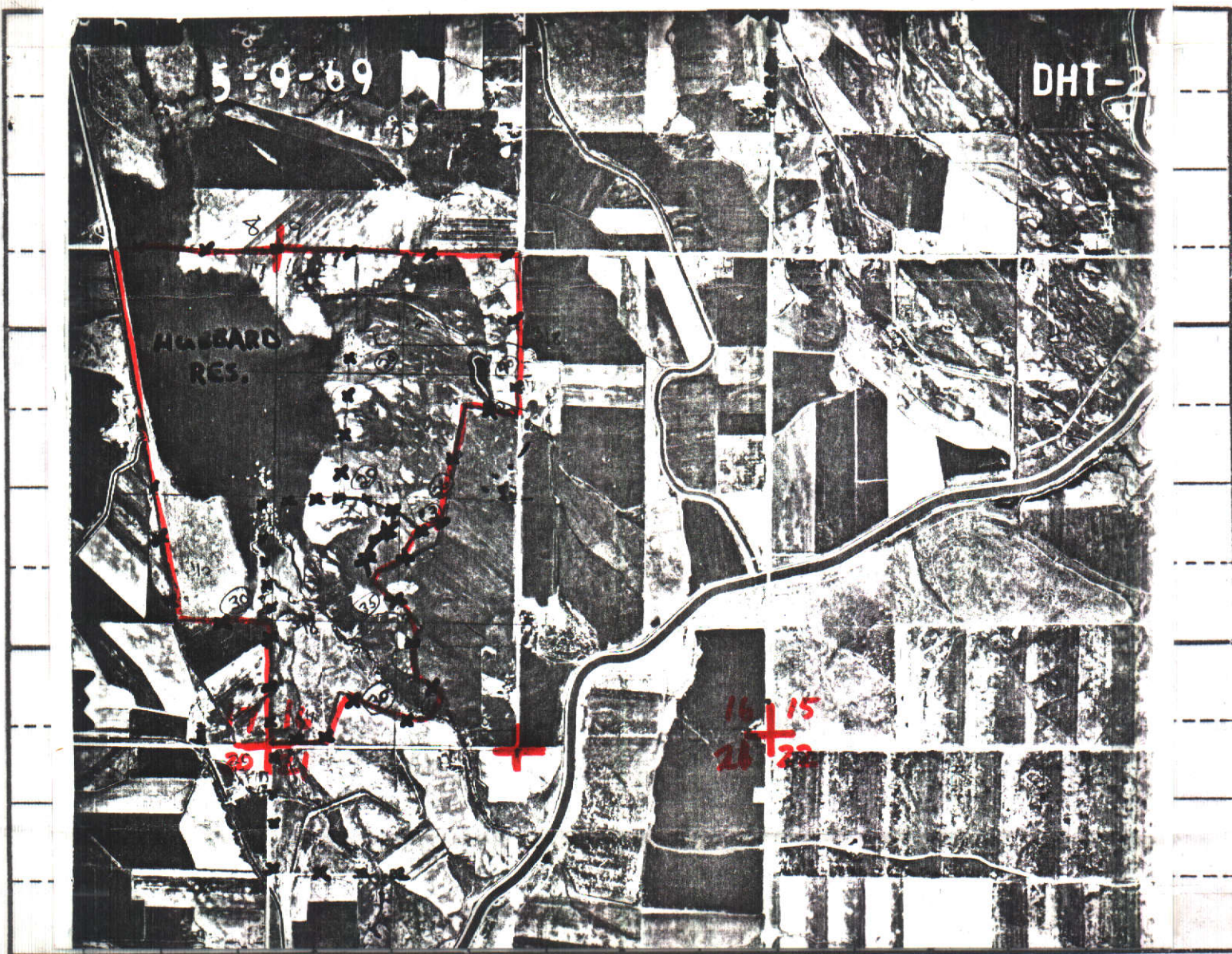


(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of ADA) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Robert L. Linn Asst Area Supervisor, Id
Dept of Lands
(Claimant)

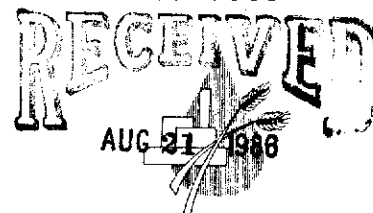
Sworn to before me this 5th day of August, 1986.

