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APR 29 2004

WATER RESOURCES
WESTERN REGION

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-2392E
Date Received:
Receipt No:
Received By:

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

1. Name of Claimant(s)

SOUTH BOISE MUTUAL IRRIGATION CO LTD Phone: (208)703-3333
C/O TOM GILMORE
2130 COLORADO AVE
BOISE ID USA 83706

2. Date of Priority: 09/13/1927

3. Source: WASTE WATER Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	03E	30	SE NW	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	2.25	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

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

13. Other Water Rights Used:

14. Remarks:

THE SOURCE OF THIS RIGHT IS WASTE WATER ORIGINALLY DIVERTED PURSUANT TO RIGHT NO. 63-2392 LICENSED TO DRAINAGE DISTRICT NO. 3 AND REPRESENTS SOUTH BOISE MUTUAL IRRIGATION COMPANYS 15 PERCENT INTEREST.

PLACE OF USE IS WITHIN THE BOUNDARY OF THE SOUTH BOISE MUTUAL IRRIGATION COMPANY

15. Basis of Claim:

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

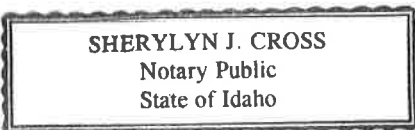
Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of
Title
South Boise Mutual Irrigation that I have signed the foregoing
Organization
document in the space below as President of
Title
South Boise Mutual Irrigation and that the statements contained in the
Organization
foregoing document are true and correct. Lo Malt
Signature of Authorized Agent
Pres. South Boise Mutual Irrigation
Title and Organization
28 April 2004
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of April 2004 Sherilyn J. Cross
Notary Public



Residing at Boise, ID
My commission Expires 12/6/2008

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

RIGHT NUMBER: 63-2392E

NAME AND ADDRESS: SOUTH BOISE MUTUAL IRRIGATION CO LTD
C/O TOM GILMORE
2130 COLORADO AVE
BOISE ID 83706

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 2.250 CFS

PRIORITY DATE: 09/13/1927

POINT OF DIVERSION:

T03N R03E S30 SENW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.250 CFS

PLACE OF USE:

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

This right is limited to the irrigation of 246.6 acres within the boundary of the south boise mutual irrigation company.

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

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 for the South Boise Mutual Irrigation Co Ltd 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.

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 point 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 point 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.

Water is delivered through Bubb canal

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

The following rights are also diverted through point of diversion described above: 63-243F, 63-243G, 63-280, 63-282, 63-281, 63-283A, 63-284A & 63-242B.

Shurte, Jan

From: Shurte, Jan
Sent: Wednesday, February 02, 2011 11:42 AM
To: Williams, Ray
Cc: Spencer, Nick
Subject: Amended Director's Report 63-2392E
Attachments: ADR 63-2392E.RTF

Hi Ray,

Here is the ADR for the South Boise Mutual right from yesterday. I can sign it if you fax the cover page back to me. Would you proofread it for me please.

I just realized that the Fish and Game/NMID is due at the end of this month also. Along with E G Johnson. Better get real busy.

Thanks,
Jan

SOUTH BOISE MUTUAL IRRIGATION COMPANY LTD

1120 Chamberlin

Boise, Idaho 83706

Phone: (208) 344-3062

November 29, 2010

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

RE: BUBB Canal (SBMIC) Water Right No. 63-02392E (Priority Date 09-13-1927)
(Quantity of Water in this Water Right - 2.25 CSF):

Clerk of the District Court:

It has come to our attention that verbage was inadvertently omitted from the above referenced water right decree during the adjudication process.

We would like to petition the Court to amend this decree as follows:

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 point(s) 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 point(s) 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.

If you require additional information or if you have any questions please contact me at the phone numbers listed below. Also we have been working with Jan Shurte, Water Rights Supervisor, Wester Region Adjudication (208-334-2190).

Sincerely,



Hal Maxey, President
South Boise Mutual Irrigation Co. LTD
Office: 208-344-9600
Home: 208-869-1142

Fax: 208-344-8833

Email: halmaxey@clearwire.net

South Boise Mutual Irrigation Company LTD.

C:\jobfiles\0000SBMIC\IDWR\Ltr001.wpd

CC: Ms. Jan Shurte

STATUS CONFERENCE NOTES:

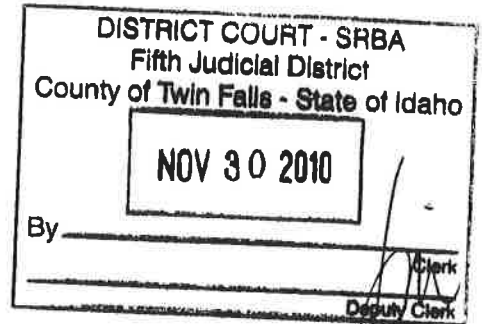
RIGHT NO. 63-2392B

DATE: 2-1-11

Need to do an ADR for this right
adding the District remarks con-
cerning what the credit fact remark
is. That it is not cut. See 63-
2392B.

SOUTH BOISE MUTUAL IRRIGATION COMPANY LTD

**1120 Chamberlin
Boise, Idaho 83706
Phone: (208) 344-3062**



November 29, 2010

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

RE: BUBB Canal (SBMIC) Water Right No. 63-02392E (Priority Date 09-13-1927)
(Quantity of Water in this Water Right - 2.25 CSF):

Clerk of the District Court:

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We would like to petition the Court to amend this decree as follows:

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 point(s) of diversion for the rightholder.

