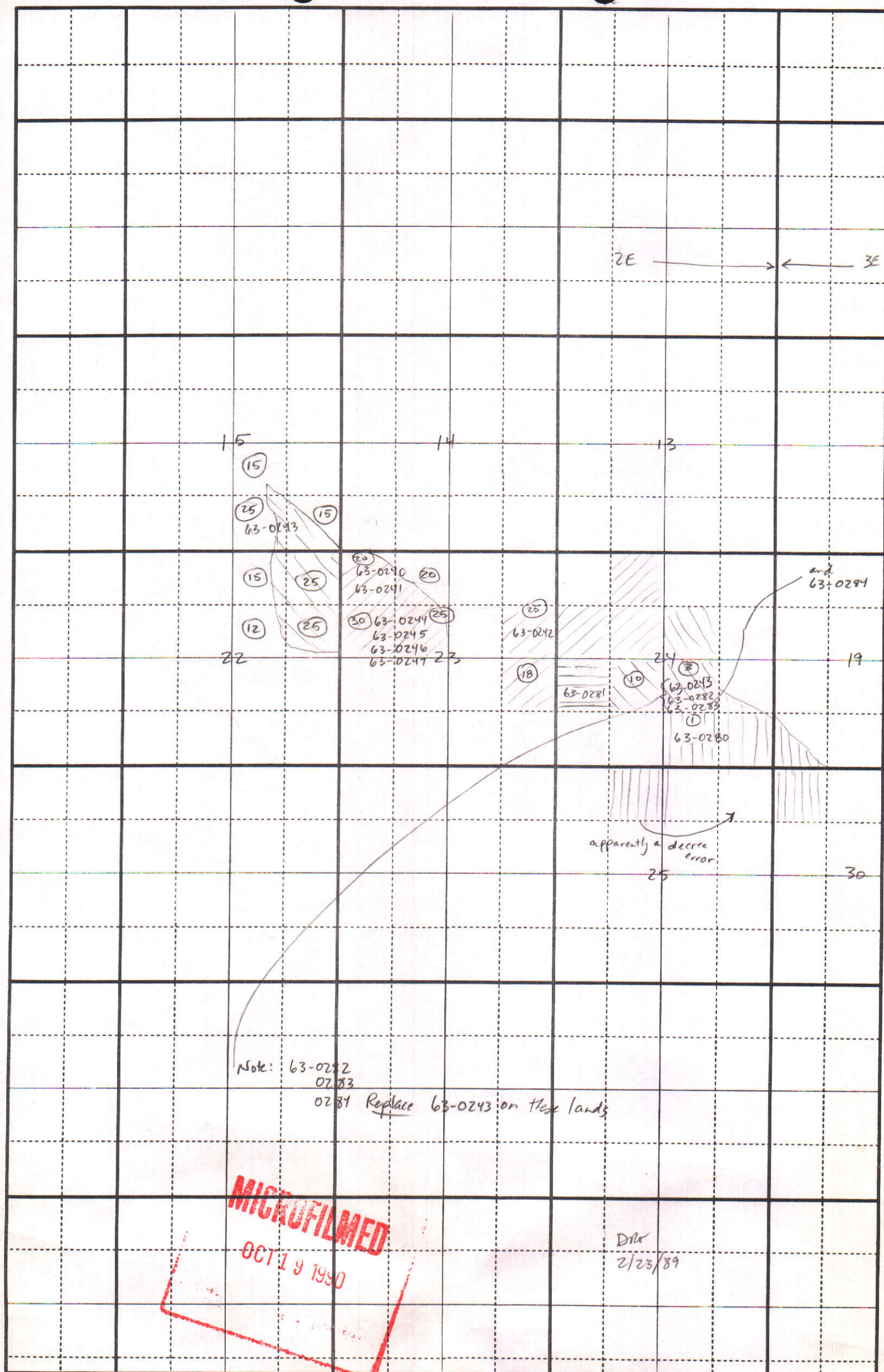


NAME OF APPLICANT.....

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

Attachment I

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

102.36

Account Name Idaho Dept. Water Resources - Western Region			Account Number #47628	
Address 2735 Airport Way		City/State Boise, ID		Zip 83705
Ordered By Judy Pense	P.O. Number	Rate TT	Run Dates 1989 April 7, 14	
Identification Proposed Change of Water Right - S. Boise Mutual Irrig. Dist.			Estimated Inches	Real Inches
Number of Affidavits Requested 1				Legal Number #2271

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that the South Boise Mutual Irrigation Co., Ltd., of Boise has applied to the Dept. of Water Resources for an additional point of diversion and change of place of use of the water of the Boise River.

The decreed irrigation rights sought to be changed share a point of diversion at T3N, R3E, S. 30 SENW (Bubb Canal) and are recorded as follows:

Right No.	Amounts(CFS)	Priority	Place of Use Within
63-00280	1.80	4/01/1865	T3N, R3E, S.19, 30; T3N, R2E, S.24, 25, B.M.
63-00281	.50	4/01/1865	T3N, R2E, S.24
63-00282	.30	3/15/1870	T3N, R2E, S.24
63-00283	.70	3/15/1870	T3N, R2E, S.24
63-00284	.84	3/01/1889	T3N, R2E, S.24
63-00242	2.40	5/01/1889	T3N, R2E, S.23, 24
63-00243	6.00	5/01/1889	T3N, R2E, S.15, 22, 24

TO BE CHANGED AS FOLLOWS

Points of Diversion: T3N, R3E, S.29 L.6 NWSW (Ridenbaugh Canal); S.30 SENW (Bubb Canal).

The amounts shown above will be used for irrigation within the following:

Right No.	Place of Use Within
63-00280	T3N, R2E, S.15 NWSE, S1/2SE1/4; S.22 NENE
63-00281	T3N, R2E, S.22 N1/2NE1/4
63-00282	T3N, R2E, S.24 NESW, W1/2SE1/4
63-00283	T3N, R2E, S.22 NWNE, S1/2NE1/4
63-00284	T3N, R2E, S.22 SENE; S.23 NENW
63-00242A	T3N, R2E, S.23 SENE, NESE
63-00243A	T3N, R2E, S.23 NW1/4
63-00243B	T3N, R2E, S.24 N1/2SW1/4, SE1/4; S.25 NENE and T3N, R3E, S.19 SWSW; S.30 W1/2NW1/4

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Statehouse, Boise, ID 83720 on or before April 24, 1989.

R. KEITH HIGGINSON
Director

Pub. April 7, 14, 1989

2271

RECEIVED
APR 17 1989

OF IDAHO)

ss.

NTY OF ADA)

Department of Water Resources
Western Regional Office

Debbie Richards, being duly

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 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 2 consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

on(s) beginning with the issue of April 7, 19 89

ending with the issue of April 14, 19 89

Debbie Richards

MICROFILMED

OCT 15 1990

Subscribed and sworn to before me this 14th

day of April, 19 89

Notary Public for Idaho, Residing at Boise, Idaho



15 25 15
 25 25
 105
 17
 95
 12 21 7

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 95

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 18
 14
 57
 217
 274

MICROFILMED

OCT 19 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

WATER RIGHT NOS. 63-00242B/00243G/00243H/00280/00281/00282/00283/00284

Trans. #4048

This is to certify that: **SOUTH BOISE MUTUAL IRRIGATION CO LTD**
% DALE MILTON
1120 CHAMBERLAIN
BOISE ID 83706

has requested a change to the above captioned water rights. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
Right No. 63-00242B: IRRIGATION Priority: 05/01/1889	03/15 - 11/15	0.86 CFS	193.5 AF
Right No. 63-00243G: IRRIGATION Priority: 05/01/1889	03/15 - 11/15	1.34 CFS	241.2 AF
Right No. 63-00243H: MUNICIPAL Priority: 05/01/1889	03/15 - 11/15	0.93 CFS	172.0 AF
Right No. 63-00280: IRRIGATION Priority: 04/01/1865	03/15 - 11/15	1.80 CFS	279.0 AF
Right No. 63-00281: IRRIGATION Priority: 04/01/1865	03/15 - 11/15	0.50 CFS	117.0 AF
Right No. 63-00282: IRRIGATION Priority: 04/01/1870	03/15 - 11/15	0.30 CFS	63.0 AF
Right No. 63-00283: IRRIGATION Priority: 04/01/1870	03/15 - 11/15	0.70 CFS	157.5 AF
Right No. 63-00284: IRRIGATION Priority: 03/01/1889	03/15 - 11/15	0.84 CFS	58.5 AF

Source: BOISE RIVER

Tributary to: SNAKE RIVER

FEB 18 1993

TRANSFER OF WATER RIGHT
WATER RIGHT NOS. 63-00242B/00243G/00243H/00280/00282/00283/00284

Trans. #4048

LOCATION OF POINT(S) OF DIVERSION: (Right Nos. 63-00242B/00243G/00280/00281/00282/00283/00284)

Lot 6 (NWSW), Section 29, Township 03N, Range 03E, ADA County

SENE, Section 30, Township 03N, Range 03E, ADA County

LOCATION OF POINT(S) OF DIVERSION: (Right No. 63-00243H)

Lot 7 (SENE), Section 14, Township 03N, Range 02E, ADA County

PLACE OF USE: IRRIGATION (Right Nos. 63-00242B)

TWN	RGE	SEC	ACRES	ACRES	ACRES
03N	02E	23	SENE 20.0	NWNW 5.0	NESE 18.0

Total number of acres irrigated: 43.0

PLACE OF USE: IRRIGATION (Right Nos. 63-00243G)

TWN	RGE	SEC	ACRES	ACRES	ACRES	ACRES
03N	02E	23	NENW 4.0	NWNW 0.6	SWNW 26.0	SENE 23.0

Total number of acres irrigated: 53.6

PLACE OF USE: IRRIGATION (Right Nos. 63-00280)

TWN	RGE	SEC	ACRES	ACRES	ACRES
03N	02E	15	NWSE 15.0	SWSE 24.9	SESE 14.9
03N	02E	22	NENE 6.5		
03N	02E	23	NENW 0.7		

Total number of acres irrigated: 62.0

PLACE OF USE: IRRIGATION (Right Nos. 63-00281)

TWN	RGE	SEC	ACRES	ACRES
03N	02E	22	NENE 17.5	NWNE 7.9
03N	02E	23	NENW 1.1	

Total number of acres irrigated: 26.0

FEB 18 1993

TRANSFER OF WATER RIGHT
WATER RIGHT NOS. 63-00242B/00243G/00243H/00280/00282/00283/00284

Trans. #4048

PLACE OF USE: IRRIGATION (Right Nos. 63-00282)

TWN	RGE	SEC	ACRES	ACRES	ACRES
03N	02E	23	NENW 9.5		
03N	02E	24	NESW 0.5	NWSE 3.0	SWSE 1.0

Total number of acres irrigated: 14.0

PLACE OF USE: IRRIGATION (Right Nos. 63-00283)

TWN	RGE	SEC	ACRES	ACRES	ACRES
03N	02E	22	NWNE 6.9	SWNE 12.0	SENE 11.0
03N	02E	23	NENW 0.7	NWNW 0.4	SWNW 4.0

Total number of acres irrigated: 35.0

PLACE OF USE: IRRIGATION (Right Nos. 63-00284)

TWN	RGE	SEC	ACRES	ACRES
03N	02E	22	SENE 6.3	
03N	02E	23	NENW 4.0	NWNW 2.7

Total number of acres irrigated: 13.0

CONDITIONS/REMARKS:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
5. These water rights when combined with all other water rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. The amount of water transferred to the ranney collectors is 172 acre feet per annum, diverted at a rate not in excess of 0.93 cfs with a priority of 5/1/1889.