Sharon L. Phillips
Notary Public
Residing at Boise Idaho

My commission expires 2-15-87

Received by LS 9:09 a Date 8/21/86 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JS Date 8/27/86 claimant by: _____
\$30.00 fee received by JS Date 8/26/86 # 40562
Published in Idaho Statesman Raymond D. Givens, Atty.
Dates 9/18&9/25/86 behalf of Boise Project Board of Control
Randall C. Fredricks, Atty.
behalf of Boise Irr. Dist.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Department of Water Resources

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that State of Idaho, Department of Lands

(Name of Claimant)

Room 121 Statehouse Boise, ID 83720

(Mailing Address)

334-3458

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 6/1/1926

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

wastewater tributary to Hubbard Reservoir

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)		(Mo., Day)		(Mo., Day)
Quantity	<u>3.56 cfs</u>	Use	<u>irrigation</u>	Period of Use From	<u>3/15</u>	To	<u>11/15</u>		
Quantity	<u>0.13 cfs</u>	Use	<u>stockwater</u>	Period of Use From	<u>1/1</u>	To	<u>12/31</u>		
Quantity		Use		Period of Use From		To			
Quantity		Use		Period of Use From		To			
Quantity		Use		Period of Use From		To			

(4) 3.69 TOTAL QUANTITY USED.

(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NE ¼ NW ¼, Sec. 16 Twp. 2N Rge. 1E B.M., County of Ada

Additional points of diversion: NW¼NW¼, SE¼NW¼, SE¼SW¼, SW¼SW¼

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. This land lies at a lower elevation than neighboring irrigated tracts. It does not have appurtenant irrigation district water rights, and is irrigated on a piecemeal basis from a variety of wastewater inflows. As many as 54 small headgates on 13 ditches

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

have historically been used for this irrigation.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	1E	16					38	20	20	26	3	35	30	6					178
																			178

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: Up to 150 head dairy cattle

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Robert L. [Signature] Area Supervisor, Id
Dept of Lands
(Claimant)

Sworn to before me this 5th day of August, 1986.

Sharon L. Phillips
Notary Public
Residing at Boise, Idaho

My commission expires 2-15-87

Received by [Signature] 9:09 a Date 8/21/86 Exception filed by: _____ Date _____
Prelim. check by [Signature] Date 8/27/86 claimant by: _____
\$30.00 fee received by [Signature] Date 8/20/86 #40562
Published in Idaho Statesman _____
Dates 9/18 & 9/25/86 _____
Raymond D. Givens, Atty.
behalf of Boise Project Board of Control
Randall C. Fred [Signature], Atty.
behalf of Boise [Signature] Irr. Dist.



United States Department of the Interior

BUREAU OF RECLAMATION
CENTRAL SNAKE PROJECTS OFFICE
214 BROADWAY AVENUE
BOISE, IDAHO 83702
December 3, 1986

RECEIVED

DEC 4 1986

Department of Water Resources

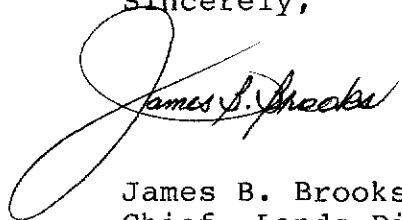
IN REPLY
REFER TO: 300

Department of Water Resources
Mr. A. Kenneth Dunn, Director
Statehouse
Boise, Idaho 83720

Dear Mr. Dunn:

Enclosed is an Affidavit of Exception in the matter of claim to a water right, claim No. 63-5389, for return flows at Hubbard Reservoir.