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If you require additional information or if you have any questions please contact me at the phone numbers listed below. Also we have been working with Jan Shurte, Water Rights Supervisor, Wester Region Adjudication (208-334-2190).

Sincerely,

A handwritten signature in black ink, appearing to read "Hal Maxey".

Hal Maxey, President
South Boise Mutual Irrigation Co. LTD
Office: 208-344-9600
Home: 208-869-1142

Fax: 208-344-8833

Email: halmaxe@clearwire.net

South Boise Mutual Irrigation Company LTD.

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CC: Ms. Jan Shurte

SRBA

PARTIAL DECREE 63-02392E

Issued on 03-12-2009.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	SOUTH BOISE MUTUAL IRRIGATION CO LTD C/O TOM GILMORE 2130 COLORADO AVE BOISE, ID 83706		
SOURCE:	WASTE WATER TRIBUTARY: BOISE RIVER		
QUANTITY:	2.25 CFS		
PRIORITY DATE:	09/13/1927		
POINT OF DIVERSION:	T03N R03E S30	SENW	Within Ada County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE Irrigation	PERIOD OF USE 03-01 TO 11-15	QUANTITY 2.25 CFS
PLACE OF USE:			

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 246.6 ACRES WITHIN THE BOUNDARY OF THE SOUTH BOISE MUTUAL IRRIGATION COMPANY. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

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

[Return to SRBA Home Page](http://164.165.134.61/F6302392EX.HTM)

From: Shurte, Jan
Sent: Monday, November 15, 2010 9:55 AM
To: Spencer, Nick
Cc: Luke, Tim; Williams, Ray
Subject: RE: 63-2329E (South Boise Mutual irrigation Company)

Nick,

The water rights that have the two remarks on them are 63-2392B, 31936 & 31937) for Nampa Meridian, DD#4 and DD#2 respectively. The rights that do not have the remarks and have been partially decreed are 63-2392C (South Boise Water Co.), 63-2392D, (Meeves Water Users Assoc.), 63-2392E, (South Boise Water Co.) and 63-31935 (Drainage District No.4). I have a late claim for the Boise Project Board of Control - 63-2392F upon which I will put the remarks when it is recommended. All of the rights that do not have the language were not objected to except for 63-31935. For some reason the remark was not put on 63-31935 and I still need to research that more. The remark on 63-31936 is slightly different than those on 63-2392B and 63-31937 because it was completed earlier. It's remark does not mention that the right is uncuttable, it states "The source of this right is wastewater collected by the right holder 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 points of diversion for each delivery organization."

We did not find out that these special drainage rights were not cut until we were working on the Drainage District No. 2 right 63-31937 and the question was asked by Bruce Smith, attorney for the Boise City Canal Co. So that's the history as good as I can tell.

Let me know the next step.

Jan

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

From: Spencer, Nick
Sent: Friday, November 12, 2010 3:06 PM
To: Shurte, Jan
Cc: Luke, Tim; Williams, Ray
Subject: FW: 63-2329E (South Boise Mutual irrigation Company)

Jan, beside the three splits of the 63-2329 right, are you aware of any other drainage district developed water rights that didn't get developed water remarks? Is there a way of searching to find the universe of such rights? Please let me know your thoughts. Thanks.
NBS

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

From: Luke, Tim
Sent: Friday, November 12, 2010 2:24 PM
To: Spencer, Nick
Subject: RE: 63-2329E (South Boise Mutual irrigation Company)

Thanks for the detailed response. I was in a meeting earlier this week where we discussed this. Included were Carter, Chris Bromley, and Garrick. I also discussed this separately with Shelley. The consensus among everyone seems to be that these right holders need to go back to the SRBA court and get the conditions officially entered in the decrees.

I don't know how many of these rights are out there that fit this category. Can we identify these rights and if so, should we send them some type of notice. I guess officially I would have to advise the watermaster not to deliver these particular rights as he has in the past

but I would prefer to suggest that he deliver them as he has but that they must be fixed within the next few years.

Your thoughts?

Tim

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

From: Spencer, Nick

Sent: Friday, November 12, 2010 11:47 AM

To: Luke, Tim

Cc: Shurte, Jan; Courtney, Andrea

Subject: FW: 63-2329E (South Boise Mutual irrigation Company)

Hi Tim.

I'm the attorney who, I believe, has the most familiarity with the drainage district developed water rights in Basin 63. After receiving the e-mail thread below I called Jan to talk about this right because I had not previously been aware that there were any slices of these rights that had slipped through without objection.

The reason that 63-2329E and the other two slices of the right don't have remarks calling attention to their status as developed water is that the benefit of putting such language on simply didn't occur to anybody when the recommendations for Basin 63 were being prepared. However, most of the drainage district developed water rights (or in some cases developed water rights claimed by various delivery entities within the boundaries of a drainage district who are the beneficiaries of the developed water) were objected to. The developed water remarks that are lacking from the three splits of 63-2329 were created through settlement negotiation during the objection resolution process. Since there was no objection resolution process for the three splits of 63-2329 in question--since they weren't objected to--they moved forward to partial decree without any developed water remarks getting put on them. I think this is unfortunate, but it is something that can't easily be fixed by IDWR in the SRBA Court now.

