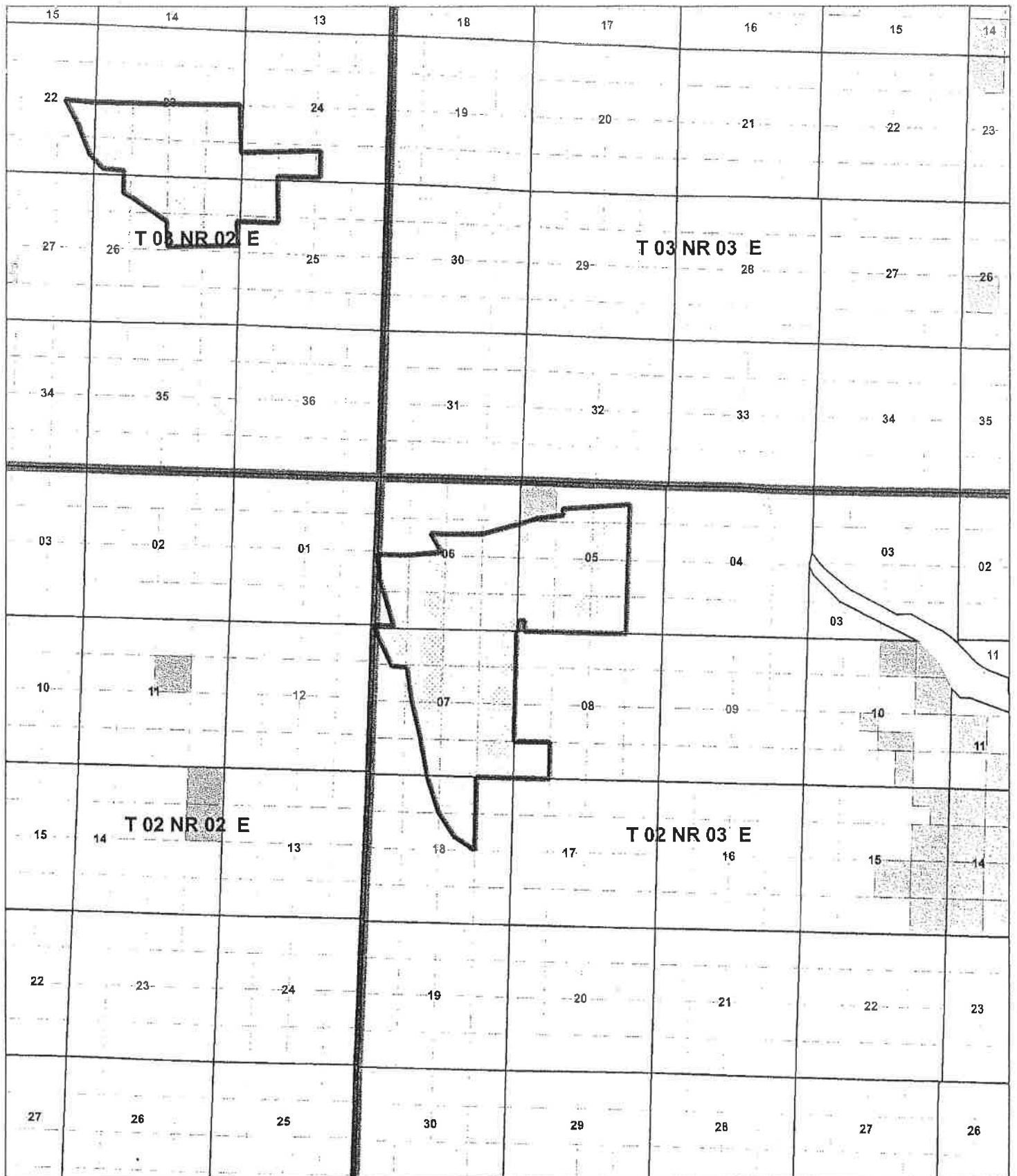
63-32518 et. al.

00.51 2 3 4
Miles



U.S. Department of the Interior
Bureau of Land Management
63-32518 et. al.
BLM Data
2000
Scale 1:100,000





