



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

November 16, 2017

CITY OF BOISE
DEPT OF PARKS & RECREATION
1104 ROYAL BLVD
BOISE ID 83706

RE: Notice of Change in Water Right Ownership No. 63-2768

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership from you on June 13, 2016 for water right 63-2768. After reviewing the request, it was determined that additional information was needed to process your request.

Correspondence was sent on August 24, 2017, requesting the required information. As of the date of this letter, no information has been received.

The Department is returning Notice of Change in Water Right Ownership and the attachments. A refund has been requested and will be mailed to you under separate cover from the Idaho State Controller's Office. You may re-submit your request with the appropriate documents and fees. If you have any questions regarding this matter, please call me at (208) 287-4942.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jean Hersley'.

Jean Hersley
Technical Records Specialist II

Enclosures

c: Independent School District of Boise City

RECEIVED

AUG 14 2017

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 13 2016

DEPT OF WATER RESOURCES

Notice of Change in Water Right Ownership

WATER RESOURCES
WESTERN REGION

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
63-2768	Yes ☒		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Independent School District of Boise City

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): City of Boise, Department of Parks & Recreation

Name of each new owner as listed on the conveyance document

New owner continued

Name connector ☐ and ☐ or ☐ and/or1104 Royal Blvd

Mailing address

Boise

ID

83706

City

State

ZIP

208.608.7600bpr@cityofboise.org

Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: Feb. 2, 1953

6. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

7. Signature: [Signature]
 Signature of new owner/claimant

Property & Water Rights Analyst
 Title, if applicable

6/13/2016
 Date

Signature: _____
 Signature of new owner/claimant

 Title, if applicable

 Date

For IDWR Office Use Only:

Received by [Signature] Date 6/13/16

Receipt No. W044300

Receipt Amt. \$100⁰⁰

Approved by _____ Processed by _____ Date _____

Southern
+
Lowell

D E E D

THIS INDENTURE, Made this 9th day of February, 1953,
by INDEPENDENT SCHOOL DISTRICT OF BOISE CITY, a specially
chartered school district of the State of Idaho, party of
the first part, and BOISE CITY, a municipal corporation,
of Ada County, State of Idaho, the party of the second
part,

W I T N E S S E T H:

That the party of the first part, for and in consi-
deration of certain benefits accruing to it, and other
valuable considerations, the receipt whereof is hereby
acknowledged, does hereby grant, bargain, sell and convey
unto the party of the second part certain pieces or parcels
of land situate in Boise City, Ada County, State of Idaho,
described as follows, to-wit:

Beginning at the southeast corner of State
Lot #51, of Section 16, T. 3 N., R. 2 E.,
Boise Meridian; thence North 110 feet; thence ?
West 225 feet; thence South 110 feet; thence
East 225 feet to the point of beginning. Con-
taining an area of 0.568 acres.

Also,

Commencing at the intersection of the center
lines of 28th Street and Hazel Street; thence
West a distance of 30 feet; thence South a
distance of 30 feet to the South boundary line
of Hazel Street extended, which is the real
point of beginning; thence West along the
South line of Hazel Street extended a dis-
tance of 200 feet; thence North parallel with
28th Street a distance of 104 feet more or
less to the center line of Sand Creek Flume;
thence North Easterly along the center line
of Sand Creek Flume a distance of 255.5 feet
more or less to the West boundary line of
28th Street; thence South along the West line
of 28th Street a distance of 263 feet more or less
to the real point of beginning. Containing
0.843 acres.

RECEIVED

AUG 22 1953

DEVELOPMENT
SERVICES

C2203-00137

TOGETHER With all and singular the tenements,
hereditaments and appurtenances thereunto belonging or
in anywise appertaining, the reversion and reversions,
remainder and remainders, rents, issues and profits
thereof; and all estate, right, title and interest in
and to the said property, as well in law as in equity,
of the said party of the first part.

TO HAVE AND TO HOLD The said premises unto the party
of the second part, forever.

IN WITNESS WHEREOF, The party of the first part has
caused these presents to be duly executed by its President
and attested by its Clerk, the day and year first above
written.

INDEPENDENT SCHOOL DISTRICT OF BOISE CITY

ATTEST:

By

President

Clerk

STATE OF IDAHO)
County of Ada) ss.