I have always found this group of rights to be peculiar because it strikes me as odd that a legal entity whose purpose essentially is to collect and get rid of excess water can end up holding a water right. However, my impression is that this was an integral part of the development of these drainage districts, since the rights in question were all recognized by judicial determinations around the time the districts themselves were created. The basic idea was that the districts, by collecting water that would otherwise be lost to seepage or diffuse drainage back into the river, were "developing" additional water that previously hadn't been available for appropriation. By collecting this water and putting it back into the river at the lower end of their systems the drainage districts were making more water available to fill rights on the lower end of the river. The court orders in question basically determined that since the districts had created new water that benefitted those lower down on the system, they were entitled to take out an equal amount higher up in the system, water that otherwise would flow downstream to satisfy rights of the lower users, to deliver to the various delivery organizations within their respective boundaries, for these entities in turn to provide to their end users. Jan can correct me on the numbers here, but my recollection is that two or three of the drainage districts each claimed their respective developed water rights in their own name, but one did not, and its developed water was claimed by the various delivery organizations within its boundaries who receive the water and deliver it to their end users. I suspect that is how South Boise Mutual Irrigation Company ended up with a piece of one of these rights.

Developed water is a peculiar species of water right because the various court decisions that address it recognize the right as being almost a proprietary interest in the water itself.

In any event the case law pretty much acknowledges that since the right holder in essence "created" the water, it is new water that he alone is entitled to use. Hence the case law basically sets developed water rights outside of the priority system by recognizing that such rights have priority dates senior to all other rights. This makes them pretty valuable.

I think that getting developed water remarks put onto the three slices of 63-2329 that don't have them would be a good idea. I think the right holders would benefit from having them expressly denoted as developed water rights. However, since IDWR is not a party in the SRBA it does not have standing to seek to have the partial decrees re-opened for this purpose. (IDWR can get clerical errors fixed by bringing them to the attention of the court, who has authority in its own right to then correct clerical errors. However, the lack of remarks on these three rights is not due to a clerical error). The three right holders would have to have their own attorneys file motions to set aside the partial decrees for this purpose. Since it is unlikely that such motions would be opposed by anybody, and since Basin 63 is still not a completed basin, I think it would be relatively easy for the right holders to get the partial decrees re-opened and fixed.

Jan has told me that she has checked with both the previous and the present water master, and these rights are denoted in the water master's records as being uncuttable. Both she and I think it unlikely that the water master would change this designation in the future. However, to be sure of this, it would be better to get their status expressly recognized on the face of the partial decrees.

However, I think there are two potential alternatives to this. First, the developed water status could be denoted on the explanatory material section of the water right description. I hesitate to recommend this alternative, however, since remarks in this section of the water right description normally are added only as part of the objection resolution process and only through execution of a settlement agreement like an SF-5. Also, since explanatory remarks are not decreed, the language in question does not get put on the decree, but rather only is maintained in IDWR's electronic database.

The second alternative simply is to put the remarks into the comments section of the electronic record of the water right. This is something that IDWR can do without first getting a formal settlement agreement. And the comments section gets maintained, to my understanding, in the electronic record of the water right the same as do explanatory remarks.

So that is my understanding of the situation. If you have any questions or want to discuss the matter further, give me a call. NBS

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

From: Baxter, Garrick
Sent: Wednesday, November 10, 2010 9:39 AM
To: Spencer, Nick; Courtney, Andrea
Cc: Shurte, Jan; Luke, Tim
Subject: FW: SBMIC

Nick and/or Andrea,
Please see email below. Looks like Tim has some questions about a certain Basin 63 water right. Could one of you please work with Tim and Jan to respond to his questions?
Thanks,
Garrick

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

From: Luke, Tim
Sent: Tuesday, November 09, 2010 8:55 AM
To: 'Hal Maxey'

Cc: Cresto, Liz; Baxter, Garrick; Shurte, Jan; WD63 (Rex Barrie)
(waterdistrict63@qwestoffice.net)
Subject: RE: SBMIC

Hal, your natural flow rights are those listed on the attachment that you sent to me. Liz will be working on updating the Boise River water right accounting program to the new decreed rights from the SRBA. The natural flow rights that will be listed for the SBMIC Bubb Canal will include those rights that you had listed on your attachment sent to me last week. The total natural flow therefore is the 8.61 cfs you identified in your attachment. I still have some concerns about the waste water right and the fact that the SRBA court likely did not know that they were issuing a decree from the Boise River with a 1927 priority that could not be cut. The lack of any conditions or at least explanatory remarks raises concerns to me. I am trying to seek some clarification on this issue from our adjudication staff and attorneys. I believe at a minimum the right needs to have some explanatory comments added to it, or the perhaps it needs to be sent back to the SRBA Court and decreed with such comments. I believe this is an issue that may affect other drainage rights in along the river.

tim

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

From: Hal Maxey [mailto:mta@maxey-tookey.com]
Sent: Tuesday, November 09, 2010 8:18 AM
To: Luke, Tim
Subject: Re: SBMIC

Thanks Tim,

I will try to digest this but I appreciate the time you took to look into these questions....I must admit I'm still confused about what our natural flow water rights are. Is Liz working on this?

Hal

Luke, Tim wrote:

> Hal,
>
> The rights identified on you attachment were the same rights I had
> identified and these appear to be the official rights that are decreed
> as per the Snake River Basin Adjudication(SRBA). These are the rights
> that should be delivered to the Bubb Canal by Rex. As a result, the
> total maximum rate of diversion is considerably less than the 16 to 18
> cfs under the old water rights before some of them were split or sold
> off, and before the SBMIC rights were partially decreed by the SRBA
> Court .
>
> The volumes identified on your spreadsheet appear to be the individual
> water right rates of diversion converted to monthly (31 days) and
> annual volumes (365 days). There is no real basis for those
> calculations and only one right was actually decreed with a volume.
> The other rights were decreed without seasonal or annual volumes,
> which is typical for surface water rights. The only right decreed
> with a volume is the one that you have a note about (Note 1). I found
> that IDWR approved a water right transfer for SBMIC in the early
> 1990's whereby individual rights were assigned annual volumes based
> apparently on specific acreage for which each right was associated.
> Our scanned computer record referenced a map with the water right
> acreage locations but I did not actually see the map in the scanned