Legend

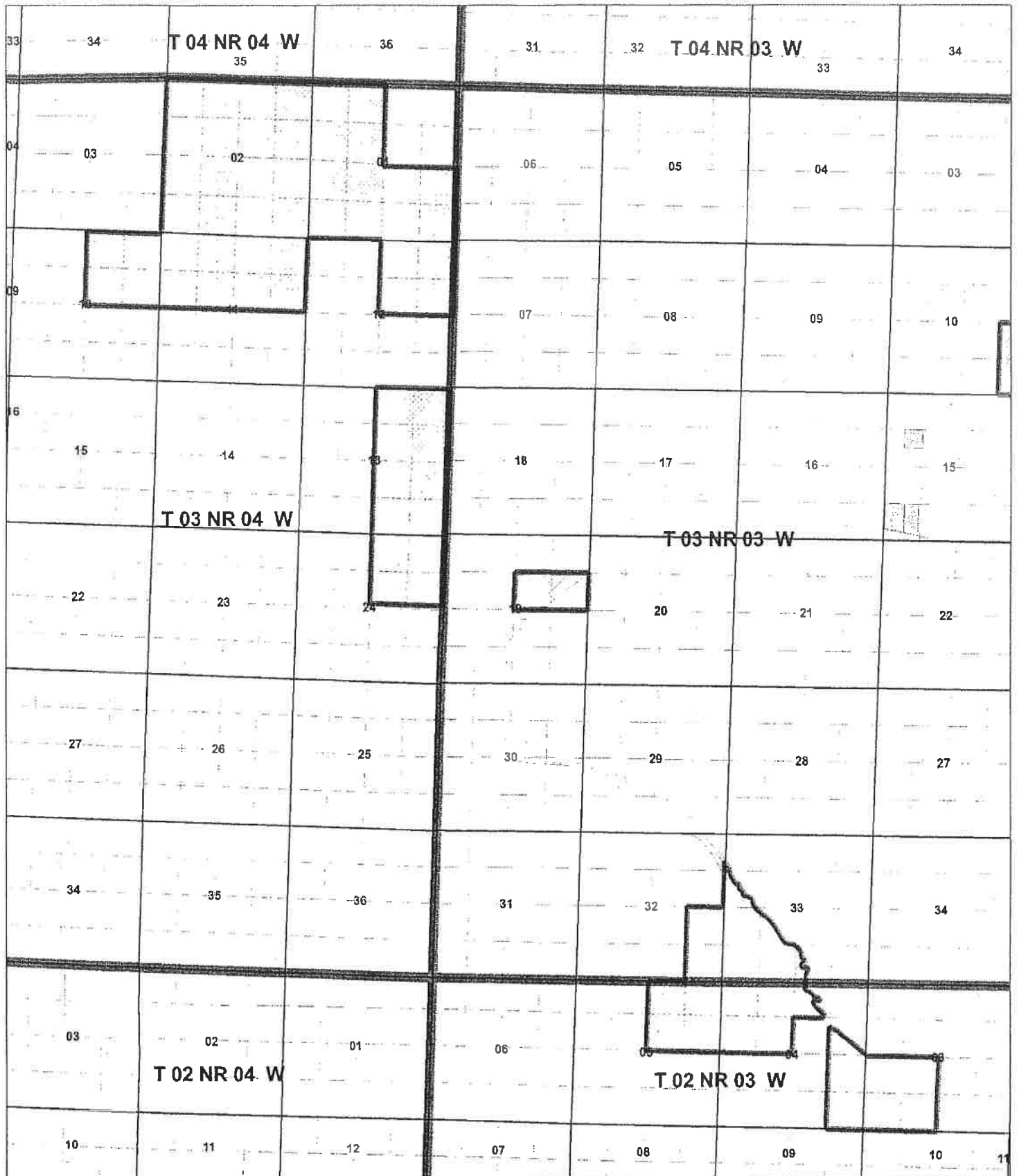
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 - BLM
 - TOWNSHIPS_ID24_POLY
 - hampa_meridian
- 63-32518 et. al.

0 0.1 0.2 0.4 0.6 0.8 Miles



BLM
Bureau of Land Management
U.S. Department of the Interior





Legend :

SECTIONS_ID24_POLY

BLM :

TOWNSHIPS_ID24_POLY

nampa_meridian

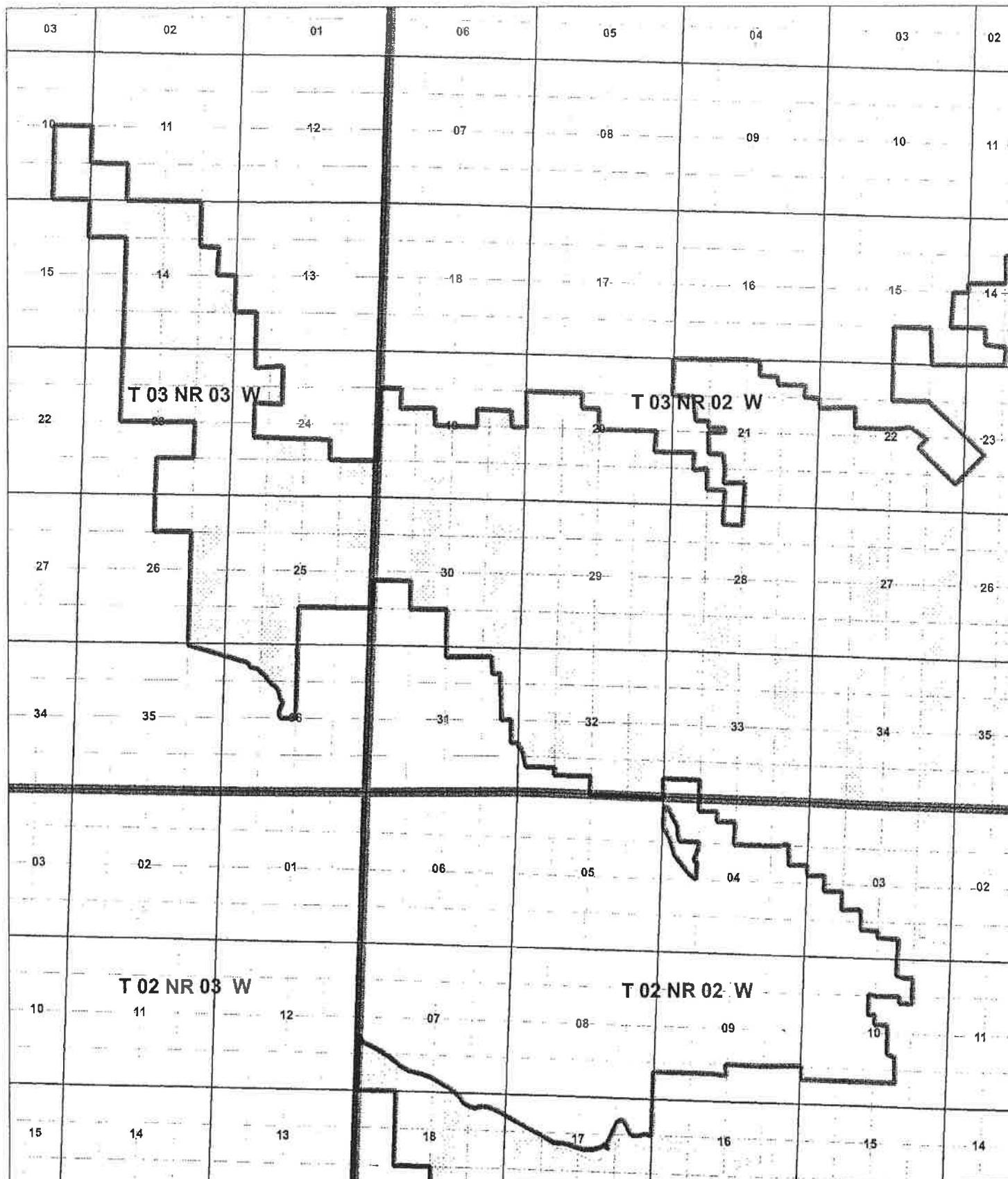
63-32518 et. al.