Sincerely,



James B. Brooks
Chief, Lands Division

Enclosure

RECEIVED
DEC 4 1986

Department of the Interior
Water Rights Office

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF
CLAIM TO A WATER
RIGHT, NO. 63-5389

AFFIDAVIT OF EXCEPTION

RECEIVED
DEC 4 1986

Department of Water Resources
Western Regional Office

STATE OF IDAHO)
) ss
County of Ada)

I, J. NEIL STESSMAN, in my official capacity as Project Superintendent of the Boise Federal Reclamation Project, United States Department of the Interior, Bureau of Reclamation, having first been duly sworn, take exception to claim No. 63-5389 filed by the State of Idaho, Idaho Department of Lands, on the following grounds:

(1) That the waters identified in the above referenced Claim are not, and were not at the alleged date of priority, public waters subject to appropriation under the laws of the State of Idaho. The waters sought to be appropriated by this claim are in fact surface return flows which are recaptured through Hubbard Reservoir, a Boise Federal Reclamation Project facility, released through the Hubbard Reservoir outlet control gate, and delivered to downstream water users through ditches and canals. The express purpose of constructing the above referenced reservoir, outlet works, and delivery ditches was to recapture these waters for use on irrigable lands of the Boise Project. These are all facilities of the Boise Project operated under contract by the Boise-Kuna Irrigation District for over 55 years. These downstream project water users have relied upon these waters to irrigate their lands for over 70 years.

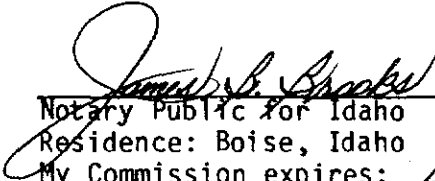
(2) That if these waters have been diverted from the natural and constructed drains feeding Hubbard Reservoir as alleged in the referenced claim, such diversion has been without knowledge or authorization of the Bureau of Reclamation, Department of the Interior, which holds title to the project works and the water rights in trust for the water users. The repayment contract between the United States and the Boise-Kuna Irrigation District specifically provides that the United States does not abandon or relinquish any of the waste, seepage or return flow waters attributable to the irrigation of lands within the project and that such waters are reserved and retained for the project.

Dated this 3rd day of December, 1986.

By J. Neil Stessman
J. Neil Stessman
Project Superintendent
Bureau of Reclamation
Boise, Idaho

On this 3rd day of December, 1986 before me the undersigned, a Notary Public, personally appeared J. NEIL STESSMAN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same and that the matters and facts therein are true to the best of his knowledge.

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


Notary Public for Idaho

Residence: Boise, Idaho

My Commission expires: Life

RECEIVED
SEP 23 1986

RECEIVED
SEP 26 1986

Department of Water Resources
Western Regional Office

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF)
)
CLAIM TO A WATER RIGHT) P R O T E S T
NO. 63-5389)
)
+++++)

COMES NOW Randall C. Fredricks of Clemons, Cosho & Humphrey, Attorneys for Boise Kuna Irrigation District, and on behalf of said District files protest regarding the Claim to a Water Right in the above entitled matter, upon the following grounds:

1. That said point of diversion and water applied for appropriation is included within the boundary lines of said District; that all waters have previously been fully appropriated; and that there are no additional waters for appropriation by said applicant.

2. That said water for which said applicant has requested permit and issuance of license is water from either Hubbard Reservoir or an artificial ditch relating to Hubbard Reservoir, both of which are the property of said District, and, accordingly, applicant has no rights under the laws of the State of Idaho to appropriate said waters, as same are not public waters.

3. That all of the waters stored in Hubbard Reservoir or which flow into Hubbard Reservoir have been previously appropriated to serve lands within the Boise Project including Boise Kuna Irrigation District. That such Project of necessity

utilizes return flows for redistribution through lower canals and that Hubbard Reservoir acts as a collector for return flows as well as other waters for redistribution and, therefore, there is no public water available for appropriation in or near Hubbard Reservoir.

4. That Protestant reserves the right to specify other additional grounds for protest upon completion of its investigation into the matter.

Dated this 24th day of September, 1986.