> file. IDWR sometimes assigned volumes to surface water rights in
> approved transfers but was not always consistent. The SBMIC rights
> were not originally decreed with volumes so it may not have been
> appropriate to assign volumes in an approved transfer. In any case,
> the volumes appear to have been omitted from each of the SBMIC decreed
> rights except the one you noted. I believe IDWR and the Court may
> have erred in keeping the volume on that one right. I have asked our
> adjudication supervisor at the regional office, Jan Shurte, to review
> that right and advise me if there was any particular reason why the
> volume may have been retained. The volume of 157.5 acre-feet was
> based on the 1993 transfer approval whereby right 63-283 was shown to be appurtenant to 35
acres, with an allowed use or volume of 4.5 af/acre.

>
> The waste water right 63-2392E does appear to enjoy some sort of super
> priority and is deliverable directly from the Boise River. I
> discussed this right and a number of others like it within the Boise
> River water district. Jan Shurte was familiar with this and the other
> drainage rights that are delivered from the river without priority
> cuts as per an older decree or court order. Right 63-2392E does not
> have any specific conditions or comments regarding how the right is to
> be administered but some of the drainage rights in the valley do have
> such conditions. In short, I understand that the 2.25 cfs is added to
> your total diversion rate from the river and can be viewed essentially
> as a continuous flow right not subject to any priority cut, not even
> the 75% or 60% Stewart decree cuts.

>
> I am not familiar with the work Steve Sweet is doing with respect to
> the drainage or waste water rights but I do know that Steve is active
> with the drainage districts and the districts own some of these
> drainage rights.

>
> In terms of the shares, IDWR does not have a specific rule or
> suggestion regarding amount of water per share in canal companies. I
> have typically heard that share holders normally receive one share per
> irrigated acre, so for example a user with 50 acres may receive 50
> shares of stock. The amount of water per share can vary from year to
> year depending on water availability. I think the amount is typically
> based on a full supply that the company has, divided by the number of
> shares or perhaps irrigated acres within the company, with allowances
> perhaps for losses. I suspect the amounts are or can be figured quite
> differently among different canal companies. You might contact other
> companies in the area. I believe the amount per share is often stated
> in the bylaws.

>
> Regarding retention of stock by the company: I think this is an area
> where you should seek some legal advice. I am hesitant to provide any
> recommendation, opinion or advice on behalf of IDWR in this area. I
> suggest for starters you consult Chapter 22, Idaho Code. It does
> appear that Section 42-2201 does authorize canal companies to file
> liens for uncollected assessments. You may need to provide some level
> of due process before re-claiming shares and selling them to other users.

>
> As for the Bryan Decree, I see that the Water District 63 annual
> summaries show that SBMIC had a Bryan Decree right, 63-298 (5.40 cfs,
> 04/01/1905 priority). Rights from the Bryan Decree are flood or high
> flow rights with more junior priority dates and were issued after the
> Stewart Decree. I did not see that SBMIC had filed a claim in the

> SRBA for right 63-298, so subsequently the right was not recommended
> by IDWR and has not been partially decreed by the SRBA court. The
> right will be of no further affect as we transition to the new SRBA
> decreed water rights list. Right 63-298 was also included in the list
> of rights in our water rights accounting program and in part explains
> the difference in total water rights rates of flow "before" and "after" the SRBA.

> Hope this is of some help.

> Regards,

> Tim Luke
> Idaho Department of Water Resources
> 322 E Front St, PO Box 83720
> Boise, ID 83720-0098
> 208-287-4959

> -----Original Message-----

> From: Hal Maxey [mailto:mta@maxey-tookey.com]
> Sent: Wednesday, November 03, 2010 10:29 AM
> To: Luke, Tim
> Subject: SBMIC

> Tim,

> Sorry my phone went dead on me yesterday...I'm sure you were ready to
> get off anyway...

> I have attached a file that I believe shows where you were headed with
> our water rights yesterday...at least going thru the paperwork this is
> what I came up with....is this where we are at?

> Until a couple of weeks ago we had seen the adjudication but had not
> seen what Rex had or what was in the Water Distribution
> Book...somebody along the line must have but I don't think any current
> board members had...last night I realized the differences between the
> before and after adjudication and what apparently we lost....

> Do you know if the Waste Water figure is going to change with the work
> Steve Sweet is doing or is that something different?

> Also I heard IDWR has a if not rule a suggestion on how much water per
> share the districts and companies should be allowing for...
> I think what I heard was .02 cfs/year/share...is this right?

> Thanks for your help.

> Hal Maxey
> SBMIC
> 344-9600
> 8671142

> _____ Information from ESET NOD32 Antivirus, version of virus

> signature database 5595 (20101105) _____
>
> The message was checked by ESET NOD32 Antivirus.
>
> <http://www.eset.com>
>
>
>
>
>

Shurte, Jan

From: Luke, Tim
Sent: Monday, November 22, 2010 1:30 PM
To: 'Water District 63'
Cc: Shurte, Jan
Subject: FW: 63-2329E (South Boise Mutual irrigation Company)

Rex, As per our discussion this morning, here is the e-mail chain from Jan at Western Region regarding SBMIC drainage right and those other drainage rights that currently do not have the delivery conditions as we know currently know them. These are the ones that I believe should go back to the SRBA court and have conditions included. Looks you had it right, the entities with the rights yet no conditions are SBMIC, South Boise Water Co and Meeves, plus Jan says Drainage Dist 4 has the same problem for right 63-31935 but I guess she is researching that one further. See messages below. Jan also says that there is also a late claim for 63-2392F for Boise Proj Board of Control under Drainage District 3.