0 0.1 0.2 0.4 0.6 0.8 Miles



U.S. Department of the Interior
Bureau of Land Management
1616 North Lincoln Street
Bozeman, Montana 59717
406/556-6000
www.blm.gov





Legend

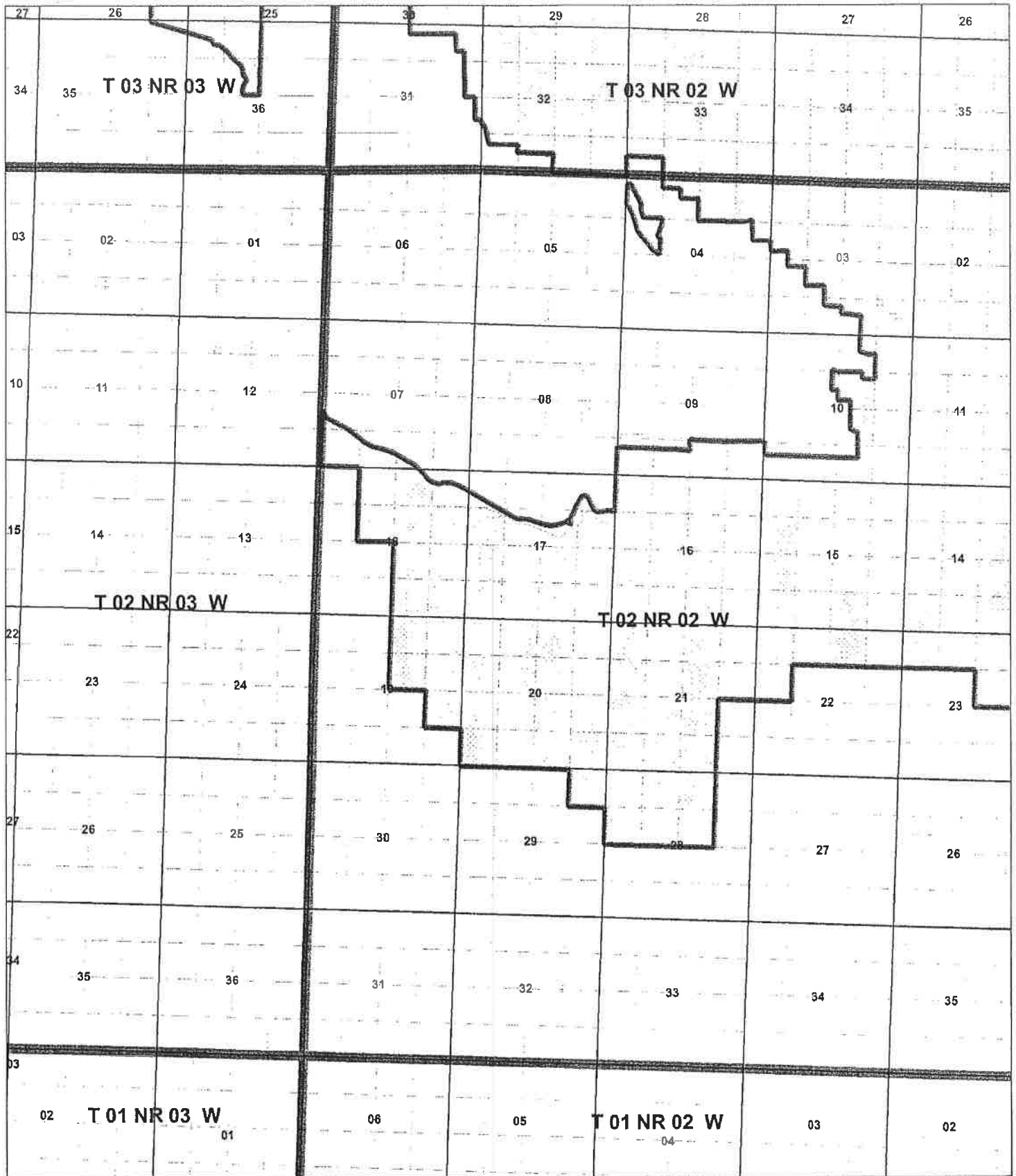
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 - nampa_meridian
- 63-32518 et. al.