BOISE KUNA IRRIGATION DISTRICT

By: Randall C. Fredricks
Randall C. Fredricks
Attorney

STATE OF IDAHO)
) ss.
County of Ada)

On this 24th day of September, 1986, before me the undersigned, a Notary Public, personally appeared RANDALL C. FREDRICKS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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

Susan A. Messinger
NOTARY PUBLIC FOR IDAHO
Residence: Boise, Idaho
My Commission expires: 9-15-88

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF)

CLAIM TO A WATER RIGHT)
NO. 63-5389)

PROTEST

RECEIVED

SEP 25 1986

hand delivered
Department of Water Resources

COMES NOW, Raymend D. Givens of Givens, McDevitt,
Pursley, Webb & Buser, attorneys for the Boise Project Board
of Control, and on behalf of said Project files this Protest
to the claim for a waste water right by the State of Idaho,
Idaho Department of Lands, on the following grounds:

(1) That the Hubbard Reservoir, to which the waste
water, which is the subject of this claim, is designated
as being a tributary, is a part of the transferred works
of the Boise Project, owned by the United States Department
of Interior, Bureau of Reclamation, the operation and maintenance
of which is delegated to the Boise Project Board of Control
under a series of contracts entered into between the United
States Department of Interior, Bureau of Reclamation and
the five districts which comprise the Boise Project Board
of Control; that said reservoir is operated by the Board
of Control as a redistribution reservoir and as a point of
collection of waste water and surface run off waters in the
area surrounding the reservoir, all of which lies within
the boundaries of the Boise Project.

The waste water and surface run off waters are

PROTEST

Page 1

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SEP 25 1986

Department of Water Resources
Western Regional Office

1
2 utilized by the Project by release from such reservoir into
3 the Mason Creek feeder canal for the irrigation of lands
4 within the Project lying north and west of the Hubbard
5 Reservoir. The waters so released from the Hubbard Reservoir
6 through the Mason feeder, permit the use of said water for
7 the irrigation of lands within the Project which would otherwise
8 have to be supplied from stored waters of the Project in
9 the Anderson Ranch, Arrowrock, Lucky Peak or Boise River.

10 (2) That the aforesaid use of said water by the
11 Boise Project within its boundaries is an exercise by the
12 Boise Project over waters previously diverted from the Boise
13 River and delivered to lands within the Project for irrigation
14 purposes and thereafter recaptured by the Project prior to
15 the time such water has left the boundaries of the Project.

16 (3) That all of the ditches and headgates to which
17 reference is made, were placed upon the lands, lying within
18 Section 16, Township 2 North, Range 1 East, as set out in
19 the application, by lessees of the Boise Project Board of
20 Control at the time that total administration of the entire
21 Hubbard Reservoir site was under the Boise Project Board
22 of Control, and were placed thereon with the permission of
23 the Boise Project Board of Control by its lessees and there-
24 fore any use thereunder was permissive use authorized by
25 the Boise Project Board of Control and not an adverse use
26 by said lessees.

1 (4) That there is no waste or surface run off
2 water tributary to the Hubbard Reservoir which is available
3 for appropriation.

4 Dated this 25th day of September, 1986.

5 GIVENS, McDEVITT, PURSLEY, WEBB &
6 BUSER

7 By Raymond D. Givens
8 Raymond D. Givens

9 Attorneys for Boise Project Board
of Control

10 STATE OF IDAHO)
11) ss
12 County of Ada)

13 On this 25th day of September, 1986, before me
14 the undersigned, a Notary Public, personally appeared
15 RAYMOND D. GIVENS, known to me to be the person whose name
16 is subscribed to the foregoing instrument, and acknowledged
17 to me that he executed the same.

18 IN WITNESS WHEREOF, I have hereunto set my hand
19 and seal the day and year in this acknowledgment first above
20 written.

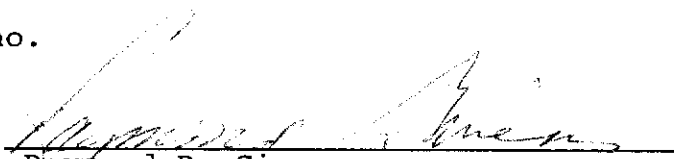
21 Joyce L. Dick
22 Notary Public for Idaho
23 Residence: Boise, Idaho
24 My Commission expires: 11/10/88

CERTIFICATE OF MAILING

The undersigned does hereby certify that he mailed
a true and correct copy of the attached Protest to:

State of Idaho
Department of Lands
Room 121 Statehouse
Boise, ID 83720

on the 25th day of September, 1986, in the United States
Post Office, Boise, Idaho.