It probably would help if you went ahead and advised SBMIC, SBWC, Meeves and DD4 of the problem with their rights and that they will have petition the SRBA court to set aside their partial decree so that the conditions can be placed on their rights. I'll probably e-mail Hal Maxey just as a courtesy anyway.

Tim

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

From: Shurte, Jan
Sent: Monday, November 15, 2010 10:55 AM
To: Luke, Tim; Spencer, Nick
Cc: Williams, Ray
Subject: RE: 63-2329E (South Boise Mutual irrigation Company)

Tim,

Sorry about that, it was a typical Monday morning thing. So, 63-2392C is South Boise Water Co. and 63-2392E is South Boise Mutual Irrigation Co. and they are separate entities.

Thanks,
Jan

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

From: Luke, Tim
Sent: Monday, November 15, 2010 10:25 AM
To: Shurte, Jan; Spencer, Nick
Cc: Williams, Ray
Subject: RE: 63-2329E (South Boise Mutual irrigation Company)

Jan,

Just wanted to clarify that 63-2392E is owned by South Boise Mutual Irrigation Co. and 63-2392C is owned by South Boise Water Co. These are two separate entities as far as I can tell. I admit the names are a little confusing.

Tim

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

05/16/2005

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

RIGHT NUMBER: 63-2392E

NAME AND ADDRESS: SOUTH BOISE MUTUAL IRRIGATION CO LTD
C/O TOM GILMORE
2130 COLORADO AVE
BOISE ID 83706

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 2.250 CFS

PRIORITY DATE: 09/13/1927

POINT OF DIVERSION:

T03N R03E S30 SENW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.250 CFS

PLACE OF USE:

246.6 ACRES TOTAL

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

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

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

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

EXPLANATORY MATERIAL: License

WATER IS DELIVERED THROUGH BUBB CANAL

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-243F, 63-243G, 63-280, 63-282,
63-281, 63-283A, 63-284A & 63-242B.

NOTICE OF ERROR
REPLY

05/09/2005

RECEIVED

JUN 24 2005

WATER RESOURCES
WESTERN REGION

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 24, 2005

Water right number: 63-2392E

SOUTH BOISE MUTUAL IRRIGATION CO LTD
C/O TOM GILMORE
2130 COLORADO AVE
BOISE ID 83706
Telephone Number: (208)703-3333

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

6/22/05

SIGNATURE:

Levin G. Mathew

Please print your name:

Levin G. Mathew

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2392E V1

WATER RIGHT NUMBER: 63-2392E V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTH BOISE MUTUAL IRRIGATION CO LTD C/O TOM GILMORE 2130 COLORADO AVE BOISE, ID 83706 (208)703-3333

Priority Date: 09/13/1927

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	2.250 CFS	
	<u>Total Diversion:</u>	2.250 CFS	

Location of Point(s) of Diversion

WASTE WATER	SE1/4NW1/4	Sec. 30, Twp 03N, Rge 03E, B.M.
ADA County		

Place of Use

Conditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE.
2. Explanatory WATER IS DELIVERED THROUGH BUBB CANAL
3. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-243F, 63-243G, 63-280, 63-282, 63-281, 63-283A, 63-284A & 63-242B.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2392E V1

4. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 246.6 ACRES WITHIN THE BOUNDARY
- Irrigation OF THE SOUTH BOISE MUTUAL IRRIGATION COMPANY.

Comments:

1. mcase 7/21/2004 POD

Comment: Correlated PODID 618726 from SpatialDataID 298351 to SpatialDataID 305557

Water Supply Bank:

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

Prior to Field Exam

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

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 03-2392E

Owner: South Boise Mutual Ins. Co. Phone No. See 03-242B

Current Address: See 03-242B

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

Accompanied by: See 03-242B

PRIORITY DATE

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

Priority date, per claimant, is: 9-13-1927 = same as license

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

Source: Waste Water Tributary to Boise River

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

POINT OF DIVERSION

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

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			SE	NW	30	3N	3E	Ada	GPS + USGS topo map

Description of diverting works

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

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

This is a supplemental right**WATER USES**☐ No change☐ Different Uses

Use Irrigation From 3-1 To 11-15 Amount 2.25 CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

TOTAL VOLUME – Groundwater only NA

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

NON-IRRIGATION USES:☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

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

Limited to the irrigation of 246.6 acres within the boundary of SBMI			NE				NW				SW				SE				Totals
Place of Use																			
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: See 63-242B

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

Supplemental to decreed rights

Delivery System Narrative: See 63-242B

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
<u>NA</u>					

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

This right is 15% of license 63-2392 in the name of Drainage District #3. There is no indication the Drainage District will claim the license. To this date two other private entities, South Sioux Water Co and Meeker Water Users, have claimed their portions of the license. The basis of the claims is they divert and use the water, not the Drainage District.