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U.S. Department of the Interior
Bureau of Land Management
63-32518 et. al.
Map 101



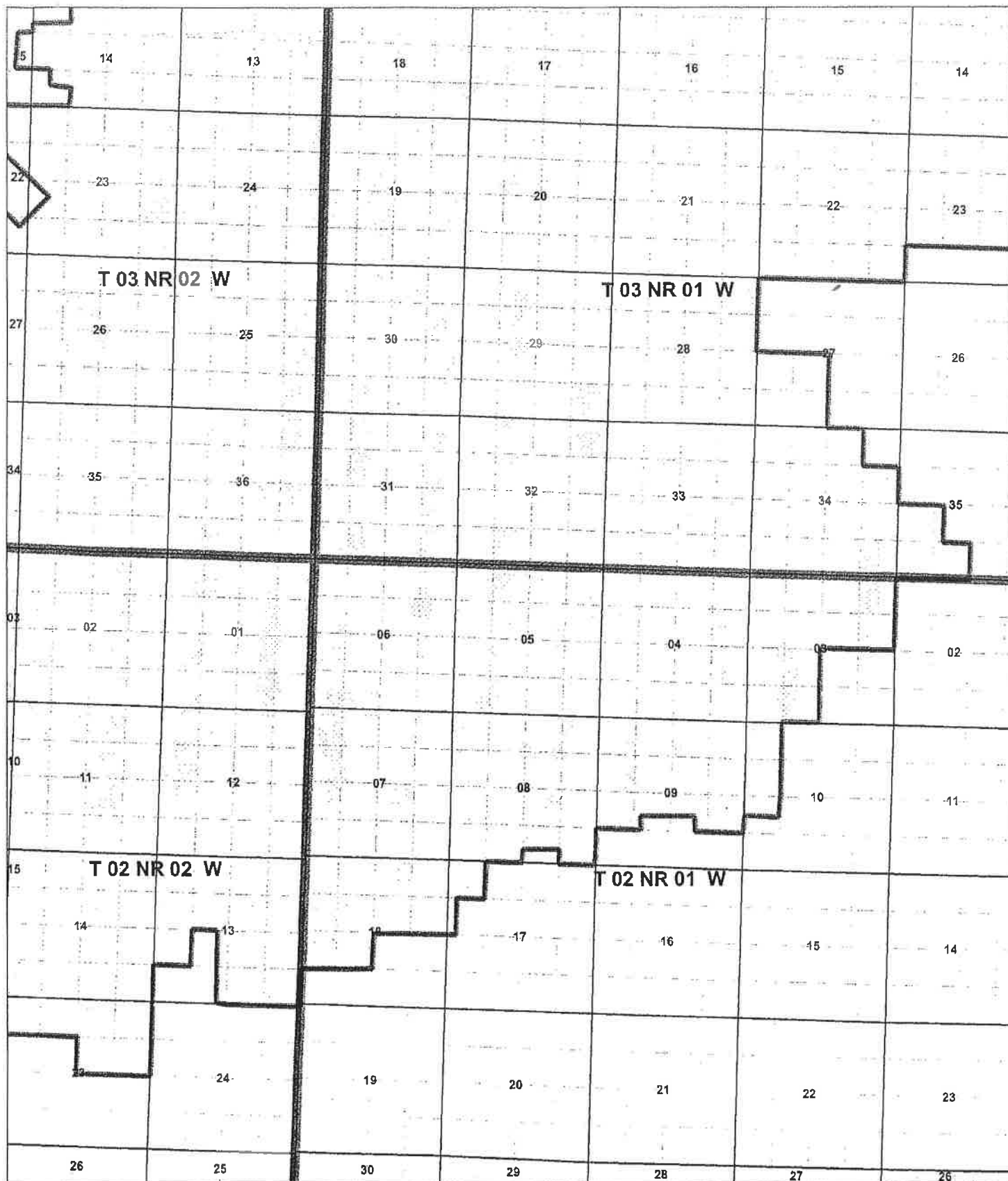


Legend

- SECTIONS_ID24_POLY
 - BLM
 - TOWNSHIPS_ID24_POLY
 - hampa_meridian
- 63-32518 et. al.

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Legend

- SECTIONS_ID24_POLY
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- nampa_meridian

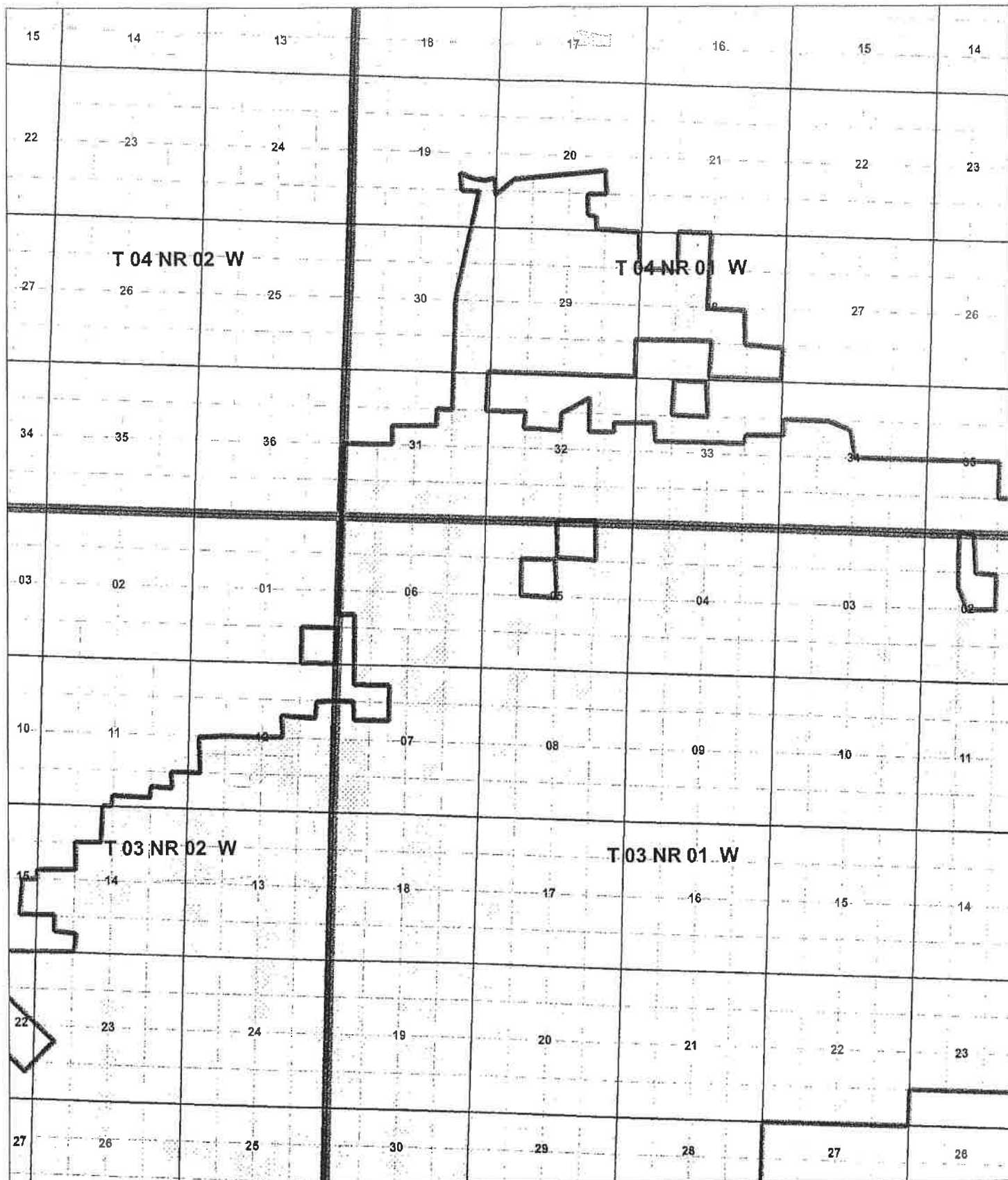
63-32518 et. al.