Raymond D. Givens

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

59.22

Account Name ID Water Resources, Western Region		Account Number #47628	
Address Statehouse		City/State Boise, ID	Zip 83720
Ordered By Judy Pense	P.O. Number	Rate nt	Run Dates 1986 Sept. 18, 25
Identification Applications 63-5386, 88, 89, Water Rights		Estimated Inches	Real Inches
Number of Affidavits Requested 1		Legal Number #3204	

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been
filed on water right(s) created by di-
version and beneficial use:

63-5386

Spring Valley
Livestock Co., Inc.
c/o Colen McLeod, Jr.
2005 S. 10th Ave.
Caldwell, ID 83605

Source: Spring Valley Creek trib.
to Boise River
Diversion Pt: NENE
Sec. 18 T 05N R 02E
Use: Irrigation (2.0 CFS)
Use: Stockwater (0.020 CFS)
Priority Date: 02/01/1880
In: NENE NWNE SWNE
NENW SENW NESW
SESW NWSE SWSE
Sec. 18 T 05N R 02E
For 93 Acres

63-5388

Shamy, David and/or Martha
9786 Prairie Rd.
Boise, ID 83703

Source: Groundwater
Diversion Pt: SENW
Sec. 11 T 04N R 01E
Use: Domestic (0.040 CFS)
Priority Date: 06/01/1981
In: SENW
Sec 11 T 04N R 01E

63-5389

State of Idaho
Department of Lands
Room 121, Statehouse
Boise, ID 83720

Source: Wastewater trib. to
Hubbard Reservoir
Diversion Pt.: NENW NWNW
SENW SESW SWSW
Sec 16 T 02N R 01E
Use: Irrigation (3.560 CFS)
Use: Stockwater (0.130 CFS)
Priority Date: 06/01/1926
In: NENW NWNW SWNW
SENW NESW NYSW
SWSW SESW
Sec 16 T 02N R 01E
For: 178 Acres

Exemptions to a claim may be filed
with the Director, Dept. of Water Re-
sources, Western Region, Statehouse,
Boise, Idaho 83720.

KEN DUNN
Director

Pub. Sept. 18, 25, 1986

3204

RECEIVED
SEP 26 1986

STATE OF IDAHO)
) SS.
COUNTY OF ADA)

Department of Water Resources
Western Regional Office

Laura Gay Barnes, being duly
sworn, deposes and says: That she is the Principal Clerk of The Idaho
Statesman, a daily newspaper printed and published at Boise, Ada
County, State of Idaho, and having a general circulation therein and
which said newspaper has been continuously and uninterruptedly
published in said County during a period of twelve consecutive months
prior to the first publication of the notice, a copy of which is attached
hereto; that said notice was published in The Idaho Statesman in
conformity with Section 60-108, Idaho Code as amended, for Two (2)
☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of September 18, 19 86
and ending with the issue of September 25, 19 86

Laura Gay Barnes
Subscribed and sworn to before me this 25th
day of September, 19 86

Conrad Blackburn

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Jan Skute

Right Number 63-5389 Applicant Dept. of Lands

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS
INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO
THE CLAIMANT ALONG WITH THE APPROPRIATE COVER
LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 8/26/86
 - ☒ Claim published correctly. ID - [unclear] 200 / 425000 9/18 & 9/25/86
 - ☒ Exceptions processed.
- By DNA Date 10/16/86

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 10/28/86

REGISTERED

RECEIVED
OCT 28 1986



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

December 5, 1986

United States Department of Interior
Bureau of Reclamation
Central Snake Projects Office
Attn: James B. Brooks
214 Broadway Avenue
Boise, ID 83702

Re: Claim No. 63-5389 in the Name of State of Idaho, Department of Lands

Dear Mr. Brooks:

This office acknowledges receipt of your correspondence concerning the above referenced claim to a water right. The Department will not schedule a hearing in the matter or evaluate for conformation or censure the right claimed, since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

If we can be of further assistance, please contact us.