Dated this 16th day of February, 1993.


Chief, Water Allocation Bureau

FEB 18 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3756

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

HT
APPROVED

Name of applicant South Boise Mutual Irrigation Company, Ltd. Phone 344-9492

Post Office address c/o Richard D. Harland, Pres., 1507 Garfield, Boise, ID 83706

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The company proposes to transfer senior rights to lands currently holding junior rights and vice versa. The junior rights will then be available to be sold or conveyed to another water user. In addition, S.B. Mutual may begin to divert via the Ridenbaugh Canal and/or continue to use the Bubbs Canal diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|---|-----------------------|-----------------------|-------------------|-----------------------------|
| <u>63-00280</u> | <u>April 1, 1865</u> | <u>1.8 cfs</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| <u>63-00281</u> | <u>April 1, 1865</u> | <u>.50 cfs</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| <u>63-00282</u> | <u>March 15, 1870</u> | <u>.30 cfs</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| <u>63-00283</u> | <u>March 15, 1870</u> | <u>.70 cfs</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| 2. Total amount of water being transferred <u>7.27 63.03 3.50</u> (Per Addendum to Attachment B 03/22/90)
cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>Boise River</u> tributary to <u>Snake River</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
03N	2E	15													15	25	15	55	
		22	7															7	
0281		22	18	8														26	
0282		24													L ₃ ⁵	1		14	
0283		22		7	12	16												35	
0284		22				9												9	
		23					4	(see attachment A for remainder of 1										4	
land list)																		284	
Total acres																		284	

PART 1**6. General Information:**

a. Description of diversion system The historic diversion system for these water rights has been via the South Boise Mutual Irrigation Co., Ltd. diversion dam, into the Bubb ditch. One intent of this transfer is to add a new potential diversion site of the Ridenbaugh Ditch operated by the Nampa Meridian Irrigation District.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Total number of acres irrigated will not change.

d. Remarks:

See Attachment B

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

63-0243

This is to certify that I have examined Application for Transfer of Water Rights No. 63-0280/0281/0282/0283/0284/0242

And said application is hereby APPROVED, subject to the following limitations and conditions:

1. A lockable controlling device and totalizing flow measuring device acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District 63, Boise River.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Witness my hand this

day of

, 19 90

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Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00280 Decreed to 1st Nat'l Bank of Pueblo, Inc.
in case of Farmers Cooperative Ditch Co. vs. Riverside Irrigation District, et al
dated 5/11/1925 in 7th Jud Dist Court county of Canyon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other to be provided

3. Source of water Boise River tributary to Snake River

4. Date or priority April 1, 1865

5. Water is used for the following purpose:

amount 1.80 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.80 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	3E	19											L. 6 X						
		30						L. 4 X											
	2E	24												L. 4 X		X		L. 4 X	
		25					X												

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Total acres _____

9. Describe any other water rights used for the same purpose as described above 63-00 243

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.80 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

3. Lands irrigated or place of use: Actual p/u and acres per map and U-2 interpretation.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	3E	30						L.4 21	L.3 1										22
		19											L.5 6						5
	2E	24												L.1 4				L.2 8	29
		25	6																6

Total acres 62**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)** None

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00281 Decreed to S. Glee Hardies
in case of Farmers Cooperative Ditch Co. vs. Riverside Irrigation Dist. etal
dated 5/11/1925 in 7th Judicial Dist County of Canyon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other To be provided

3. Source of water Boise River tributary to Snake River

4. Date or priority April 1, 1865

5. Water is used for the following purpose:

amount 0.50 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.50 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	2E	24										X							

RECORDED

OCT 19 1990

Total acres _____

9. Describe any other water rights used for the same purpose as described above

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.50 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	2E	24										26							26

Total acres 26**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)** None

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00282 Decreed to Amelia Eisley
in case of Farmers Coop Ditch Co. vs. Riverside Irr. Dist. etal
dated 5/11/1925 in 7th Judicial Dist County of Canyon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other To be provided

3. Source of water Boise River tributary to Snake River

4. Date or priority March 15, 1870 (beginning of irrigation season of 1870)

5. Water is used for the following purpose:

amount 0.30 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.30 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	24			L. 6 X						X								

Total acres _____

9. Describe any other water rights used for the same purpose as described above 63-00283, 63-00284
63-00243

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.30 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
30	2E	SE	NW	30	3N	3E	Ada	Bubb Canal

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	24									15								15

Total acres 15**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)** None

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00283 Decreed to Amelia Eisley
in case of Farmers Coop Ditch Co. vs. Riverside Irr. Dist., et al
dated 5/11/1925 in 7th Jud. Dist. Ct. county of Canyon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other to be provided

3. Source of water Boise River tributary to Snake River

4. Date or priority 3/15/1870 (beginning of irrigation season, 1870)

5. Water is used for the following purpose:

amount 0.70 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.70 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	24			L. 6 X						X					L. 5 X			

NOT RECORDED
OCT 19 1990

Total acres _____

9. Describe any other water rights used for the same purpose as described above 63-00282, 63-00284
63-00243

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.70 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	2E	24													23	4	8	4	35

Total acres 35**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)** None

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2*(Attach one copy for each right)***A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. 63-00284 Decreed to Amelia Eisley
 in case of Farmers Coop Ditch Co. vs. Riverside Irr. Dist., etal
 dated 5/11/1925 in 7th Jud. Dist. Ct. county of Canyon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other To be provided

3. Source of water Boise River tributary to Snake River4. Date or priority March 1, 1889

5. Water is used for the following purpose:

amount 0.84 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 0.84 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	24			L. 6 X						X					L. 5 X			

Total acres _____

9. Describe any other water rights used for the same purpose as described above 63-00282, 63-00283
63-00243

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.84 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	2E	24									10					1.5	3		13

Total acres 13**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change) None

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00242 Decreed to Steve & John Utter & C.B. Taylor
in case of Farmers Coop Ditch Co. vs. Riverside Irr. Dist., etal
dated 5/11/1925 in 7th Judicial Dist Ct county of Canyon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other To be provided

3. Source of water Boise River tributary to Snake River

4. Date or priority May 1, 1889

5. Water is used for the following purpose:

amount 2.40 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.40 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	23				X									X				
		24					L. 8 X		X	L. 7 X									

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.40 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	2E	25				25									18				43

Total acres 43**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00243 Decreed to South Boise Mutual Irrig. Co.
in case of Farmers Coop Ditch Co. vs. Riverside Irr. Dist., etal
dated 5/11/1925 in 7th Jud. Dist. Ct. county of Canyon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other To be provided

3. Source of water Boise River tributary to Snake River

4. Date or priority May 1, 1889

5. Water is used for the following purpose:

amount 6.00 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 6.00 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	2E	24			L. 6 X						X				L. 4 X	L. 5 X			
		15														X	X	X	
		22	X	X	X	X													

Total acres _____

9. Describe any other water rights used for the same purpose as described above 63-00280, 63-00282,
63-00283, 63-00284

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 6.00 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	2E	23					1	20	30	25									76
		24									10					L 3 5	1		14

Total acres 90**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

PART 3**B. CHANGES IN NATURE OF USE** N/A

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Richard D. Harland Pres.
(Signature of Applicant)

Subscribed and sworn to before me this 5th day of April, 19 89.

Nancy M. Lindgren
(Notary Public)

My commission expires 1-19-1994

FOR DEPARTMENT USE ONLY

Transfer contains 19 pages and A-R attachments

Received by SL (includes 1A) (with check) Date 3/3/89

Protest filed by _____

Prelim. check by SL Fee \$50.00

Receipted by SL Date 3/9/89 W002372

Published in Id. Statesman

Copies of protest forwarded by _____

Pub. dates 4/7 + 4/14/1989

Hearing held by _____ Date _____

Watermaster recommendation requested on 3/29/90

Recommended for ☒ approval ☐ denial

_____ rec'd. 4/27/90

by DET Eay

Copy of transfer sent to lien holder _____

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00119 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

See attached maps

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B. Description of right(s) or portion thereof, after the requested change

1. Right No.	Priority	Amount	Nature of Use	Period of Use
63-00284	March 1, 1889	.84 cfs	Irrigation	3/15 to 11/15
63-00242A	May 1, 1889	.86 cfs	Irrigation	3/15 to 11/15
63-00243A	May 1, 1889	2.27 cfs 3.50*	Irrigation	3/15 to 11/15
63-00243B	May 1, 1989	3.03 cfs	Irrigation	3/15 to 11/15

*Per Addendum to Attachment B

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Attachment B

Remarks for Transfer of Water Right. These concepts identify the methodology of preparation of this application.

1. The South Boise Mutual Irrigation Co., Ltd. (hereinafter Company) desires to place its most senior water rights on lands located on the west end of the delivery system. The concept of this transfer application is to move senior water rights to the west end of the service area, and replace these senior water right with a junior water right on lands in the east end of the service area which are no longer intended to be irrigated but which have been irrigated within the past five years. This east end junior water right will be available to be granted, bargained or conveyed to other waterusers in the Boise River system.

2. Records of the Department of Water Resources and of Water District 63 are summarized on three pages extracted from the 1987 Water District 63 Watermaster's Report, shown as attachments F, G and H. These attachments identify water rights that total 21.14 cfs, which is more water than the Company has utilized in recent years.

3. This transfer application is intended to move the following senior water rights to the westerly lands:

<u>Number</u>	<u>Priority Date</u>	<u>Amount</u>
63-00280	4-1-1865	1.80 cfs
63-00281	4-1-1865	0.50 cfs
63-00282	1870	0.30 cfs
63-00283	1870	0.70 cfs
63-00284	3-1-1889	0.84 cfs
Total:		4.14 cfs

4. To document the transfer, the following additional attachments are included:

Attachment I - Map showing current places of use of decreed water rights.

Attachments J through M - copies of decrees identifying water rights.

Attachment N - Statement by Company President Richard Harlow describing present water delivery patterns.

Attachment O - Copy of orthophotoquad of delivery area.

Attachment P - Copy of 1980 U-2 photograph of service area which describes irrigated acreage based on a review of the infrared photograph.

5. To determine the amount of current, valid water rights used by the Company, the presently irrigated acreage was computed using Attachment P. This acreage totals 284 irrigated acres. At 0.02 cfs/acre, the delivered amount of water would be 5.68 cfs. This amount was run through the "Loser" FORTRAN program to compute ditch loss. The result of this computer run is

shown on Attachment Q. The irrigation diversion requirement via the present point of diversion into Bubb Ditch is described as 7.27 cfs. This quantity is not anticipated to change significantly if the point of diversion is changed to the Ridenbaugh Canal.