0 0.1 0.2 0.4 0.6 0.8 Miles



BLM
BUREAU OF LAND MANAGEMENT
U.S. DEPARTMENT OF THE INTERIOR
NATIONAL SYSTEM OF PUBLIC LANDS
IDAHO
June 1993



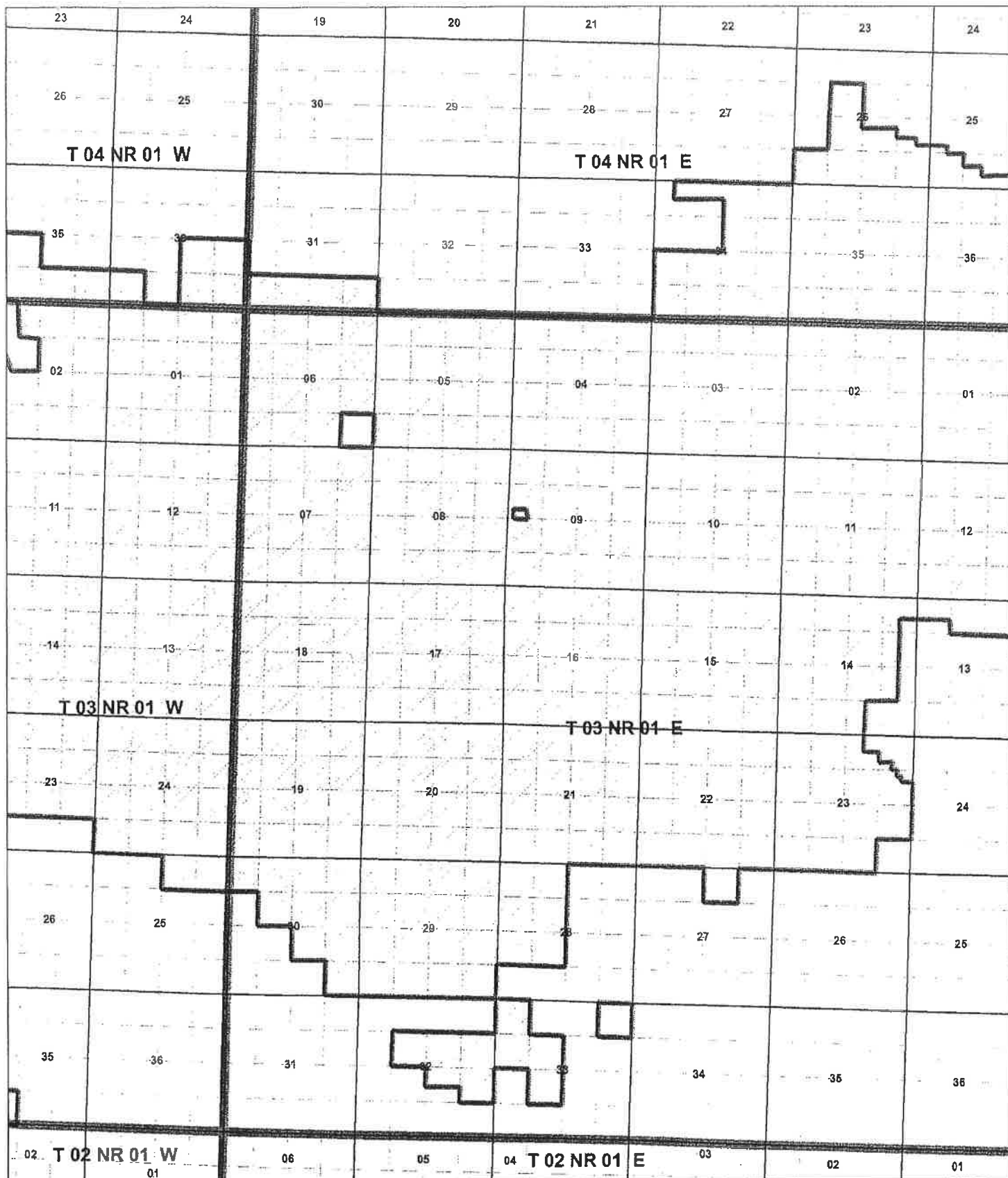


Legend

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 -  TOWNSHIPS_ID24_POLY
 -  nampa_meridian
- 63-32518 et. al.