On this 9th day of February, 1953, before me, the
undersigned, a Notary Public in and for said State, personally
appeared HOMER S. DEAL, known to me to be the President of
Independent School District of Boise City, a specially char-
tered school district, whose corporate name is subscribed
to the foregoing instrument, and acknowledged to me that such
School District executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and af-
fixed my seal, the day and year in this Certificate first
above written.

(SEAL)

Notary Public for Idaho
Residing at Boise, Idaho

RECEIVED

AUG 28 2003

DEVELOPMENT
SERVICES

and not as tenants in common, par value \$100.

30 shares 1/4 preferred stock Idaho Power Company No. BP 13302, dated June 11, 1948, issued to Frank A. Hall and Mrs. Hulda H. Hall as joint tenants with right of survivorship, and not as tenants in common.

70 shares 1/4 preferred stock Idaho Power Company No. BP 13126, dated May 18, 1948, issued to Frank A. Hall and Mrs. Hulda H. Hall as joint tenants with right of survivorship, and not as tenants in common.

2-8/9 shares of the capital stock Ada Lateral Canal Company, No. 1, dated March 10, 1925, issued to F. A. Hall.

The following described real property located in Boise, Ada County, Idaho, to-wit:

Lots 31 and 32 in Block 1 of Dundee First Subdivision as the same are numbered and designated on the official plat thereof on file and of record in the office of the County Recorder of Ada County, Idaho, in Book 1 of Plats at page 12, Records of Ada County.

DONE IN OPEN COURT, This 14th day of August, 1953.

John Jackson
Probate Judge

PROBATE COURT ADA COUNTY, IDAHO
RECORDED IN BOOK PAGE
FILED AUG 14, 1953 No.

John Jackson
Probate Judge and Ex-Officio Clerk.

STATE OF IDAHO }
County of Ada } ss.

I hereby certify that the foregoing instrument is a true and correct copy of the original on file in this office.

Dated Aug 14, 1953.

John Jackson
Probate Judge and Ex-Officio Clerk

(COURT SEAL)

Recorded at the request of Ralph R. Brashears at 54 minutes past 10 o'clock A. M. this 14 day of Aug, 1953.

Fees, \$4.00

Recorder.

Ce signed

✓ Natatorium Co.,

to

Boise City

Dated: August 6th, 1953

Instrument No. 349621

WARRANTY DEED

THIS INSTRUMENT, made this 6th day of August, in the year of our Lord one thousand nine hundred and fifty three, between NATATORIUM COMPANY, a corporation duly organized and existing under and by virtue of the laws of the State of Idaho, with its principal

1
office in Boise City, Ada County, Idaho, party of the first part, and BOISE CITY, a municipal corporation, created and existing under and by virtue of the laws of the State of Idaho, party of the second part, WITNESSETH:

That the said party of the first part, having been hereunto duly authorized by resolution of its Board of Directors, for and in consideration of the sum of TEN THOUSAND FIVE HUNDRED DOLLARS (\$10,500.00), lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all the following described real estate, situated in the County of Ada, State of Idaho, to-wit:

Commencing at the section corner common to Sections 11, 12
13 & 14, T. 3 N., R. 2 E., Boise Meridian, thence South 0° 15'
West 131.4 feet to an iron spike in the center of Warm Springs
Avenue; thence South 62° 23' East 136.8 feet along said center
line of Warm Springs Avenue to a land; thence South 27° 37'
West 13.0 feet to a point, the real place of beginning; thence
continuing South 27° 37' West 225.10 feet to an iron pin 1/2"
in diameter; thence South 0° 35' West 276.0 feet to an iron
pin; thence North 89° 27' West 256.59 feet to an iron pin; thence
North 3° 27' West 197.08 feet to a point; thence North 40° 10'
West 36 feet to an iron pin; thence North 29° 20' East 163.66
feet to an iron pin; thence South 61° 47' East 132.85 feet
to a cross on the walk; thence North 77° 53' East 58.28 feet
to an iron pin; thence North 29° 18' East 206.02 feet to a point,
thence South 62° 23' East 142.45 feet to a point, the real
place of beginning, in Ada County, Idaho.

(U.S.I.R. Stamps \$11.55 Cancelled)
(8-6-53 P)

TOGETHER With all water, water rights, canals, ditches, pipes, flumes and conduits appurtenant thereto or in anywise appertaining.