6. To account for the 7.27 cfs, first the 4.14 cfs of senior water rights are utilized. For each of the rights, 0.02 cfs per acre is assigned, and water in excess of this amount is considered to be "carriage" or "ditch loss" water. For example, water right no. 63-00280, decreed for 1.80 cfs, now appears to be used on only 62 acres. While the water right is requested to be moved to 62 other acres, at 0.02 cfs this amounts to only 1.24 cfs. The remaining 0.56 cfs (1.80 - 1.24) is considered to be some of the carriage water for the Company's water rights.

7. Water right no. 63-00242 specifies 2.40 cfs. It is presently used upon only 43 acres. Only 0.86 cfs has been recommended as a final amount for this water right because it has the same date of priority as 63-00243, and all remaining carriage water will be included in the latter water right.

8. A portion of water right no. 63-00243, which will be designated as 63-00243A, applies to the remaining 90 acres of land that do not have a ^{senior} water right. The recommended amount for this right is 1.80 cfs, plus the 0.47 cfs of carriage water for a total of 2.27 cfs to bring the total right to 7.27 cfs.

-- See Addendum to Attachment B --

9. Another portion of water right no. 63-00243, which will be designated as 63-00243B, will be replaced on the land ^{137 acres} from which the senior water rights are being taken. This land, which totals ¹²⁷ acres, is land that is currently in the process of being developed for subdivision use and this water right will likely be conveyed to other Boise River waterusers. The extent of this water right is identified as 0.02 cfs per acre irrigated, plus ditch loss of 0.49 cfs (per the Loser routine as shown on Attachment R), for a total of 3.03 cfs.

9. The water rights in excess of 7.27 cfs plus ^{3.50*} 3.03 cfs are considered to have been lost through abandonment or forfeiture. Thus, the following rights are considered to have been lost:

<u>Number</u>	<u>Priority Date</u>	<u>Amount</u>
63-00240	5-1-1889	0.06 cfs
63-00241	5-1-1889	0.02 cfs
63-00242B	5-1-1889	1.54 cfs
63-00243C	5-1-1889	0.70 cfs 0.23 cfs*
63-00244	5-1-1889	2.94 cfs
63-00245	5-1-1889	0.05 cfs
63-00246	5-1-1889	0.10 cfs
63-00247	5-1-1889	0.03 cfs
63-00298	5-1-1889	5.40 cfs

~~10.84 cfs~~ 10.37 cfs*

*Per Addendum to Attachment B

UCT 19 1989

DR 2/24/1989

Addendum to Attachment B

Prepared by Dave Tuthill on March 22, 1990

Recently, the Department was approached by Mr. Jeff Fereday, Esq., regarding the historic use of water to irrigate the Gilmore property, which is located in the vicinity of the center of Section 24, T 3N, R 2E. Mr. Fereday indicated that Mr. Gilmore had represented to him that the property in question had been irrigated into the mid 1980's, and that the property was served via the Bubb ditch by the South Boise Mutual Irrigation Company, Ltd. Mr. Fereday was concerned that only a small portion of the acreage was found to have been irrigated in the photo-investigation conducted by Dale Melton, Richard Harland and Dave Tuthill on February 23, 1989.

I advised Mr. Fereday that to make any changes to the photo-investigation, additional information would be required. He subsequently obtained additional photographs from the ASCS office, and reviewed early 1980's NHAP photography with Mr. Doug Harrison of the SCS. The results of this information were inconclusive -- there appeared to have been partial but not fully effective irrigation of the property. Upon the receipt of this information, I visited Mr. Harrison's equipment studio to personally review the information. Based on a detailed study of the photographic materials, and discussion with Mr. Harrison, I have concluded that the lands should be partially credited as having been irrigated, because although the lands were not dry, the irrigation patterns were not fully effective. A total of 22 acres in the parcel had been initially shown to be un-irrigated. Per discussions with both Mr. Fereday and Mr. Harland, an acceptable approach is to give credit for irrigation of half, or 11 acres, of the land.

To conform with the advertising of the Application for Transfer, the 11 acres can be added to the NW 1/4 SE 1/4, Sec. 24, T 3 N, R 2 E. This change has been annotated on the application in strikeout asterisk format. The result is that the lands from which junior water rights are eligible for removal total 148 instead of 137.

With respect to the rate of flow, I reviewed the information in item 9. of Attachment B. The acreage used to determine the rate of flow was 127. This is an outdated acreage, and should be 137 prior to the addition of the 11 acres of Gilmore lands. Thus the total acreage should be 148. A new run of the Loser ditch loss routine shows that the rate of flow diverted from the Boise River to provide 0.02 cfs for this acreage is 3.50 cfs. This is the newly recommended rate of flow for water right no. 63-00243B. This rate, when combined with the recommendation of 2.27 cfs for water right no. 63-00243A, totals 5.77 cfs, which is less than the originally decreed amount of 6.00 cfs for water right no. 63-00243. The remaining 0.23 cfs will be shown as the amount forfeited (63-00243C).