0 0.1 0.2 0.4 0.6 0.8
Miles





Legend

- SECTIONS_ID24_POLY
- BLM
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- nampa_meridian

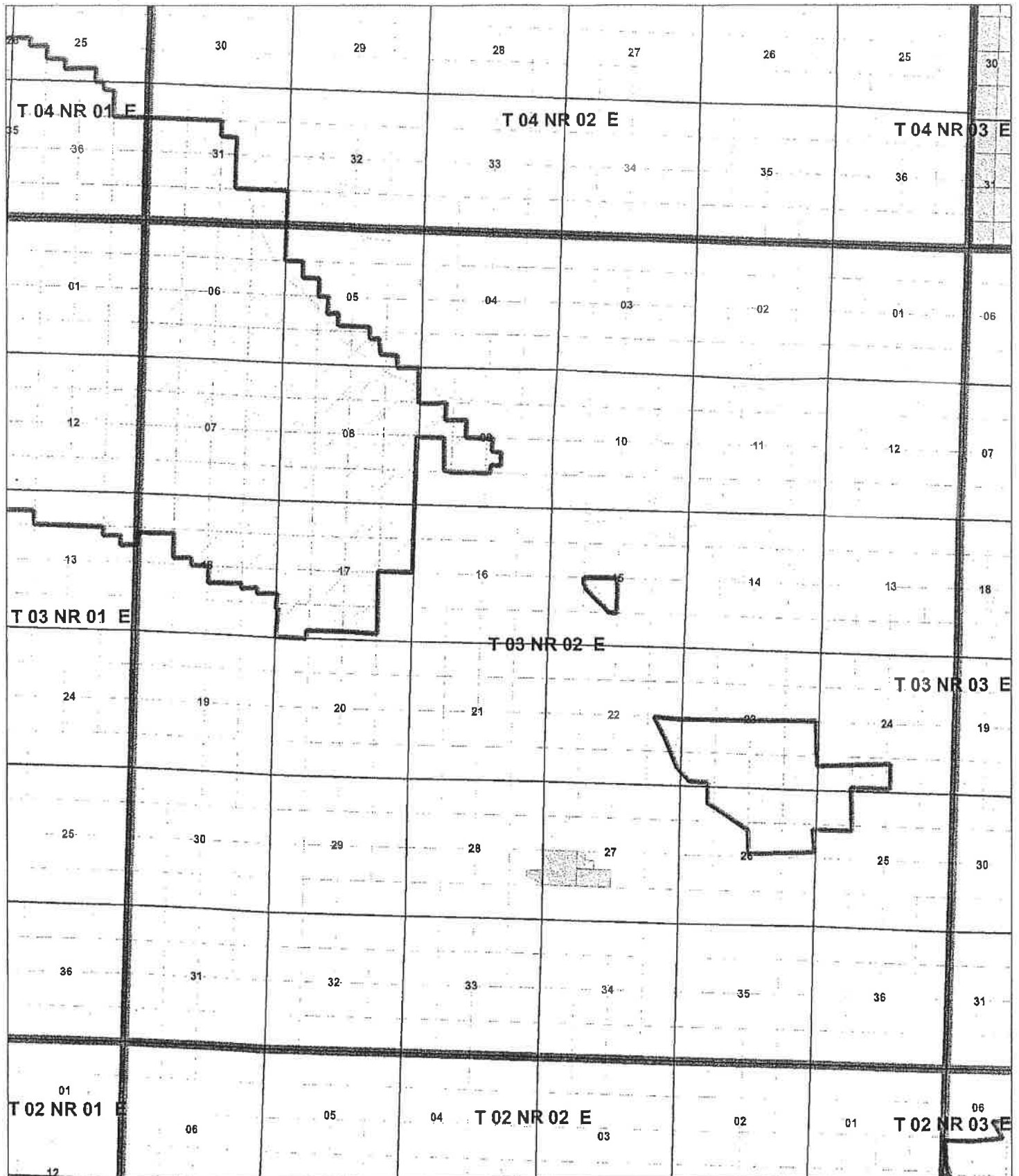
63-32518 et. al.