See 63-242B for more information.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2392

WATER RIGHT NUMBER: 63-2392

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DRAINAGE DIST NO 3
	BOISE, ID

Priority Date: 09/13/1927

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
A DRAIN	BOISE RIVER
B MAIN DRAIN	BOISE RIVER
DRAIN B1	BOISE RIVER
DRAIN E	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
IRRIGATION	/ to /	15.400 CFS	
	<u>Total Diversion:</u>	15.400 CFS	

Location of Point(s) of Diversion

A DRAIN

B MAIN DRAIN

DRAIN B1

DRAIN E

Place of UseIRRIGATION Within ADA County

T03N R02E S09	SWSE	T03N R02E S09	SESE
T03N R02E S10	SWSW	T03N R02E S14	SWNW
T03N R02E S14	SENW	T03N R02E S14	NESW
T03N R02E S14	NWSW	T03N R02E S14	SWSW
T03N R02E S14	SESW	T03N R02E S14	NWSE
T03N R02E S14	SWSE	T03N R02E S15	SWNE
T03N R02E S15	SENE	T03N R02E S15	NENW
T03N R02E S15	NWNW	T03N R02E S15	SWNW
T03N R02E S15	SENW	T03N R02E S15	NESW
T03N R02E S15	NWSW	T03N R02E S15	SWSW

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2392

T03N R02E S15	SESW	T03N R02E S15	NESE
T03N R02E S15	NWSE	T03N R02E S15	SWSE
T03N R02E S15	SESE	T03N R02E S16	NENE
T03N R02E S16	NWNE	T03N R02E S16	SWNE
T03N R02E S16	SENE	T03N R02E S16	NESE
T03N R02E S16	NWSE	T03N R02E S16	SWSE
T03N R02E S16	SESE	T03N R02E S21	NENE
T03N R02E S21	NWNE	T03N R02E S21	SWNE
T03N R02E S21	SENE	T03N R02E S21	NESE
T03N R02E S21	NWSE	T03N R02E S21	SWSE
T03N R02E S21	SESE	T03N R02E S22	NENE
T03N R02E S22	NWNE	T03N R02E S22	SWNE
T03N R02E S22	SENE	T03N R02E S22	NENW
T03N R02E S22	NWNW	T03N R02E S22	SWNW
T03N R02E S22	SENW	T03N R02E S22	NESW
T03N R02E S22	NWSW	T03N R02E S22	SWSW
T03N R02E S22	SESW	T03N R02E S22	NESE
T03N R02E S22	NWSE	T03N R02E S22	SWSE
T03N R02E S22	SESE	T03N R02E S23	NENE
T03N R02E S23	NWNE	T03N R02E S23	SWNE
T03N R02E S23	SENE	T03N R02E S23	NENW
T03N R02E S23	NWNW	T03N R02E S23	SWNW
T03N R02E S23	SENW	T03N R02E S23	NESW
T03N R02E S23	NWSW	T03N R02E S23	SWSW
T03N R02E S23	SESW	T03N R02E S23	NESE
T03N R02E S23	NWSE	T03N R02E S23	SWSE
T03N R02E S23	SESE	T03N R02E S24	SWNE
T03N R02E S24	NWNW	T03N R02E S24	SWNW
T03N R02E S24	SENW	T03N R02E S24	SWSE
T03N R02E S25	NENE	T03N R02E S25	NWNE
T03N R02E S25	SWNE	T03N R02E S25	SENE
T03N R02E S25	NENW	T03N R02E S25	NWNW
T03N R02E S25	SWNW	T03N R02E S25	SENW
T03N R02E S25	NESW	T03N R02E S25	NWSW
T03N R02E S25	NESE	T03N R02E S25	NWSE
T03N R02E S26	NENE	T03N R02E S26	NWNE
T03N R02E S26	SWNE	T03N R02E S26	SENE

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2392

T03N R02E S26	NENW	T03N R02E S26	NWNW
T03N R02E S26	SWNW	T03N R02E S26	SENW
T03N R02E S26	NESW	T03N R02E S26	NESE
T03N R02E S27	NENE	T03N R02E S27	NWNE
T03N R02E S27	SWNE	T03N R02E S27	SENE
T03N R02E S27	NENW	T03N R02E S27	NWNW
T03N R02E S28	NENE	T03N R03E S19	SWSW
T03N R03E S30	NENW	T03N R03E S30	NWNW
T03N R03E S30	SWNW	T03N R03E S30	SENW
T03N R03E S30	NESW	T03N R03E S30	NWSW

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

- General WATER DIVERTED BY EXCHANGE THRU NEW YORK CANAL, ROSSI MILL DITCH, BUBB DITCH AND RIDENBAUGH CANAL.

Comments:Dates and Other Information:

Licensed Date: 8/28/1979
 Decreed Date:
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

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

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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63-2392E

DISTRIBUTION OF DRAINAGE WATER
TO VARIOUS CANALS

CHART NO. 6

DRAINAGE DISTRICT NO. 2

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

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

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

DRAINAGE DISTRICT NO. 3

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

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

DRAINAGE DISTRICT NO. 4

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

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

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 PLAINTIFF
Idaho 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

Court Order
FOR AD#3 WASTEWATER
CREDITS

#3
Hartman
Save & 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 13th day of August, 1925.

Clinton H. Hartson
District Judge.

State of Idaho }
County of Ada } ss.

I, Stephen Uiter, 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 Uiter
Clerk
H. E. Powell

63-2392 E

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 18th 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 "E", 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°43' E. 562 ft. from Cor. Secs. 9, 10, 16 and 18, 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 "E" 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.; S $\frac{1}{2}$ 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; NE $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 21; All Sec. 22; All Sec. 23; SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ 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; NW $\frac{1}{4}$, 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. N. CARTER
Commissioner of Reclamation

(SEAL)

63-2392

63-2392E

Proof of Completion of Works

DEPOSITION OF HOLDER

In compliance with Sec. 5594, Compiled Statutes of Idaho.

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Lafo. Boone, Commissioner of Drainage District #3, Ada County, Idaho, as Trustee for said District.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Trustee for Drainage District #3, Ada County, Idaho.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. 16237, April 13th, 1925, September 15th, 1927.