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Dar 3/22/90

OCT 19 1990

1969

677

28R

J-13

13 18

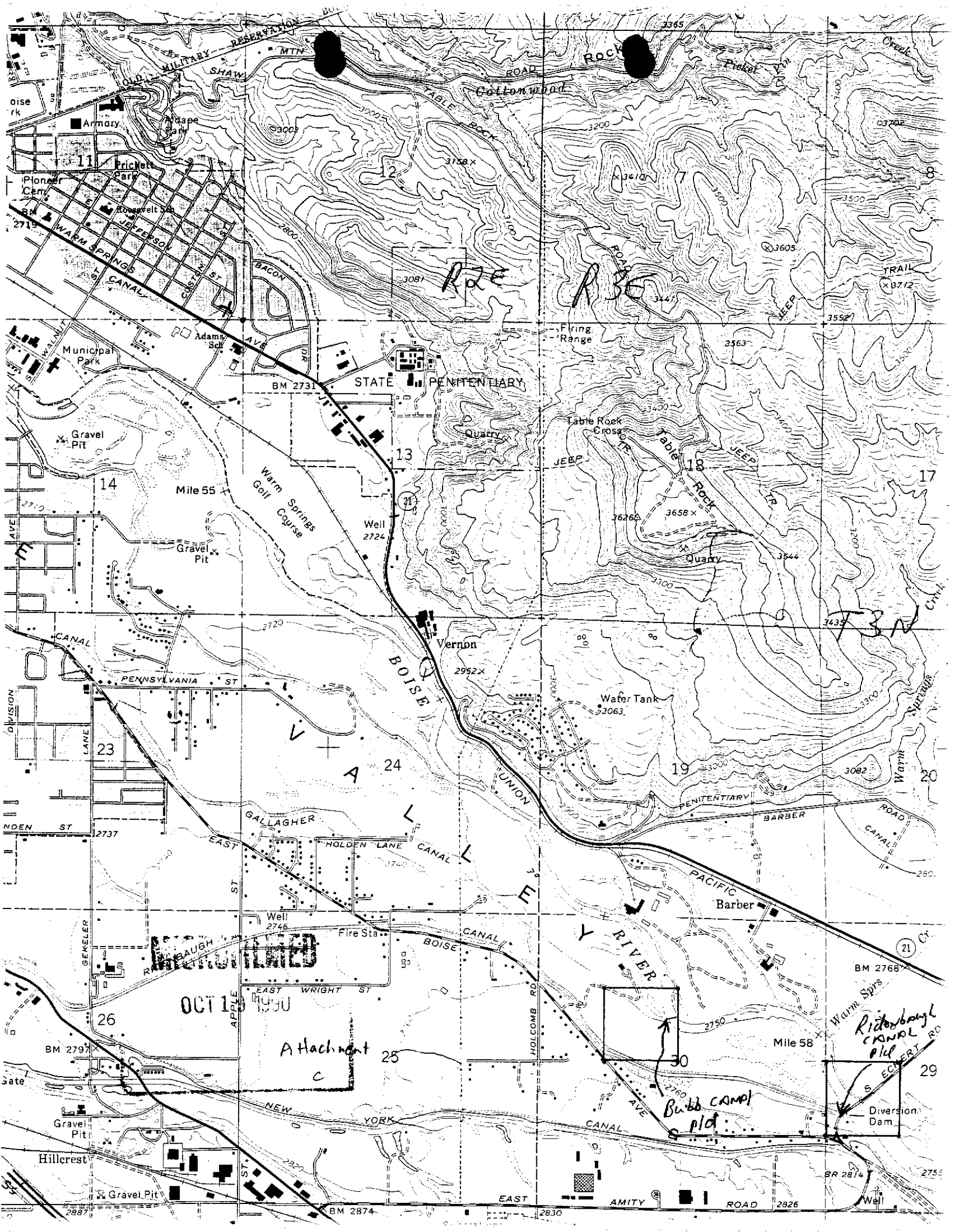
24 19

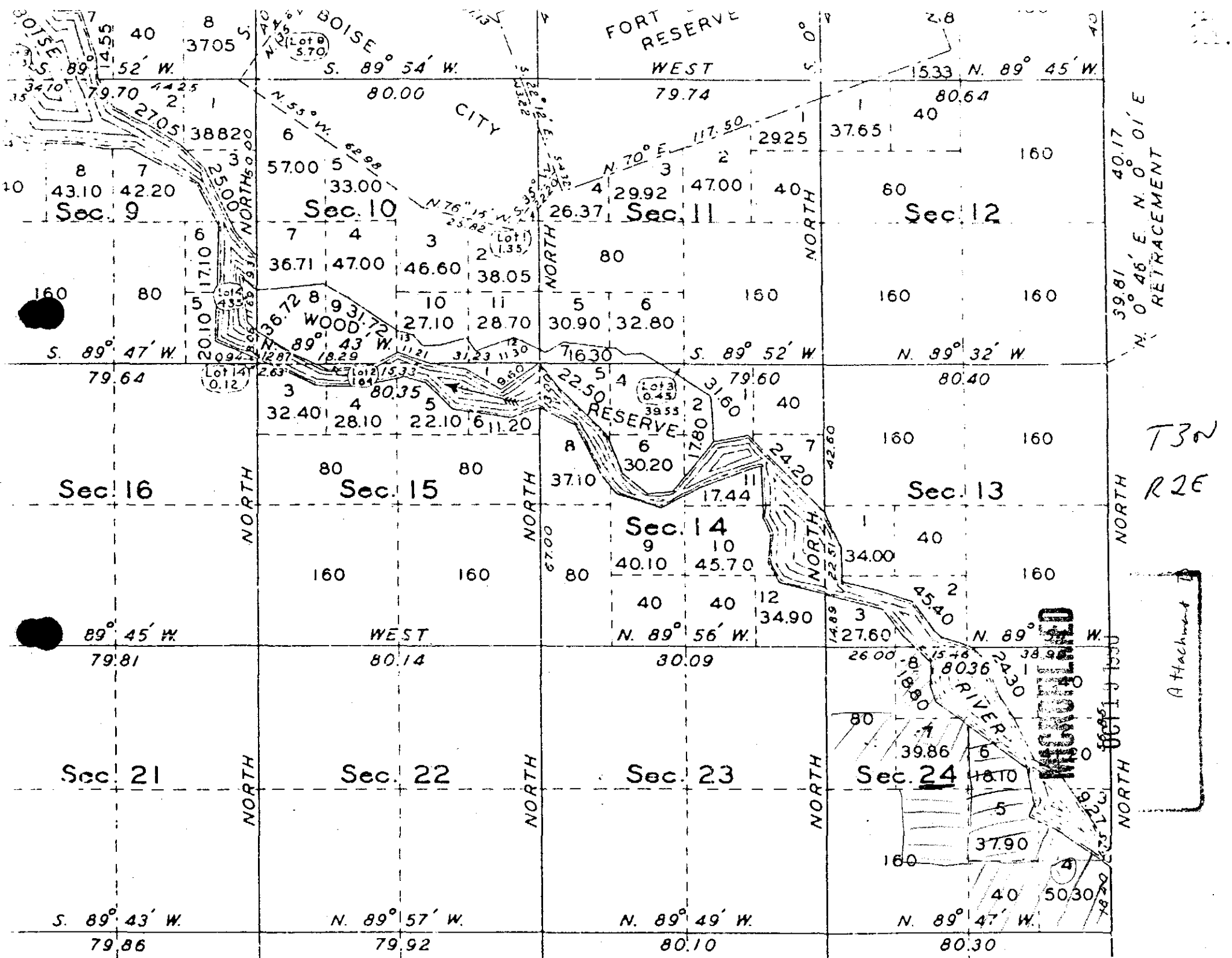
BOISE AVE

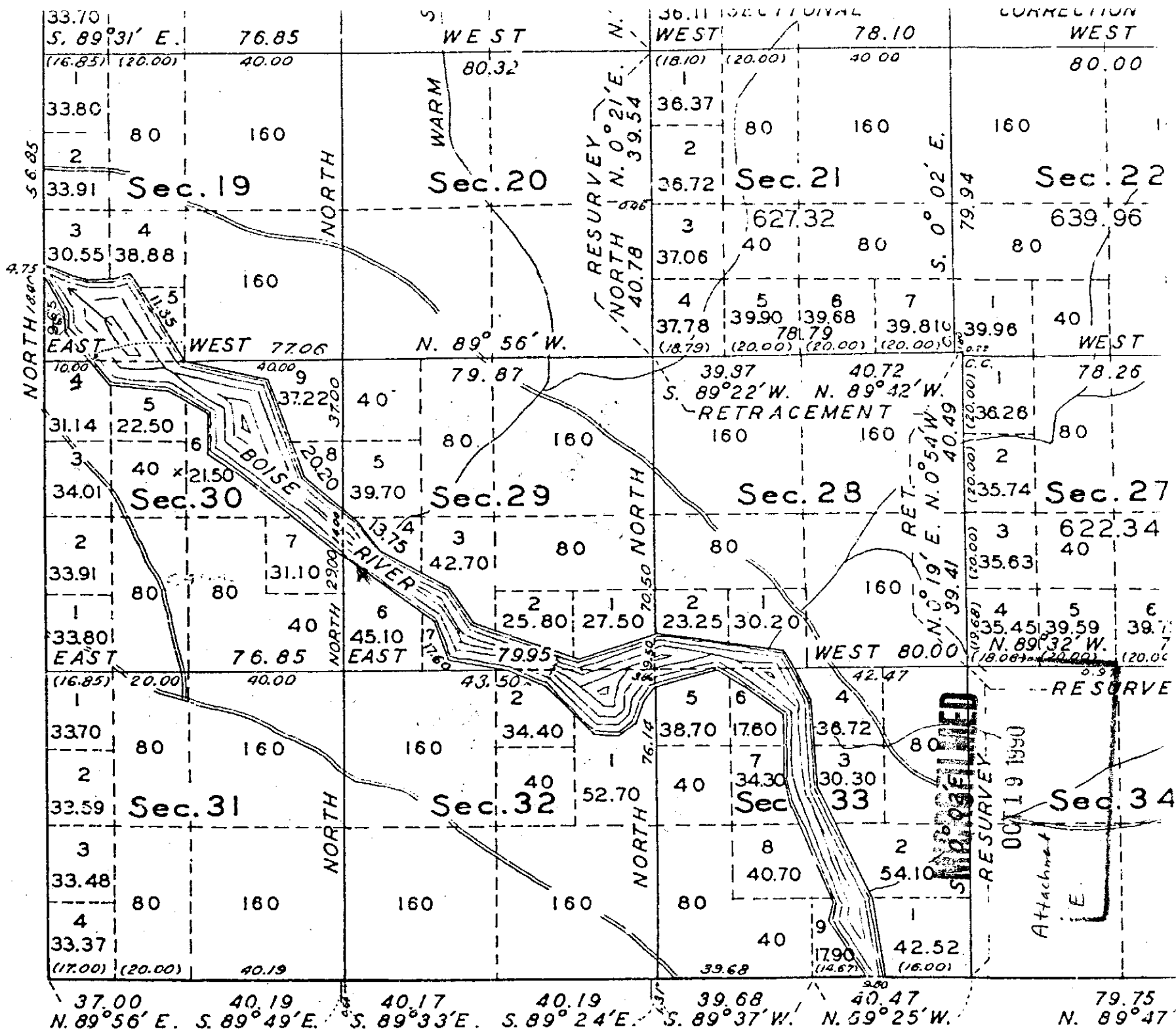
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1990

Photo for ~~the~~ Addendum to Affidavit







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Unparalleled

Oct 19 1950

Attachment

STEWART DECREE

CHART NO. 1

BOISE RIVER

NUMBER	DATE	NAME	AMOUNT DECREED		DEPT. OF WATER ADMINISTRATION
			SEC. FT.	INCHES	
91	6-1-1884	RIVERSIDE IRRIGATION DISTRICT	20.00	1000	63-0226
92	10-17-1884	SETTLERS CANAL CO.	99.06	4953	63-0290
93	6-1-1886	NEW DRY CREEK DITCH	15.22	761	63-0206
94	6-1-1886	THOMAS DAVIS	13.40	670	63-0121
95	1-23-1887	WM. C., L. & E. YOUNG	4.00	200	63-0232
96	10-1-1887	AMERICAN DITCH ASSOCIATION	47.80	2390	63-0233
97	6-1-1888	NEW DRY CREEK DITCH CO.	7.86	393	63-0207
98	6-1-1888	A. V. LINDER	4.00	200	63-0234
99	6-1-1888	LEVI SMITH	1.30	65	63-0235
100	6-1-1888	CHARLOTTE CALHOUN	1.40	70	63-0236
101	6-1-1888	ED. J. LINDER	1.46	73	63-0237
102	6-1-1888	LIZZIE EVERETT	1.20	60	63-0238
103	6-1-1888	JESSE WILSON	1.40	70	63-0239
104	6-1-1888	THOMAS ANDREWS	.90	45	63-0130
105	7-1-1888	FARMERS COOPERATIVE DITCH CO.	50.00	2500	63-0190
106	8-20-1888	NAMPA MERIDIAN IRRIGATION DISTRICT	370.84	18542	63-0200
107	3-1-1889	CHARLES H. MILLER	.06	3	63-0240
108	5-1-1889	LOOMIS L. HOBLEY	.02	1	63-0241
109	3-1-1889	S. J. UTTER & C. B. TAYLOR	2.40	120	63-0242
110	3-1-1889	SOUTH BOISE MUTUAL IRRIGATION CO.	6.00	300	63-0243
111	3-1-1889	ESTATE OF J. H. GALLAGHER	2.94	147	63-0244
112	3-1-1889	ANNIE N. FOSBURY	.05	2.5	63-0245
113	3-1-1889	GRACE CALL	.10	5	63-0246
114	3-1-1889	SAMUEL H. CAMFIELD	.03	1.5	63-0247
115	6-1-1889	SONORA JOPLIN	.06	3	63-0213
116	6-1-1889	SONORA JOPLIN	1.20	60	63-0216
117	9-1-1890	PIONEER IRRIGATION DISTRICT	200.00	10000	63-0224
118	6-1-1891	W. H. CONWAY	2.20	110	63-0197
119	6-1-1891	THOMAS DAVIS	.54	27	63-0122
120	6-1-1891	MIDDLETON HILL DITCH CO.	17.00	850	63-0126
121	6-1-1891	THOMAS ANDREWS	3.50	175	63-0131
122	6-1-1891	SETTLERS CANAL CO.	73.44	3672	63-0231
123	6-1-1891	THOMAS AIKEN	.80	40	63-0195
124	3-1-1893	RIVERSIDE IRRIGATION DISTRICT	80.00	4000	63-0227
125	6-1-1894	R. H. STOCKTON	1.76	88	63-0204
126	7-2-1894	FARMERS UNION DITCH CO.	110.00	5500	63-0248
127	3-1-1895	CHARLES REIN & JANE KEON	1.00	50	63-0249
128	7-1-1895	MATHEW CASEY	.66	33	63-0250
129	7-1-1896	FARMERS COOPERATIVE DITCH CO.	83.50	4175	63-0191
130	10-1-1899	RIVERSIDE IRRIGATION DISTRICT	20.00	1000	63-0228
131	3-23-1900	NEW YORK CANAL CO.	219.10	10955	63-0251
132	5-17-1900	CANYON DITCH CO.	10.00	500	63-0369
133	6-1-1901	RIVERSIDE IRRIGATION DISTRICT	70.00	3500	63-0229
134	10-25-1901	CANYON DITCH CO.	5.54	277	63-0252
135	4-1-1904	PIONEER IRRIGATION DISTRICT	56.34	2817	63-0225