0 0.1 0.2 0.4 0.6 0.8 Miles



BLM
Bureau of Land Management
U.S. Department of the Interior





Legend

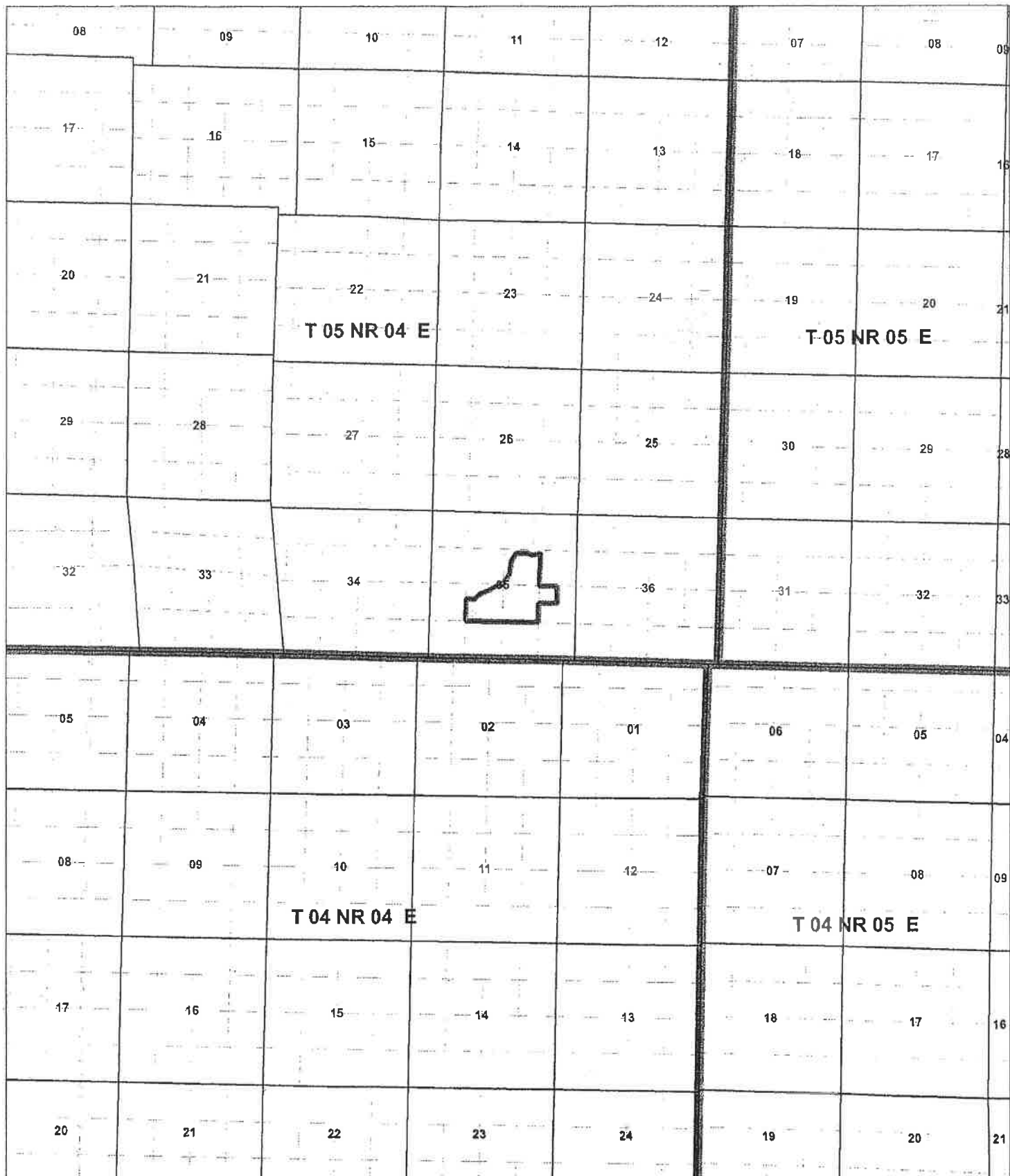
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BLM
Bureau of Land Management
U.S. Department of the Interior





Legend

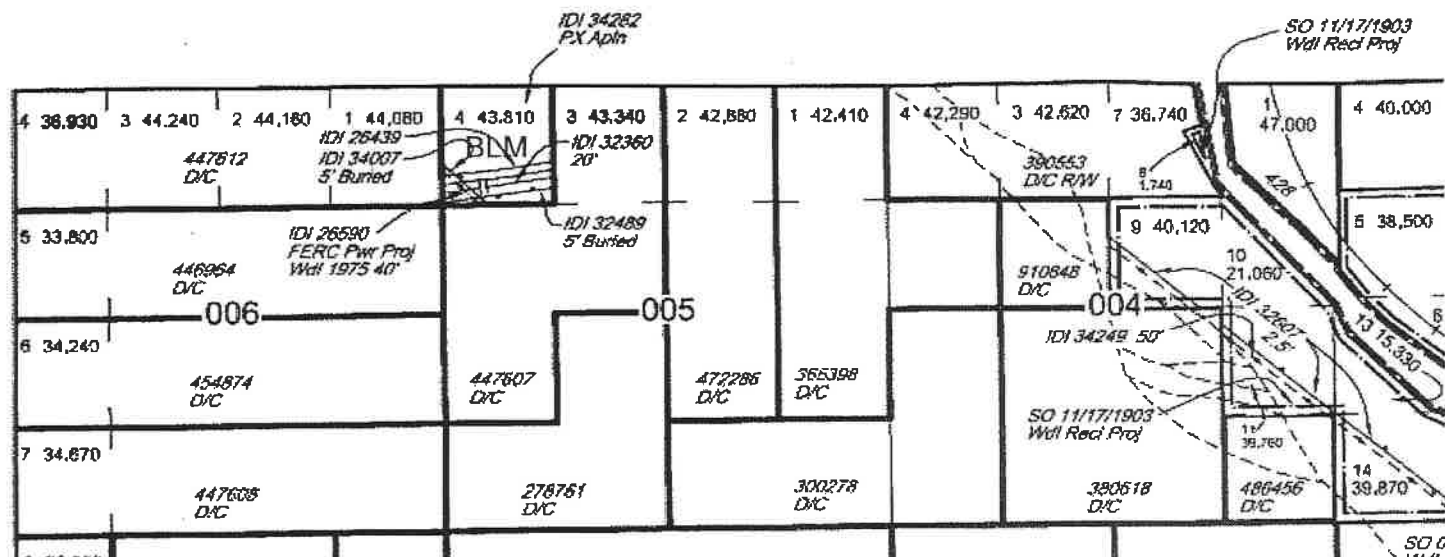
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63-32518 et. al.