Thirty (30) cubic feet per second. See exhibit "A" attached.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you have reclaimed or intend to reclaim.

Ans. See exhibit "B".

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Since irrigating season of 1924.

Ques. 6. State whether or not the works of diversion are fully completed, if so on what date, and whether or not they comply in all respects with terms of the permit.

Ans. Yes, May 1, 1924.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans.

Ques. 8. Give description of works and state dimensions and capacity of each part as they existed on April 13, 1925, 1924, and give cost of same.

Ans. Concrete dam 12" x 12" x 12" approximately 10 feet on top, 10 ft. 4" feet at bottom and from 7" to 8" feet deep.

(Sign here.)

Lafo. Boone

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Boise, County of Ada, State of Idaho, on the 15th day of May, A. D. 1928.

My Commission expires August 1, 1928.

[Signature]

Notary Public.

EXHIBIT "A".

Points of Diversion will be the present diversions of
Four (4) Canals. (1) New York Canal, (2) Ridenbaugh Canal, (3) Bubb
Canal, (4) Rossi Mill Ditch.

#1 New York Canal	17.00	Sec.	ft.	Point of Diversion	NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 3, T. 2N, R. 3E BM
#2 Ridenbaugh "	8.00	"	"	"	NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 29 T. 3N, R. 3E BM
#3 Bubb "	3.00	"	"	"	SE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 30 T. 3N, R. 3E BM
#4 Rossi Mill "	2.00	"	"	"	NE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 23 T. 3N, R. 2E BM

Remark A. New York Headgate	Bears 220' E. & 360' S of W $\frac{1}{4}$ Cor. Sec. 3, T. 2N, R. 3E
Ridenbaugh Headgate	" 1630' N. & 440' E of SW Cor. Sec. 29, T. 3N, R. 3E
Bubb Ditch Headgate	" 650' N. & 2340' E of W $\frac{1}{4}$ Cor. Sec. 30, T. 3N, R. 3E
Rossi Mill Headgate	" 1500' N. & 250' E of W $\frac{1}{4}$ Cor. Sec. 24, T. 3N, R. 2E

DRAIN OUTLETS.

Outlet Drain "A"	Bears N 71° 43' E 562 ft. from Cor. Secs. 9, 10, 15 & 16 T. 3N, R. 2E
" " "B"	660' E & 165' N of $\frac{1}{4}$ Cor. common to Secs. 14 & 23 T. 3N, R. 2E
" " "B-1"	1320' E & 2090' N of $\frac{1}{4}$ Cor. " " " 24 & 25 T. 3N, R. 2E
" " "B"	215' E of NW Cor. of E $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 9 T. 3N, R. 2E

Remark B. Present Canals, Diversion dams and headgates will be used all of
which are fully described in previous filings.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

63-2392E

Permit No. 16237

This proof is for Comp. Works & Use

In Water District No. _____

1. Name of applicant: Drainage Dist. No. 3, Ada County

2. Source of water supply: Drainage Ditches

3. Location of point of diversion: Is in the See Remarks of Section _____

T. _____ R. _____ County of _____

4. Describe works as they exist, giving dimensions and capacities of same: Drainage canals having average bottom widths of 4 feet and depths of about 4 feet with side slopes 1 on 1 1/2 and constructed for the purpose of removing surplus ground water developed by canals listed below.

Irrigation

5. Water is used for: _____

6. State whether or not water has been turned into works of diversion: _____

List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SW 1/4 Sec. 19; NE 1/4, NE 1/4 Sec. 30; T. 3 N., R. 3 E., S. 1 N.;

SE 1/4 Sec. 9; SW 1/4 Sec. 10; SE 1/4, SW 1/4, NE 1/4 Sec. 14; SE 1/4, NE 1/4, SW 1/4, SE 1/4, Sec. 15; NE 1/4, SE 1/4, Sec. 16; NE 1/4, SW 1/4, Sec. 21; All Sec. 22; All Sec. 23; SW 1/4 NE 1/4, NE 1/4 NE 1/4, SE 1/4, SW 1/4, Sec. 24; NE 1/4, NE 1/4, SE 1/4, NE 1/4, Sec. 25; NE 1/4, NE 1/4, NE 1/4 SW 1/4, NE 1/4 SW 1/4, Sec. 26; NE 1/4, NE 1/4, Sec. 27; NE 1/4 NE 1/4, Sec. 28; Twp. 3 N., R. 2 E., S. 1 N.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriate finally reach? _____

Remarks: Present diversion of New York Canal, Hidenbaugh Canal, Bibb Canal and Rossi Mill Canal.

Capacity of New York Canal is 2600 cfs, Hidenbaugh Canal 2,000 cfs and the Bibb Canal 1,400 cfs.

Drain A discharges about 56 cfs.