Attached F

INTERVENORS - STEWART DECREE

CHART NO. 2

BOISE RIVER

NUMBER	DATE	NAME	CANAL	AMOUNT DECREED		DEPT. OF WATER ADMINISTRATION
				SEC. FT.	INCHES	
8-A	4-1-1865	ADOLPH BAHLER	BAHLER	.80	40	63-0278
8-B	4-1-1865	FIRST NAT. BANK OF PUEBLO	BUBB	1.80	90	63-0280
8-C	1865	LOUISE SIMONSON	LEMP DITCH	6.00	300	63-0270
8-D	1865	S. G. HARDIES	BUBB	.50	25	63-0281
31-A	6-1-1866	WM. MUSSER	LAWRENCE & KENNEDY	2.30	115	63-0254
31-B	6-1-1866	MINNIE & JEREMIAH COUZENS	MIDDLETON WATER	.60	30	63-0255
31-C	6-1-1866	ALBERT C. BOWERMAN	LAWRENCE & KENNEDY	1.10	55	63-0001
35-A	6-1-1867	RALPH T. KNIGHT & ORA K. TILLER	CANYON COUNTY WATER CO.	1.76	88	63-0277
47-A	4-1-1870	ADOLPH BAHLER	BAHLER	.80	40	63-0279
51-A	4-1-1870	(S. G. HARDIES	BUBB	1.00	50	63-0282)
		(AMELIA EISLEY				63-0283)
59-A	5-1-1875	KARL F. & OTTO W. ROEDEL	INDIAN CREEK	3.20	160	63-0305
66-A	4-1-1878	J. S. KRAUSS	BALLENTYNE	.80	40	63-0265
66-C	4-1-1878	J. W. KOLANDER	BALLENTYNE	1.40	70	63-0289
66-D	4-1-1878	M. T. GRIFFITH	BALLENTYNE	.80	40	63-0264
71-A	4-1-1879	ISLAND HIGH LINE DITCH	ISLAND HIGH LINE DITCH	3.00	150	63-0291
73-A	4-1-1880	GOBLE & SONGER	NEW DRY CREEK	.54	27	63-0288
73-B	1880	ALBERT LEMP ET AL	BAXTER DITCH	3.20	160	63-0368
74-A	6-1-1880	C. B. FRANK	NEW DRY CREEK	1.816	90.8	63-0263
77-A	6-1-1881	GUS A. BARTH	PARMA DITCH CO.	1.60	80	63-0272
77-B	6-1-1881	CHARLES JURRIES	PARMA DITCH CO.	.34	17	63-0274
77-C	6-1-1881	JAMES FINLAY	PARMA DITCH CO.	.80	40	63-0275
77-D	6-1-1881	LESTER J. SHIPPY	PARMA DITCH CO.	1.30	65	63-0273
77-E	4-15-1882	ROC HELM	RIVERSIDE IRRIG. DIST.	3.674	183.70	63-0290
85-A	6-1-1882	LEO MARSTERS	WARM SPRINGS SLOUGH	1.76	88	63-0287
85-B	4-1-1883	JACOB BINGMAN	SETTLERS	1.00	50	63-0257
85-C	5-1-1883	WM. HUCKBA	NEW DRY CREEK	.2232	11.16	63-0259
85-D	5-1-1883	C. H. SCHMELZER	BALLENTYNE	.8256	41.28	63-0260
85-E	5-1-1883	C. W. MCCLURG	NEW DRY CREEK	.385	19.25	63-0261
106-A	5-1-1883	AMELIA EISLEY	BUBB	.84	42	63-0284
114-A	5-1-1889	NEIL & PATRICK O'DONNELL	O'DONNELL & BARTH	1.60	80	63-0276
114-B	5-1-1889	GUS A. BARTH	O'DONNELL & BARTH	.80	40	63-0271
116-A	6-1-1890	ANNA SPENCER	RIVERSIDE IRRIG. DIST.	.72	36	63-0266
116-B	6-1-1890	WILLIS B. SPENCER	RIVERSIDE IRRIG. DIST.	.10	5	63-0267
116-C	6-1-1890	REBECCA BELL	RIVERSIDE IRRIG. DIST.	.40	20	63-0268
123-A	4-15-1893	OTTO & MARIE MULLER	MIDDLETON MILL DITCH	1.60	80	63-0370
124-A	5-1-1893	W. D. CHARTERS	NEW DRY CREEK	.825	41.25	63-0258
129-A	4-1-1897	H. E. PLAIN	NEW DRY CREEK	.54	27	63-0286
136	5-1-1906	H. E. WIMER	BALLENTYNE	.392	19.6	63-0285
137	5-1-1909	B. P. WEAVERLING	MACE & MACE	1.76	88	63-0253
137-A	4-1-1910	ISLAND HIGH LINE DITCH	ISLAND HIGH LINE DITCH	7.00	350	63-0292
138	5-1-1912	WESLEY A. MACE	MACE & CATLIN	.44	22	63-0361
139	4-1-1915	ISLAND HIGH LINE DITCH CO.	ISLAND HIGH LINE DITCH	10.00	500	63-0293

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Attached G

R D Harland
 1507 GARFIELD
 BOISE 83705
 3445492

(Richard D. Harland)
 Pres, South Boise Mutual Water Company
 STEWART AND BRYAN DECREES GROUPED UNDER CANAL READINGS

CHART NO. 3

NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY NO.	DATE	AMOUNT DECREED			INCHES	TOTAL SEC. FT.
					STEWART DECREE	INTERVENORS STEWART DECREE	BRYAN DECREE		
BOISE VALLEY LICENSED RIGHT #15242		243	15	6-1-1865 7-19-1921	54.58		(1.20)	2729 60	55.78

BOONE DITCH			28	6-1-1865	7.00			350	
			47	6-1-1869	3.50			175	
			59	6-1-1874	2.20			110	12.70

BOWMAN & SWISHER	50	19	6-1-1865	2.88				144	
	51	20	6-1-1865	6.40				320	
	127*	20	6-1-1865	.80*				40*	
	224	89	11-9-1889	.20				45	9.38
		96	10-1-1887	.70					

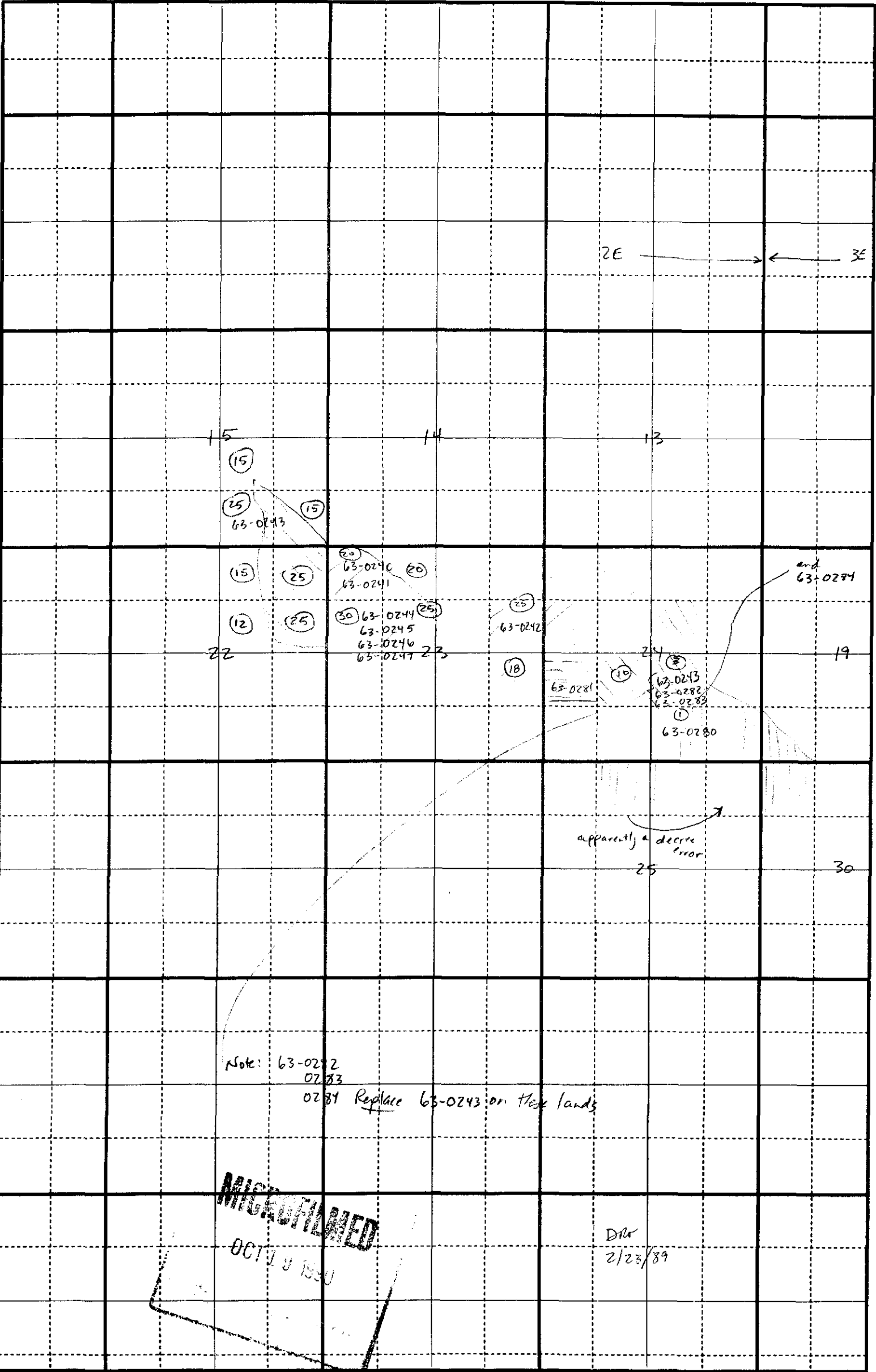
BUBB (SOUTH BOISE MUTUAL)		✓ 107	5-1-1889	.06	63-0240 ✓		3	
		✓ 108	5-1-1889	.02	63-0241 ✓		1	
		✓ 109	5-1-1889	2.40	63-0242 ✓		120	
		✓ 110	5-1-1889	6.00	63-0243 ✓		300	
		✓ 111	5-1-1889	2.94	63-0244 ✓		147	
		✓ 112	5-1-1889	.05	63-0245 ✓		2.5	
		✓ 113	5-1-1889	.10	63-0246 ✓		5	
		✓ 114	5-1-1889	.03	63-0247 ✓		1.5	
		✓ 8-B	4-1-1865		1.80 63-0280 ✓		90	
		✓ 8-D	4-1-1865		.50 63-0281 ✓		25	
		✓ 50-A	1870		(.3)(.7) 1.00 63-0282, 283 ✓		50	
		✓ 106-A	3-1-1889		.84 63-0284 ✓		42	
			4-1-1905		63-00298	5.40	270	21.14

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OCT 19 1990

Flood water

*SUBTRACT



LXXXIV.

That the defendant LIZZIE EVERETT be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M. for use upon the ^{E. 1/2 of} NE 1/4 of Sec. 12, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0238 T.P.D. 64

60 inches, from June 1, 1888. hereby designated as Right No. 102. And be adjudged to pay \$4.20 costs in addition to the costs incurred by her.

LXXXVI.

That the defendant JESSE WILSON be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the N. 1/2 of NW 1/4 and NW 1/4 of NE 1/4 of sec. 12, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0239 T-P.D. 91, P.D. 161, P.D. 174

70 inches, from June 1, 1888. hereby designated as Right No. 103. And be adjudged to pay \$4.90 costs in addition to the costs incurred by him.

LXXXVII.

That the defendant CHARLES H. MILLER be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near where such bank is intersected by the line between township 3 north, range 2 east and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon three acres of land situated in the NW 1/4 of sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0240

3 inches, from May 1, 1889. hereby designated as Right No. 107. And be adjudged to pay \$0.21 costs in addition to the costs incurred by him.

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OCT 19 1980

LXXXVIII.

That the defendant LOOMIS L. HOSELEY be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon one acre of land situated in the NW 1/4 of sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0241

1 inch, from May 1, 1889, hereby designated as Right No. 103. And be adjudged to pay \$0.07 costs in addition to the costs incurred by him.

LXXXIX.