Yours truly

DAVID R. TUTHILL, JR., P.E.
Western Regional Manager



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

December 5, 1986

State of Idaho
Department of Lands
Room 121, Statehouse
Boise, ID 83720

Re: Claim No. 63-5389

Gentlemen:

Enclosed is a copy of an exception filed in connection with your above referenced claim to a water right. The Department will not schedule a hearing in this matter or evaluate for conformation or censure the right claimed since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

If we can be of further assistance, please contact us.

Very truly yours,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:jp

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

October 8, 1986

State of Idaho
Department of Lands
Room 121 Statehouse
Boise, ID 83720

Re: Claim No. 63-5389

Dear Claimants:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:jp

Enclosure

STATE OF IDAHO
Department of Water Resources
Boise, Idaho, Aug. 26, 1986 No 40562

RECEIVED FROM Dept. of Lands of Boise ID \$200.00
Two hundred & no/100 DOLLARS

FOR	
<u>Claim to a</u>	\$ <u>200</u> 00
<u>water right</u>	\$
<u>Supporting</u>	\$
<u>Res.</u>	\$
TOTAL - - -	\$ <u>200</u> 00

CK. No. 92-9
Jan Thunte



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

September 29, 1986

State of Idaho
Department of Lands
Room 121, Statehouse
Boise, ID 83720

Re: Claim No. 63-5389

Gentlemen:

Enclosed is a copy of an exception filed in connection with your above referenced claim to a water right. The Department will not schedule a hearing in this matter or evaluate for conformation or censure the right claimed since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

If we can be of further assistance, please contact us.

Very truly yours,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:jp

Enclosure

RECEIVED
SEP 30 1986



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

September 29, 1986

Randall C. Fredricks
Clemons, Cosho & Humphrey, P. A.
Eleventh Floor, First Interstate Building
700 West Idaho
Boise, ID 83702

Re: Claim to a Water Right No. 63-5389 in the Name of the State of Idaho,
Department of Lands

Dear Mr. Fredricks:

This office acknowledges receipt of your protest on behalf of the Boise Kuna Irrigation District concerning the above referenced claim to a water right. The Department will not schedule a hearing in the matter or evaluate for conformation or censure of the right claimed. However, your protest will be made a part of the permanent Claim file, as described in Section 42-244, Idaho Code, which states in part the following:

"At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

If we can be of further assistance, please contact us.

Yours truly,

DAVID R. TUTHILL, Jr. P. E.
Manager, Western Regional Office

DRT:jp



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

September 29, 1986

State of Idaho
Department of Lands
Room 121, Statehouse
Boise, ID 83720

Re: Claim No. 63-5389

Gentlemen:

Enclosed is a copy of an exception filed in connection with your above referenced claim to a water right. The Department will not schedule a hearing in this matter or evaluate for conformation or censure the right claimed since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

If we can be of further assistance, please contact us.

Very truly yours,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:jp

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

September 29, 1986

Raymond D. Givens, Attorney
McDevitt, Pursley, Webb & Buser
P. O. Box 2720
277 N. 6th Street
Boise, ID 83701

Re: Claim to a Water Right No. 63-5389 in the Name of the State of Idaho,
Department of Lands

Dear Mr. Givens:

This office acknowledges receipt of your protest on behalf of the Boise Project Board of Control concerning the above referenced claim to a water right. The Department will not schedule a hearing in the matter or evaluate for conformation or censure of the right claimed. However, your protest will be made a part of the permanent Claim file, as described in Section 42-244, Idaho Code, which states in part the following:

"At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

If we can be of further assistance, please contact us.

Yours truly,

DAVID R. TUTHILL, Jr. P. E.
Manager, Western Regional Office

DRT:jp

CLEMONS, COSHO & HUMPHREY, P. A.