" B " } 54 "

" C " } 24 "

Boxley " 20 " (est)

154 drainage total

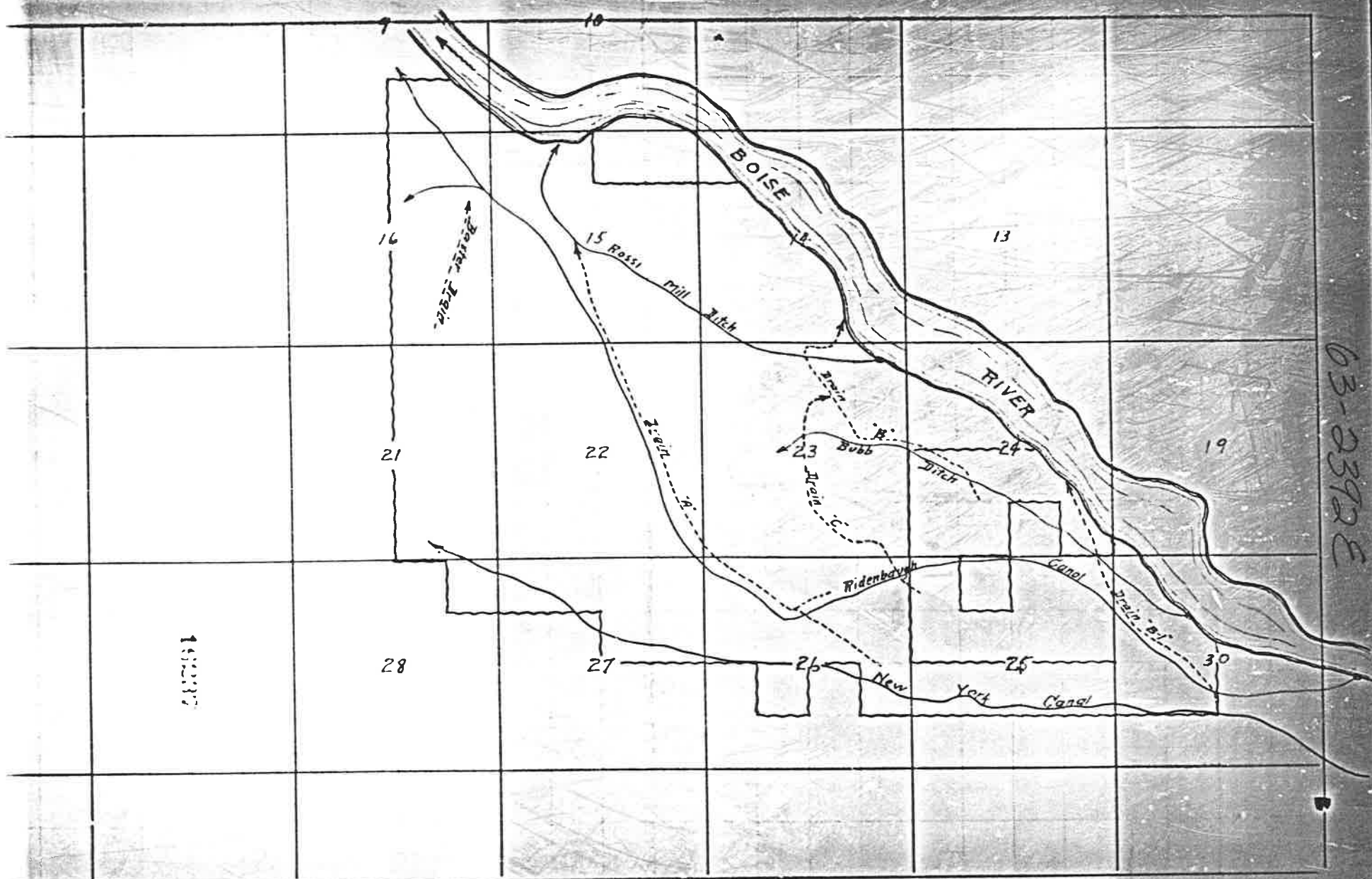
This examination was made on the 14th day of Sept 1929.

16237

(Signed)

Ed. A. Johnson

Examiner.



03-2392 E



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 19, 2004

South Boise Mutual Irrigation
C/O Tom Gilmore
2130 Colorado Ave
Boise, ID 83706

RE: SRBA Claim 63-2392E

Dear Tom:

In October, 2003 I sent you the above referenced Notice of Claim form that represents South Boise Mutual Irrigation's 15% interest in a waste water right that was licensed to Drainage District No. 3. To this date I have not received the signed and notarized form to process. If the company intends to file the claim will you please have an officer execute the claim on behalf of the company and return it to me with the required \$50 filing fee.

I'm in the process of making the preliminary recommendations for South Boise Mutual's claims and would like to include the claim for 63-2392E. If you have any questions or need my assistance in this matter please call me at 234-2190.

Cordially,

Mel Schulte
Sr. Water Rights Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 1, 2003

SOUTH BOISE MUTUAL IRRIGATION CO.
C/O TOM GILMORE
2130 COLORADO AVE
BOISE, ID 83706

RE: SRBA CLAIM 63-2392E

Dear Tom:

Enclosed is a Notice of Claim form for water right 63-2392E. This claim represents South Boise Mutual Company's 15 % interest in a waste water right that was licensed to Drainage District No. 3.

At the present time the drainage district has not filed a claim for the license but most of the irrigation entities have filed on their portion of the license. Therefore, it appears appropriate that South Boise Mutual as a user of the water claim their share of the license. If the drainage district does in fact file a late claim for the license we will most likely recommend their claim because the license was originally issued to them and disallow the claims filed by the individual entities.

Please have an officer of the company sign the enclosed claim form with their signature notarized. Return the executed claim to my attention with a check in the amount of \$50 payable to IDWR for the filing fee.

I previously discussed this claim filing with George Matthews but if you have any additional questions call me at 334-2190.

Cordially,

Mel Schulte

Sr. Water Rights Agent.

Encl.

T03N, R03E

Barber

SENW

Mile 58

30

2760

AVE

CANAL

HOLCOMB RD

ISE

**POINT OF DIVERSION
SOUTH BOISE MUTUAL IRRIGATION**

**POINT OF DIVERSION
SOUTH BOISE MUTUAL IRRIGATION**

2760
AVE

AVE
CANAL