That the defendants STEVE UTTER, JOHN UTTER and C. B. TAYLOR be, and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon the SE 1/4 of NE 1/4, and NE 1/4 of SE 1/4, Sec. 23, and S. 1/2 of NW 1/4 and lots 7 and 8 in sec. 24, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0242

120 inches, from May 1, 1889, hereby designated as Right No. 103. And be adjudged to pay \$8.40 costs in addition to the costs incurred by them.

XC.

That the defendant the SOUTH BOISE MUTUAL IRRIGATION COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river near where such bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon the NE 1/4 of SW 1/4 and lots 5 and 6 in Sec. 24, also all that portion of the SE 1/4 of sec. 15 lying south of what is known as the Ridenbaugh Mill Ditch, and all that portion of the NE 1/4 of Sec. 22 lying north of what is known as the Big Bluff or Ridenbaugh canal, all in T. 3 N. R. 2 E.

B. M., in the following amount and from the following date;
300 inches, from May 1, 1889; hereby designated as Right No. 110.

And be adjudged to pay \$21.00 costs in addition to the costs incurred by it.

63 0243

XCI.

That the defendant ESTATE OF J. H. GALLAGHER be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, 2 east, and township 3 north, 3 east through what is known as the Bubb canal, for use upon the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0244

147 inches, from May 1, 1889; hereby designated as Right 111.
And be adjudged to pay \$10.29 costs in addition to the costs incurred by it.

XCII.

That

~~Gracie Call~~ Annio

H. Fogarty) be, and she is hereby awarded the use of the waters of Boise river, diverted from a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon two and one-half acres of land situated in the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0245

2-1/2 inches, from May 1, 1889. hereby designated as Right No. 112.
And be adjudged to pay \$0.13 costs in addition to the costs incurred by him.

XCIII.

That the defendant GRACE CALL be, and she is hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon 5 acres of land, situated in the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0246

5 inches, from May 1, 1889. hereby designated as Right No. 113.
And be adjudged to pay \$0.35 costs in addition to the costs incurred by her.

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XCIV.

That the defendant SAMUEL H. CANFIELD be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon 2 acres of land in the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0247

1-1/2 inches, from May 1, 1889. hereby designated as Right No. 114. And be adjudged to pay \$0.11 costs in addition to the costs incurred by him.

XCV.

That the defendant the FARMERS' UNION DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river at a point where the east line of the Soldiers' Home land intersects Boise River, in Sec. 32, T. 4 N. R. 2 E. B.M., for use upon the lands lying under its canal system, in the following amount and from the following date;

63 0248

5500 inches, from July 2, 1894. hereby designated as Right No. 123. And be adjudged to pay \$385.00 costs in addition to the costs incurred by it."

XCVI.

That the defendants CHARLES REIN and JANE KFOH be, and they are hereby awarded the use of the waters of Boise River, diverted from the south side of said river at a point about 75 yards below what is known as the Ridenbaugh main head-gate, for use upon the NE 1/4 of SE 1/4 of sec. 25, T. 3 N. R. 2 E. B.M., also lot 7, Sec. 30, T. 3 N. R. 3 E. B.M., in the following amount and from the following date;

63 0249

7- P.D. 153

50 inches, from May 1, 1895. hereby designated as Right No. 127. And be adjudged to pay \$3.50 costs in addition to the costs incurred by them.

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It is ordered, adjudged and decreed, that the lands hereinafter described are arid in character and require the artificial application of water to render them valuable for agricultural purposes;

That the quantity of water required for the successful cultivation and irrigation of said lands, measured at the intake of the Canal or ditch of the "Bubb Canal" on the southerly bank of Boise river and where such bank is intersected by the line between Township 3 North of Range 2 East and Township 3 North of Range 3 East, is one inch of water per acre.

That the above mentioned one inch of water per acre is understood to be in the same status as the one inch of water per acre in the judgement rendered in the above entitled action, on or about January 19, 1906, and is subject to such modifications and temporary orders as this Court may make for the above entitled cause;

And it is further ordered, adjudged and decreed, that the said intervenor, The First National Bank of Pueblo, a corporation, be, and it is hereby, awarded the use of the water of the Boise river and the tributaries thereof, subject to the above modifications of 90 inches of water of said river beginning with the irrigation season of 1865, to wit: April 1st, 1865, to be carried through the Canal or ditch known as the said "Bubb Canal", and diverted from Boise river at the point of the intake of said Canal at a point on the southerly bank of said Boise river near where such bank is intersected by the line between Township 3 North of Range 2 East and Township 3 North of Range 3 East and running thence in a westerly direction along the South bank of said river to a point in Section 24, Township 3 North of Range 2 East about 80 rods North from the South line of said section and ending

63-0280

Attached K

thence in a westerly direction about two miles, in the quantity of 90 inches of water, measured under a four inche pressure, and upon the following described lands situated in the County of Ada, State of Idaho:

The Southwest Quarter of the Southeast Quarter and Lot four (4) Section twenty-four (24), Township three (3) North of Range two (2) East of Boise Meridian, and the Northeast Quarter of the Northwest Quarter of Section twenty-five (25), Township three (3) North of Range two (2) East of the Boise Meridian, and Lot four (4) in Section thirty (30), and Lot six (6) in Section nineteen (19), Township three (3) North of Range three (3) East of the Boise Meridian, all in Ada County, Idaho.

It is further ordered, adjudged and decreed, that the said answer and cross-complaint in intervention and all

STATE OF IDAHO, }
County of Canyon, } ss.

I, Myrtle Bernard, Clerk of the District Court and Ex-officio Recorder of the County of Canyon, State of Idaho, do hereby certify that the foregoing copy of Judgment and Decree in case of Farmers Co-operative Ditch Co. vs. Riverside Irrigation Dist., Ltd., et al, Defendants and The First National Bank of Pueblo, a corp. ^{Intervenor} has been compared by me with the original, and that it is a correct transcript therefrom, and of the whole of such original. Judgment and Decree.

as the same appears

on file and on record in my office

In TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this 1st

day of September, 1928

Myrtle Bernard

Clerk of the District Court and Ex-officio Recorder.

By Rebecca T. L. L. Deputy.

IN THE DISTRICT COURT OF THE SEVENTH
JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF CANYON.

and entered

.....
Farmers Co-operative Ditch Company,
a corporation,

Plaintiff,

v.

Riverside Irrigation District,
Limited, et al., (said action being
commonly known as the Boise River
Priority Suit.)

Defendants,

S. Glee Hardies and Amelia Hiseley
(substituted in place of C. H. Foster,
intervenor)

Intervenor.

JULIEN T. DECKER.

THIS CAUSE, came on regularly for trial upon the
answer and cross-complaint of the above named intervenor,
C. H. Foster, the said intervenor appearing in person and by
his counsel Savanah, Blake and Maclean, said intervenor having
been heretofore, by consent of all parties to this action and
by the order of this Court, permitted to intervene in this
action and file herein his answer and cross-complaint and
asked to proceed with the trial, all of the parties to said
suit having heretofore, under stipulation, answered and denied
the allegations of said answer and cross-complaint of said
intervenor, and the several parties being before the Court,
all present consented to the hearing of the evidence in the
above entitled cause, and since the submission of the evidence
S. Glee Hardies and Amelia Hiseley have become the owners of
the premises and water rights as hereinafter stated, and an
order of this Court having been made substituting the said
S. Glee Hardies and Amelia Hiseley in the place of the said
C. H. Foster as defendants and intervenors herein,

WHEREUPON, witnesses were sworn and testified in
behalf of said intervenor, and documentary evidence intro-

duced, and no other evidence was introduced by any of the parties to said cause upon said hearing, upon the said answer and cross-complaint of said intervenor, the evidence being closed, the cause was submitted to the Court for its consideration and decision, and the Court having filed its findings of fact and conclusions of law, from which it appears that all the material facts stated in said answer and cross-complaint in intervention are sustained and that the matters so alleged and proved are sufficient in law to entitle the said intervenors, S. Glee Hardies and Amelia Easley, to the relief prayed for in their said answer and cross-complaint in intervention; that said intervenors are the owners of the lands described in their said answer and cross-complaint in intervention, and that they are entitled to the use of water in the Boise river and its tributaries in the amounts claimed in their said answer and cross-complaint in intervention and as hereinafter stated; and it further appearing that all the material allegations in said answer and cross-complaint in intervention are true, and that said intervenors have a priority of right to the use of 25 inches of water, beginning with the irrigation season of 1865, and, also, with priority to 50 inches more of said waters, beginning with the irrigation season of 1870, and, also, with priority of 42 inches more of said waters beginning with the month of March, 1889, as hereinafter stated, and the Court having been fully advised in the premises.

It is ordered, adjudged and decreed, that the lands hereinafter described are arid in character and require the artificial application of water to render them valuable for agricultural purposes;

That the quantity of water required for the successful cultivation and irrigation of said lands, measured at the intake of the Canal or Ditch of "Bubb Canal" on the south-

- 2 -
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erly bank of Boise river and where such bank is intersected by the line between Township 3 North of Range 2 East and Township 3 North of Range 3 East, is one inch of water per acre.

That the above mentioned one inch of water per acre is understood to be in the same status as the one inch of water per acre in the judgement rendered in the above entitled action, on or about January 19, 1906, and is subject to such modifications and temporary orders as this Court may make for the above entitled case;

63 0281 And it is further ordered, adjudged and decreed, that the said intervenor, S. Glee Hardies, do, and she is hereby, awarded the use of the water of the Boise river and the tributaries thereof upon the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 24, Township 3, North Range 2 East Boise Meridian, in Ada County, Idaho, subject to the above modifications, of 25 inches of water beginning with the irrigation season of 1865, and, also, with priority to 15 inches more of said waters beginning with the irrigation season of

63 0282 1870, and the said ^{Amelia} Wisley is awarded the use of the water of said river and its tributaries upon the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), and Lots 5 and 6 in Section 24,

63 0283 Township 3 North Range 2 East, Boise Meridian, in Ada County, Idaho, with priority of 35 inches of said water beginning with the irrigation season of 1870, and also with priority of 42

63 0284 inches more of said waters beginning with the month of March, 1889, and which said 77 inches of water is included in the decree heretofore entered herein, all of said waters herein awarded to said parties are to be carried through the Canal or ditch known as the said "Babo Canal", and diverted from Boise river at the point of the intake of said Canal at a point on the southerly bank of said Boise river near where such bank is intersected

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by the line between Township 3 North of Range 2 East and Township 3 North of Range 3 East, and running thence in a westerly direction along the South bank of said river to a point in Section 24, Township 3 North of Range 2 East about 80 rods North from the South line of said Section and running thence in a westerly direction about two miles, in the quantities aforesaid, of water measured under a four inch pressure, and upon the following described lands situated in the County of Ada, State of Idaho:

The Northwest Quarter (NW¹) of the Southwest Quarter (SW¹), Section twenty-four (24) Township 3 North Range 2 East, Boise Meridian, in Ada County, Idaho, also:

The Northeast Quarter (NE¹) of the Southwest Quarter (SW¹) of Lots 5 and 6 in Section 24, Township 3 North, Range 2 East, Boise Meridian, in Ada County, Idaho.