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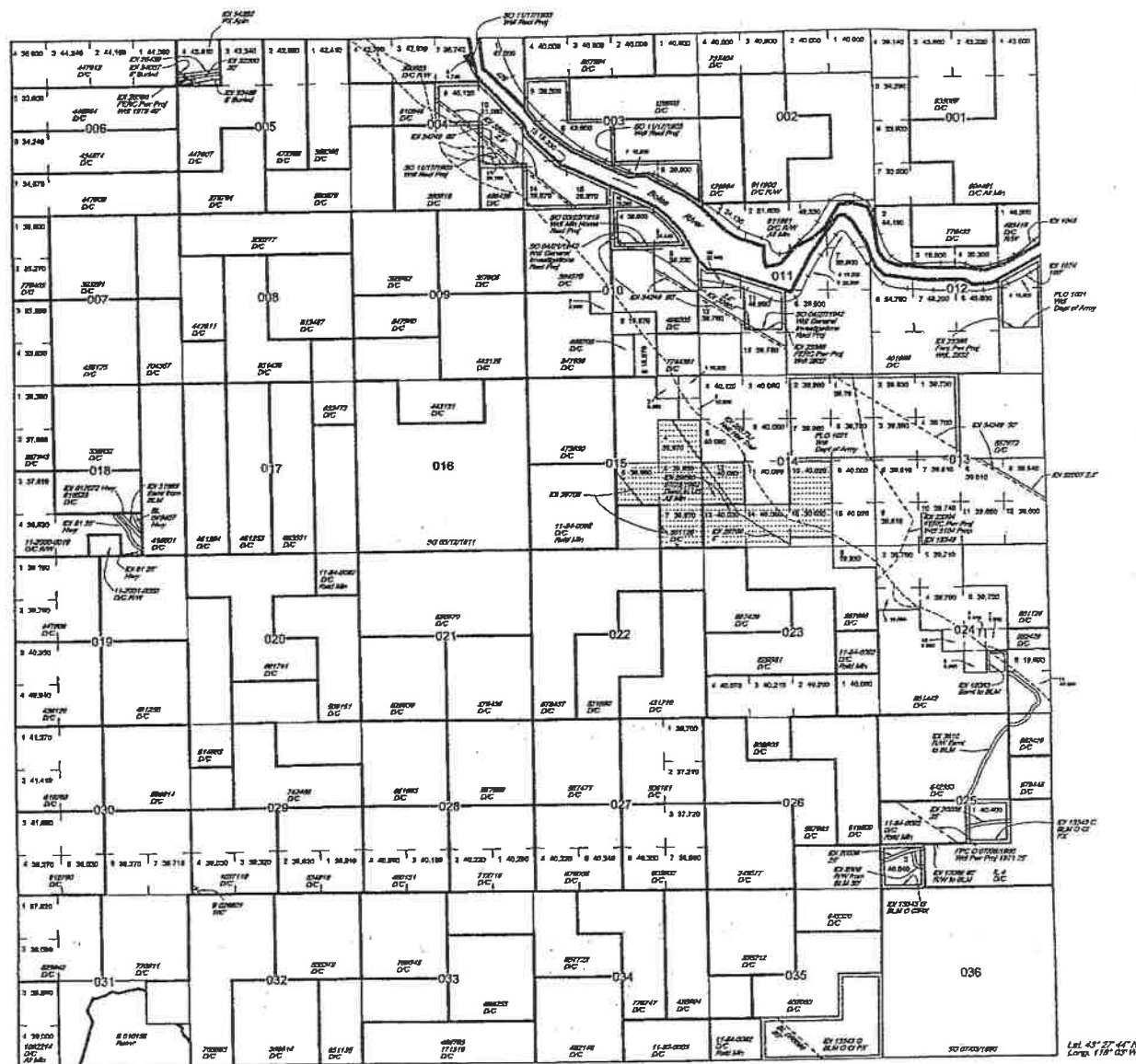


ADA COUNTY 0
BOISE DISTRICT SEC



ADA COUNTY 001
BOISE DISTRICT SEC 3

MT PLAT

[illegible]

DOI 25873J Nat Hist Trans
Historical information only, does not denote public access

DOI 34007 Amend R/W Tele Cable 5' Buried
Sag #: Within Lot 4

ND 33898 RAW Trail 25'
Sec 5: Within Lot 4

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

FILE REF: E0000000-60000000\SubTTC0000.dwg	
CONVERTED TFF: 07/07/2005	BY: JPS
LAST UPDATED: 09/15/2008	BY: BT
DWG #1:	DWG #2:
PORTED TO PUBLIC RECORD: BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
NW CORN ACQUIRED:	04/26/2005
CORNER:	NW
PROJECTED COORDINATE SYSTEM:	UTM ZONE 11K, NAD 1983
NOTES:	
USE PLATS:	

Dollar (A)
T.2 N
R.3 E



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



DISCLAIMER:

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and Township survey data. Records herein do not reflect the changes which may have been effected by lateral movements of steel or other kinds of metal. Rather to accidental surveys for official information.

The notation shows an withdrawal 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 is not guaranteed.

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 63-02392B

(Insert water right no.)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Nampa & Meridian Irrigation District

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: (208) 466-7861

Name & Address of Attorney, if any:

S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

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

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

COPY

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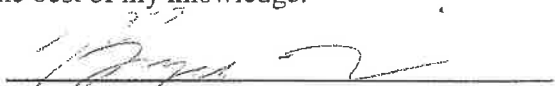
1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
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9. ☒ Place of Use
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 - ☐ This water right should not exist.
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) ss.
County of Ada)

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

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S. Bryce Farris

Subscribed and sworn to before me on: August 10, 2007



Kimi A. White
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 04/12/10

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United States of America acting through the Department of Interior,
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Signature of Respondent or attorney mailing on
Respondent's behalf