TOGETHER With all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all estate, right title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever. And the said party of the first part, and its successors and assigns, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said party of the first part, and its successors and assigns, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, its corporate name to be hereunto subscribed by its President
the party of the first part has caused its corporate seal to
be affixed by its Secretary in pursuance to said resolution, the day and year first
above written.

ATTEST:
V. H. Peterman, Secretary
(CORP. SEAL)

Natatorium Company
By O. P. Newman,
President.

STATE OF IDAHO }
County of ADA } ss.

On this 6th day of August, in the year 1953, before me, Carey H. Nixon, a Notary Public in and for said State, personally appeared O. P. Newman and V. H. Peterman, known to me to be the President and Secretary, respectively, of the corporation that executed this instrument, or the persons who executed the instrument on behalf of said corporation, 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.

(SEAL)

Carey H. Nixon
Notary Public for the State of Idaho,
Residing at Boise
My commission expires April 7, 1956

Recorded at the request of Idaho Title Co at 11 minutes past 2 o'clock P. M.,
this 14 day of Aug, 1953.

Fees, \$1.75

[Signature]
Recorder.

3134-1

Lola M. McCarter

Instrument No. 319654

to

Oliver R. McCarter, Jr.

Dated: August 8th, 1953

DEED OF GIFT

The grantor Lola M. McCarter for and in consideration of the Love and Affection which she has and bears unto the grantee herein, does by these presents, give, grant, alien convey and confirm unto Oliver R. McCarter Jr., the following described real estate situated in Ada County, State of Idaho;

Lots One (1), Two (2), Three (3), and Four (4) in Block

Three (3) of Midway's Addition to Meridian, Ada County, Idaho.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances therunto belonging or in anywise appertaining and the reversion or reversions, remainder and remainders, rents, issues, and profits thereof.

Dated, this 8th day of August 1953.

Witnesses:

Lola M. McCarter.

STATE OF WASHINGTON }
County of Pierce } ss.

On this 8th day of August, 1953, before me Barbara A. Stamey, a Notary Public in and for said state personally appeared Lola M. McCarter known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the date last above written.

(SEAL)
Commission expires Apr. 3, 1957

Barbara A. Stamey
Notary Public residing at Tacoma,
Washington.

Recorded at request of O. R. McCarter, Jr at 24 minutes past 2 o'clock A. M., this 15 day of Aug, A. D. 1953.

Fees, \$1.00

[Signature]
Recorder.

3134-1

MEMORANDUM

TO: Rhea Carlos
FROM: Jean Hersley
DATE: November 16, 2017
RE: Refund: ownership change returned

Please refund \$100.

NAME: CITY OF BOISE
DEPT OF PARKS & RECREATION
1104 ROYAL BLVD
BOISE ID 83706

RECEIPT #: W044300

Thank you.

Jean

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, November 16, 2017 8:42 AM
To: Carlos, Rhea
Cc: Marston, Sascha
Subject: Refund for City of Boise- Dept Parks & Rec (2)
Attachments: Refunds.doc

Please ignore the previous request and process this one instead. Sorry for the confusion.

Jean



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 24, 2017

CITY OF BOISE
DEPT OF PARKS & RECREATION
1104 ROYAL BLVD
BOISE ID 83706

RE: Notice of Change of Water Right Ownership: 63-2768

Dear Interested Party:

The Department of Water Resources (Department) received a request for a Change in Water Right Ownership on June 13, 2016 for the above mentioned water right. After further review, it was determined that even though the City of Boise (City) owns property appurtenant to water right 63-2768, the current owner of the water right is the Independent School District of Boise City. The Independent School District of Boise City filed a claim in the Snake River Basin Adjudication (SRBA) in 1994. If there are no competing claims to the same water right, nor ownership objections to the Department's recommendation, then the Department considers any subsequent court decree confirming the right to be a determination of ownership of the water right. Water right 63-2768 was partially decreed in 2009 to the Independent School District of Boise City.

Please provide additional information i.e. quitclaim deed from the Independent School District of Boise City for your portion of water right 63-2768. It appears the portion the City owns is 0.4 acres.

The Department will hold this request for 30 days. If the information requested is not received within 30 days, we will returned your request unprocessed with a full refund.

If you have any questions regarding this matter, please call me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosures

c: Independent School District of Boise City