STATE OF IDAHO, } ss.
County of Canyon, }

I, Myrtle Bernard, Clerk of the District Court and Ex-officio Recorder of the County of Canyon, State of Idaho, do hereby certify that the foregoing copy of Judgment and Decree in case of Farmers Co-operative Ditch Company v. Riverside Irrigation District, Ltd. et al, defendant and S. Glee Hardies and Amelia Easley, Intervenor, has been compared by me with the original, and that it is a correct transcript therefrom, and of the whole of such original Judgment and Decree.

.....as the same appears
on file and on record.....in my office

In TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this 1st

day of September, 1928.

Myrtle Bernard
Clerk of the District Court and Ex-officio Recorder.
By Deputy.

Ed. L. Bryan.
District Judge.

RECORDED
OCT 19 1928

5/11/1925

63-+

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO IN AND FOR CANYON COUNTY.

PIONEER IRRIGATION DISTRICT,

Plaintiff,

v.

AMERICAN DITCH COMPANY et al.,

Defendants,

and

UNITED STATES OF AMERICA,

Intervener.

ORDER
FOR DISTRIBUTION OF WATERS OF
BOISE RIVER
FOR 1932.

B. C. Newell

On this 30th day of January, 1932, counsel for all parties being present in court, on motion of the plaintiff and no one objecting thereto, the court hereby enters the following order:

IT IS HEREBY ORDERED that from and after the date hereof, all waters of the Boise River involved in this suit, shall be distributed during the year 1932 to the following named parties, in accordance with the following priorities, and in the amounts shown after each respectively, subject, however, to the sliding scale hereinafter set forth:

- 63-0297 — Farmers Union Ditch Co., Ltd., 54.46 second feet, with date of priority, July 2, 1894;
- 63-0372 — New York Irrigation District and Boise Kuna Irrigation District, successors to New York Canal Co., 58.86 second feet, with date of priority March 23, 1900;
- 63-0301 — United States of America, 1354.58 second feet, with date of priority, December 14, 1903;
- 63-0294 — Pioneer Irrigation District, 306.56 second feet, with date of priority, April 1, 1905;
- 63-0296 — Farmers Co-operative Ditch Co., 154.45 second feet with date of priority, April 1, 1906;

-1-

OCT 19 1990

Attachment M

- 63-0298 - South Boise Mutual Ditch Co., 5.4 second feet,
with date of priority, April 1, 1905;
- 63-0295 - Pioneer Irrigation District, 54.5 second feet,
with date of priority, April 1, 1903;
- 63-0373 - United States of America, 292.5 second feet,
with date of priority, April 1, 1909;
- 63-0302 - United States of America, 634 second feet,
with date of priority, June 16, 1909;
- 63-0299 - Riverside Irrigation District, 63.78 second feet,
with date of priority, April 1, 1910;
- 63-0303 - United States of America, 8000 second feet,
with date of priority January 13, 1911 for storage
in Arrow Rock Reservoir, provided that the Arrow Rock
Reservoir of the United States under date of priority
of January 13, 1911, shall not be subject to cut until
the flow of Boise River is insufficient to supply the
said right and all rights prior thereto, and that
after the flow of Boise River becomes insufficient to
supply the said right, and all rights prior thereto,
then the said Arrow Rock right shall be cut in its
entirety before any right prior thereto shall be cut.
- 63-0300 - Riverside Irrigation District, 17.7 second feet,
with date of priority, April 1, 1914.

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Dave.

This is water int out of our ditch
amounts out of SB MID. on Spring when River is high
Loss in summer 47711. B. P. Harland 344 9492

The old Baylor Ranch dumps in to our
system about 80 in. for 6 hr. per day wastewater

A ditch at Cambell's place on Holdens Ln. dumps in
about 15 in. for 3 days a week.

A ditch at Apple St. dumps in about 20 in.
4 days a week.

A ditch at Gekeler dumps in 10 in. 2 days a
week.

A ditch at Targee + Colo. dumps in 10 in.
2 days a week.

A ditch at Targee + Broadway dumps in 30 in.
4 days a week.

We dump wash water in to So. B.I. Co. at
Boise Ave + Colo. 2 nights a week 30 in. At Boise
Ave + Vermont 3 nights a week 25 in. At Boise
Ave + alley between Manitou + ~~Boise~~ 3 nights
a week 40 in.

OCT 19 1990

We dump into the drain ditch below:
Hedera Wy + Garfield 3 nights a week 5 in
This water goes on down into Canon
Ann Morrison Park and back into the river

Nights 10:30 - 11:00 PM To 6 AM.

Attachment N

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JAN 8 1989

Department of Water Resources
Western Regional Office



Attachment
O

Prepared by
Dane Tutthill, IDWR
Richard Harland, South Box
Mutual Irrigation Co., Ltd
President, and
Dale Melton, Director of
the Company, from
1980 U-2 Photo.

2/23/1989

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Attachment P



02/23/89

* MACALLISTER'S MODIFICATION OF MORITZ *
* LOSS CALCULATION FOR *
* THE SOUTH BOISE MUTUAL CANAL COMPANY CANAL *
* WATER RIGHT NO. 63-00280, ET AL *

Q DIVERTED: 7.27
Q DELIVERED: 5.68
PERCENTAGE LOSS: 27.95

TYPE OF SOIL: CLAY LOAM AND SILT
SOIL CONSTANT= 1.00 (FEET/DAY)
LENGTH OF HEAD OF DITCH: 0.30
LENGTH OF DELIVERY SECTION: 4.00

LOSS TABLE FOR HEAD OF DITCH

MILE	Q (CFS)	LOSS (CFS)
0.30	7.12	0.14

LOSS TABLE FOR DELIVERY

MILE	Q (CFS)	LOSS (CFS)	Q DELIVERED (CFS)
1.00	5.23	0.47	1.42
2.00	3.40	0.41	1.42
3.00	1.65	0.33	1.42
4.00	0.00	0.23	1.42

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Attach-net Q

 * MACALLISTER'S MODIFICATION OF MORITZ *
 * LOSS CALCULATION FOR D.R.T. 2/24/1989 *
 * THE BUBB DITCH *
 * WATER RIGHT NO. 63-00243B *

Q DIVERTED: 3.03
 Q DELIVERED: 2.54
 PERCENTAGE LOSS: 19.44

TYPE OF SOIL: CLAY LOAM AND SILT
 SOIL CONSTANT= 1.00 (FEET/DAY)
 LENGTH OF HEAD OF DITCH: 0.30
 LENGTH OF DELIVERY SECTION: 1.50

LOSS TABLE FOR HEAD OF DITCH

MILE	Q (CFS)	LOSS (CFS)
0.30	2.94	0.09

LOSS TABLE FOR DELIVERY

MILE	Q (CFS)	LOSS (CFS)	Q DELIVERED (CFS)
1.00	0.94	0.31	1.69
1.50	0.00	0.09	0.85

00000000

00000000

Attachment R - Original - See R modified (attached)

03/21/90 D.R.T.

* MACALLISTER'S MODIFICATION OF MORITZ *
* LOSS CALCULATION FOR *
* THE BUBB DITCH *
* WATER RIGHT NO. 63-00243B *

Q DIVERTED: 3.50
Q DELIVERED: 2.96
PERCENTAGE LOSS: 17.36

TYPE OF SOIL: CLAY LOAM AND SILT
SOIL CONSTANT= 1.00 (FEET/DAY)
LENGTH OF HEAD OF DITCH: 0.30
LENGTH OF DELIVERY SECTION: 1.50

LOSS TABLE FOR HEAD OF DITCH

MILE	Q (CFS)	LOSS (CFS)
0.30	3.40	0.10

LOSS TABLE FOR DELIVERY

MILE	Q (CFS)	LOSS (CFS)	Q DELIVERED (CFS)
1.00	1.08	0.33	1.99
1.50	-0.01	0.09	0.99

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E (Modified Per Addendum to Attachment B)

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

102.36

Account Name Idaho Dept. Water Resources - Western Region			Account Number #47628	
Address 2735 Airport Way		City/State Boise, ID		Zip 83705
Ordered By Judy Pense	P.O. Number	Rate TT	Run Dates 1989 April 7, 14	
Identification Proposed Change of Water Right - S. Boise Mutual Irrig. Dist.			Estimated Inches	Real Inches
1 Number of Affidavits Requested				Legal Number #2271

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that the South Boise Mutual Irrigation Co., Ltd., of Boise has applied to the Dept. of Water Resources for an additional point of diversion and change of place of use of the water of the Boise River.

The decreed irrigation rights sought to be changed share a point of diversion at T3N, R3E, S. 30 SENW (Bubb Canal) and are recorded as follows:

Right No.	Amounts (CFS)	Priority	Place of Use Within
63-00280	1.80	4/01/1865	T3N, R3E, S. 19, 30;
63-00281	.50	4/01/1865	T3N, R2E, S. 24, 25, S.M.
63-00282	.50	3/15/1870	T3N, R2E, S. 24
63-00283	.70	3/15/1870	T3N, R2E, S. 24
63-00284	.84	3/01/1889	T3N, R2E, S. 24
63-00285	2.40	5/01/1889	T3N, R2E, S. 22, 24
63-00286	6.80	5/01/1889	T3N, R2E, S. 15, 22, 24

TO BE CHANGED AS FOLLOWS

Points of Diversion: T3N, R3E, S.29 L.6 NWSW (Ridenbaugh Canal); S. 30 SENW (Bubb Canal).

The amounts shown above will be used for irrigation within the following:

Right No.	Place of Use Within
63-00280	T3N, R2E, S. 15 NWSE, S1/2SE1/4; S.22 NENE
63-00281	T3N, R2E, S. 22 N1/2NE1/4
63-00282	T3N, R2E, S. 24 NESW, W1/2SE1/4
63-00283	T3N, R2E, S. 22 NWNE, S1/2NE1/4
63-00284	T3N, R2E, S. 24 SENE; S. 22 NENW
63-00285	T3N, R2E, S. 24 N1/2SW1/4, SE1/4; S. 25 NENE and
63-00286	T3N, R3E, S. 19 SWSW; S. 30 W1/2NW1/4

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Boise, Idaho, on or before April 14, 1989.

R. KEITH HIGGINSON
Director

April 7, 14, 1989

2271

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STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Department of Water Resources
Western Regional Office

Debbie Richards

Debbie Richards, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Idaho, State of Idaho, and having a general circulation therein and 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; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for 2 consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

Publication(s) beginning with the issue of April 7, 1989

Ending with the issue of April 14, 1989

Debbie Richards

NOT RECORDED

00115 1990

Subscribed and sworn to before me this 14th

day of April, 1989

Notary Public for Idaho, Residing at Boise, Idaho

P.O. BOX 40, BOISE, IDAHO 83707

Amount Due

Notary Public for Idaho, Residing at Boise, Idaho

63-7

IN THE DISTRICT COURT OF THE SEVENTH
JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF CANYON.

.....
Farmers Co-operative Ditch Company,
a corporation.

Plaintiff,

v.

Riverside Irrigation District,
Limited, et al., (said action being
commonly known as the Boise River
Priority Suit.)

