Water Right 63-31833

Owner Type	Name and Address
Current Owner	BOISE VALLEY IRRIGATION DITCH CO 8850 HORSESHOE BEND RD BOISE, ID 83714 (208) 853-5288

Priority Date: 6/1/1865
Basis: Decreed
Status: Active
Water Supply Bank Status: Active

Source	Tributary
BOISE RIVER	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/15	0.200 CFS	45.0 AF
	Total Diversion		0.200 CFS	45.0 AF

Source and Point(s) of Diversion

BOISE RIVER	SESE	Sec. 29, Twp 03N, Rge 03E,	ADA County

Place Of Use

IRRIGATION
Large POU not Displayed
Total Acres = 2,782.2

Conditions of Approval:

1. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
5. 188 This right is limited to the irrigation of 2782.2 acres within the boundary of Boise Valley Irrigation Ditch Co.
6. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the

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

7. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

8. Transfer No. 71032 transferred 10 acres under this right to be used at the Idaho Shakespeare Festival grounds in the SWSW, Sec. 28 and SESE, Sec. 29, T3N. R3E. These acres are within the digital boundaries for this ditch company.

9. SD1 This right originated as all or part of right no. 15 in the Stewart Decree and the historic Boise River Water Masters records.

10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Comments:

1. jshurte 10/12/2007 Ojbection Reivew
BLM objection resolved with no change to total acres under this right. See file.

2. jshurte 1/8/2008 Condition change
Prior to the issuance of a partial decree and afte the SF5 was signed on this right I was requested by Special Master Ted Booth to review the place of use condition originally recommended concerning the 10 acres. It did not match up with the digitial boundary remark. In order to explain the transfer I made another condition and placed it in the explanatory remarks. This was the only change made.

3. tluke 2/23/2011 POD
PODID 708953 correlated from SpatialDataID 87793 to SpatialDataID 427235

4. mciscell 4/18/2012 POD
Updated Shape

5. dsmith 3/26/2013 POD Abandonment
Two (2) POD in T3N R3E Section 28 Lot 2 SWSWSW abandoned as unused.

6. TSmith 9/17/2020 POU
Updated Shape

7. LEvans 12/2/2020 Transferred Right
This is now an approved transfer. Transfer Number = 84344

8. Ahansen 10/8/2021 Mitigation for 63-34041 License
Permit 63-34031 authorized development of 2.5 acres of irrigation, which was mitigated by retiring 2.5 shares of Boise Valley Irrigation Ditch Co. water. This retirement of shares was recorded under the quantity elements of 63-31832, but the acre limit of Boise Valley Irrigation Ditch Co.'s other rights 63-147B, 63-147D, 63-2360, 63-31198, and 63-31833 were also reduced by 2.5 acres. The beneficial use field examination of permit 63-34031 determined only 0.03 cfs for 1.2 acres was developed. In order to license the recommended rate of 0.03 cfs, only 1.5 shares rather than 2.5 shares are required to be retired. Therefore, by issuing license 63-34031, 1.0 share of Boise Valley Irrigation Ditch Co water is being changed back to Irrigation from Mitigation use. The Mitigation use under 63-31832 is being reduced to 0.03 cfs (1.5 ac x 0.02 cfs/ac) and 5.3 af (1.5 ac x 3.5 af/ac local consumptive use standard). The Irrigation use under 63-31832 is being increased by 0.02 cfs (1 ac x 0.02 cfs/ac) and 3.5 af (1.0 ac x 3.5 af/ac local consumptive use standard). The acre limit under all Boise Valley Irrigation Ditch Co. irrigation water rights (63-147B, 63-147D, 63-2360, 63-31198, 63-31832, and 63-31833) is being increased by one acre.

Dates and Other Information
Decreed Date: 2/19/2009
Water District Number: 63
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits
N/A

SubCase:
SubCaseNumber: 63-31833
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 4/19/2006
Objection Status: Active

Water Supply Bank:
Lessor Name: IDAHO SHAKESPEARE FESTIVAL
Lease Status: Active
Lease Amount: 42.8af
Rental Availability: 42.8af
Date Received: 12/16/2015
Lease Begin Date: 1/1/2016
Expiration Date: 12/31/2020

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 63-34031

Priority: April 02, 2015

Maximum Diversion Rate: 0.03 CFS
Maximum Diversion Volume: 5.4 AF

It is hereby certified that:

LAWRENCE SQUARE HOA INC 7090 N BOGART LN BOISE ID 83714-8724

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 07, 2015, and has submitted Proof of Beneficial Use on June 30, 2020. An examination confirms water is diverted from:

Source : GROUND WATER **Tributary:** BOISE RIVER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
IRRIGATION	03/01 to 11/15	0.03 CFS	5.4 AF

Location of Point(s) of Diversion
GROUND WATER SW¼ SW¼, Sec. 13, Twp 04N, Rge 01E, B.M. ADA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	13											1.2						1.2

Total Acres: 1.2

Conditions of Approval

1. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease using water as authorized by the following water right for the purpose and amount specified below. Moreover, the official record for the following water right will be changed to show that use of water is not authorized because the right, or portion thereof, is being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
63-31832	Irrigation	0.03	5.3	1.5

The total number of acres authorized for irrigation by right 63-31832 and associated rights 63-147B, 63-147D, 63-2360, 63-31198 and 63-31833 will be reduced by 1.5 acres. The land that will no longer be irrigated under this right is located within the authorized irrigation boundary of the Boise Valley Irrigation Ditch Company.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation right.

2. Water diverted for mitigation under right 63-31832 shall be returned to the Boise River within the NENW, Section 17, T04N, R01E.

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 63-34031

3. Water bearing zone to be appropriated is 0 to 18 feet.

4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

5. Point of diversion is located within Lot 10, Blk. 3, Lawrence Square Subdivision.

6. Place of use is located within Lots 1-7, Blk. 1, Lots 1-10, Blk. 2, Lots 1-10, Blk. 3, Lawrence Square Subdivision.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 8th day of OCTOBER, 2021.

Angela M. Hansen

ANGELA HANSEN
Water Rights Section Manager