COUNSELORS AND ATTORNEYS AT LAW
ELEVENTH FLOOR, FIRST INTERSTATE BUILDING
700 WEST IDAHO
BOISE, IDAHO 83702

DALE CLEMONS (1911-1983)

TELEPHONE
AREA CODE 208
344-7811

LOUIS H. COSHO
HOWARD HUMPHREY
RICHARD H. GREENER
R. MICHAEL SOUTHCOMBE
STANLEY W. WELSH
MAX A. EIDEN, JR.
RANDALL C. FREDRICKS
FREDRIC V. SHOEMAKER
CHRISTOPHER BURKE
MICHAEL T. SPINK
RORY R. JONES
STEPHEN J. GLEDHILL
JANICE M. WELSH
SARA M. THORPE
JOSEPH M. MEIER
PHILIP RICHARD RAYHILL

September 25, 1986

RECEIVED
SEP 26 1986

Idaho Department of Water
Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Gentlemen:

Enclosed are an original and one copy of Protest to Claim to
a Water Right No. 63-5389.

Yours very truly,

RC Fredricks
Randall C. Fredricks

RCF:sf
Enclosures

RECEIVED
SEP 27 1986

Department of Water Resources
Boise National Office

FORM DA-8 Rev. 1-85
 WHITE - State Auditor
 GREEN - Purchasing Copy
 YELLOW - Remittance Advice
 PINK - State Auditor then Agency
 GOLDENROD - Agency Copy
 AGENCY USE

EXPENDITURE VOUCHER

STATE OF IDAHO
 Office of State Auditor

AUDITOR USE

Date	8/7/86
Code	18-00-00

AGENCY NAME: Lands

Document No. 2020478	
Pre-Audit	Date AUG 21 1986
Warrant No.	

PAY TO Department of Water Resources
 Statehouse Mail

CHECK ONE:

(X) MISCELLANEOUS EXPENDITURE
 () STATE CONTRACT

Encumbrance Reference No.

() PURCHASE ORDER
 () MISCELLANEOUS ENCUMBRANCE REQUISITION

PAYMENT: () PARTIAL () FINAL

LINE No.	PROGRAM			ACCT.	CLASS		DESCRIPTION (Include Quantity)	COMPLETE ONE		AGENCY USE
	Maj	Min	Ele		Maj	Min		%	LINE AMOUNT	
1	04	02	600	1101	8001		Filing fees - claim to water right NE 1/4 Sec. 16 T.2N., R.1E., B.M. Ada County (Hubbard Reservoir)		200.00	
RECEIVED AUG 25 1986 Department of Water Resources Western Regional Office MICROFILMED SWI 121										

NOTE: Final payment must be accompanied by a receiving copy

TOTAL 100%= 200.00

TO STATE AUDITOR

AUDITOR'S CERTIFICATE

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date Head of Agency or Institution

State Auditor



STATE OF IDAHO

DEPARTMENT OF LANDS

Southwestern Idaho Area Office
8355 West State Street
Boise, Idaho 83703
Telephone: 208 — 334-3488

August 19, 1986

RECEIVED

AUG 21 1986

Department of Water Resources
ATTN: David Tuthill
Statehouse Mail
Boise, ID 83720

Department of Water Resources

Dear Dave:

Attached is our Claim to a Water Right for wastewater in Section 16, T.2N., R.1E., B.M. An expenditure voucher has been sent in for the payment of \$200.

Thank you for your assistance.

Sincerely,

Robert L. Snapp

ROBERT L. SNAPP
Ass't Area Supervisor

RLS/slp

Attachment

RECEIVED

AUG 21 1986

Department of Water Resources
Western Regional Office

EQUAL OPPORTUNITY EMPLOYER

63-5389

STATE OF IDAHO

DEPARTMENT OF LANDS, ROOM 121 STATEHOUSE, BOISE, ID 83720

Source: WASTEWATER trib. to HUBBARD RESERVOIR

Diversion Pt: NENW NWNW SENW SESW SWSW Sec 16 T 02N R 01E

Use: IRRIGATION (3.560 CFS)
STOCKWATER (0.130 CFS)

Priority Date: 06/01/1926

In: NENW NWNW SWNW SENW NESW NWSW SWSW SESW Sec 16 T 02N R 01E
FOR 178 ACRES

RECEIVED
MAY 15 1963