Defendants,

✓ The First National Bank of Pueblo,
a corporation (substituted in place
of M. D. Thatcher who was heretofore
substituted in place of W. T. Booth.)

Intervenor.
.....

JUDGEMENT AND DECREE.

FILED <i>and Entered</i> A. M. P. M. MAY 19 1928 MYRTLE BERNARD, Clerk <i>B. L. Newell</i> DEPUTY
--

THIS CAUSE, came on regularly for trial upon the answer and cross-complaint of the above named intervenor M. D. Thatcher who was substituted by order of the Court in place of W. T. Booth as said intervenor, and that said cause continue in the name of said M. D. Thatcher as said intervenor, the said intervenor appearing in person and by his counsel Cavanah, Blake and MacLane, said answer and cross-complaint in intervention having been heretofore, by consent of all parties to this action and by the order of this Court permitted to be filed in this action, the trial upon the said answer and cross-complaint in intervention of the said M. D. Thatcher was then had, all of the parties to said suit having heretofore, under stipulation, answered and denied the allegations of said answer and cross-complaint of said intervenor, and the several parties being before the Court, all present consented to the hearing of the evidence in the above entitled cause, and since the submission of the evidence the said First National Bank of Pueblo, a corporation, has become the owner of the premises and water right hereinafter mentioned, and an

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It is ordered, adjudged and decreed, that the lands hereinafter described are arid in character and require the artificial application of water to render them valuable for agricultural purposes;

That the quantity of water required for the successful cultivation and irrigation of said lands, measured at the intake of the Canal or ditch of the "Bubb Canal" on the southerly bank of Boise river and where such bank is intersected by the line between Township 3 North of Range 2 East and Township 3 North of Range 3 East, is one inch of water per acre.

That the above mentioned one inch of water per acre is understood to be in the same status as the one inch of water per acre in the judgement rendered in the above entitled action, on or about January 19, 1906, and is subject to such modifications and temporary orders as this Court may make for the above entitled cause;

63 0280 And it is further ordered, adjudged and decreed, that the said intervener, The First National Bank of Pueblo, a corporation, be, and it is hereby, awarded the use of the water of the Boise river and the tributaries thereof, subject to the above modifications of 90 inches of water of said river beginning with the irrigation season of 1865, to wit: April 1st, 1865, to be carried through the Canal or ditch known as the said "Bubb Canal", and diverted from Boise river at the point of the intake of said Canal at a point on the southerly bank of said Boise river near where such bank is intersected by the line between Township 3 North of Range 2 East and Township 3 North of Range 2 East and Township 3 North of Range 3 East, and running thence in a westerly direction along the South bank of said river to a point in Section 24, Township 3 North of Range 2 East about 80 rods North from the South line of said section and running

MEMORANDUM

TO: Files 63-00243/00280/00281/00282/00283/00284

FROM: Sharla

DATE: January 7, 1993

RE: Trans. #4048

See file 63-00242 for all correspondence regarding the above referenced transfer.

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FEB 18 1993

TRANS 3755



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 16, 1990

RE: Transfer of Water Right No. 63-0242/0243/0280/0281
0282/0283/0284

South Boise Mutual Irrigation Company, Ltd.
c/o Richard D. Harland, President
1507 Garfield
Boise, ID 83706

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Trans. No. 3755). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

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001

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: September 21, 1990

RE: TRANSFER NO. 3755/RIGHT NO.S 63-0280 THRU 63-0284, 63-0242 &
63-0243

TRANSFER NO. 3756/RIGHT NO. 63-0243C

TRANSFER NO. 3757/RIGHT NO. 63-0243D

=====

Transfer no. 3755 changes the place of use and adds a point of diversion for the above rights. Point of diversion, place of use, and period of use for rights 63-0280 thru 63-0284 should be changed in the database as shown under section B., part 1 of the transfer.

Transfer 3755 also splits right no.s 63-0242 and 63-0243. Right no.s 63-0242A and 63-0243A will be changed as shown under section B., part 1 of the transfer. Right 63-0242B should be changed to show a diversion rate of 1.54 cfs. All other information in the database for the parent right, 63-0242, should carry over to 63-0242B.

Right no. 63-0243B is immediately split by transfer no.s 3756 and 3757. Transfer 3756 made by Boise Water Corp. changes a portion of 63-0243B to 63-0243C. Transfer no. 3757 changes another portion of 63-0243B to 63-0243D. The final remaining portion of 63-0243B, for 0.23 cfs, will be changed to 63-0243E. Again, all the information in the database for the parent right such as name, place of use and point of diversion etc., should carry over to right 63-0243E.

I recommend approval of all three transfer applications with the conditions provided by Dave Tuthill on separate memos to the files.

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RECOMMENDED CONDITIONS OF APPROVAL

WATER RIGHT: Transfer of Water Rights Nos. 63-00280, et al
APPLICANT: South Boise Mutual Irrigation Company, Ltd.
RECOMMENDED BY: Dave Tuthill *DT*
DATE: September 17, 1990

1. A lockable controlling device and totalizing flow measuring device acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District 63, Boise River.

INDEXED

OCT 18 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: 82

1. Right number 63-00280, 00281, 00282, 00283, 00284, 00242, 00243 Applicant South Boise Irrigation Co., Ltd.
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments NO expansion seen. See attachment B for discussion of carriage water (ditch loss) etc.
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) Only in S. 23 NW 1/4, 63-00240, 00241, 00244-00247, all of which are considered to have been lost. Again, see Attach. B, item 9.
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 63

FINAL PROCESSING REVIEW BY: DWR

1. Watermaster recommendation requested on _____ Received on 4/27/90
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* See Attached
4. By DWR Date 9/14/1990

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APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 63-00280, 281, 282, 283,

RECOMMENDATION OF WATERMASTER

Department of Water Resources
Western Regional Office

I, Lee Sisco, watermaster of Boise River,
of Water District No. 63, County of Ada, State of Idaho,
whose address is 214 Broadway Ave
have read the attached copy of the application for transfer of water right for _____
S. Boise Mutual Irr Co., and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: _____

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Boise, Idaho, this 26 day of April 19 90

Lee Sisco
(signature)

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Please use reverse side if needed.

March 9, 1990

Mr. Richard D. Harland, President
South Boise Mutual Irrigation Co., Ltd.
1507 Garfield Street
Boise, Idaho 83706

Re: Water right quitclaim deeds for Pier Pointe subdivision lands

Dear Dick:

Over the last several years, my company has executed deeds by which we transferred water rights from the Pier Pointe Subdivision lands to South Boise Mutual Irrigation Co., Ltd., as grantee. The deeds are recorded with the Ada County Recorder as document numbers 8936493, 8932810, 8900261, 8663972, 8621372, and 8416871. These cover all the lands within Pier Pointe subdivisions 1, 3, 4, 6, 7 and 8, respectively. Pier Pointe no. 2 apparently was inadvertently not made subject to such a conveyance, although it should have been. Pier Pointe no. 5 is located above the Bubb Canal, and therefore did not receive SBMIC water historically. The conveyance for it was to the New York Irrigation District.

We learned recently that these deeds incorrectly describe the grantee as "South Boise Mutual Irrigation District, a political subdivision of the state of Idaho," as the "South Boise Water Irrigation District, a political subdivision of the State of Idaho," or as the South Boise Mutual Irrigation District - Bulb Lateral, a political subdivision of the State of Idaho." Obviously, each deed should have listed the grantee as **South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation.** Accordingly, my father and I are executing and filing of record affidavits to correct this error. Copies of these affidavits are attached for your information.

Sincerely,

Max A. Boesiger, Jr.
Max A. Boesiger, Jr.

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AFFIDAVIT CLARIFYING DEEDS

State of Idaho)
 : ss
County of Ada)

I, Max A. Boesiger, Jr., being of lawful age and duly sworn, depose and say that:

1. I am the President of Max A. Boesiger, Inc. an Idaho corporation whose address is 6479 Glenwood, Suite A, Boise, Idaho 83703. As a duly authorized representative of such corporation, I executed the following instruments, each of which is recorded with the Ada County Recorder:

a. Deed Transferring Water Rights dated December 19, 1988, instrument no. 8900261.

b. Deed Transferring Water Rights dated July 14, 1989, instrument no. 8932810.

c. Deed Transferring Water Rights dated July 28, 1989, instrument no. 8936493.

2. With these instruments, Max A. Boesiger, Inc. intended to transfer to grantee South Boise Mutual Irrigation Co., Ltd., an Idaho non-profit corporation, all water rights on and appurtenant to Pier Pointe Subdivision No. 6, Pier Pointe Subdivision No. 7 and Pier Pointe Subdivision No. 8, all in Boise, Idaho.

3. The grantee in each of these instruments was incorrectly listed as "South Boise Mutual Irrigation District, a political subdivision of the State of Idaho." To my knowledge, there is no such entity. Max A. Boesiger, Inc. did not intend to convey any interests of any kind to any entity of that name, or to any district or political subdivision.

4. The above instruments should be interpreted and reformed to list, as sole grantee, South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation.

Dated this 2nd day of March, 1990.

MAX A. BOESIGER, INC.

Max A Boesiger Jr.
Max A. Boesiger, Jr.

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MAR 17 1990

STATE OF IDAHO)
 : SS
COUNTY OF ADA)

90

On this 24th day of March, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Max A. Boesiger, Jr., known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

Ruth O. Warfield
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: May 12, 1994

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OCT 19 1990

DEED TRANSFERRING WATER RIGHTS 8090281

Max A. Boesiger, Inc., an Idaho corporation, of 8473 Glenwood, Suite A, Boise, Idaho 83703, County of Ada, State of Idaho, Grantor and Owner of the premises described as PINE POINT 16 SUBDIVISION, located in the City of Boise, County of Ada, State of Idaho, for good and valuable consideration, receipt of which is hereby acknowledged, hereby grants unto the SOUTH BOISE MUTUAL IRRIGATION DISTRICT, a political subdivision of the State of Idaho, Grantee, pursuant to Section 31-3505(1), Idaho Code, a perpetual right to the use of the water of that irrigation district on Grantor's premises described herein, together with all additional rights and privileges relation to the water of the SAID SOUTH BOISE MUTUAL IRRIGATION DISTRICT within Grantor's premises described herein.

This grant is of water rights only and shall not be construed as

IN WITNESS WHEREOF, Grantor has executed this instrument at Boise, Ada County, Idaho, on the 10th day of February, 1958.

Max A. Boesiger, Inc.
 STATE OF IDAHO)
) ss.
 COUNTY OF ADA)
 Max A. Boesiger, Jr., Vice President

On this 10th day of February, 1958, before me, a notary public in and for said State, personally appeared MAX A. BOESIGER, JR., known to me to be the VICE PRESIDENT of the corporation that executed the instrument, and acknowledged to me that such corporation executed the same.

Notary Public, residing in Boise, Idaho.
 My Commission expires March 12, 1996
10:10A
1958

Max A. Boesiger, Inc., an Idaho corporation, of 6479 Glenwood, Suite A, Boise, Idaho 83703, County of Ada, State of Idaho, Grantor and Owner of the premises described as PIER POINT #7 SUBDIVISION, located in the City of Boise, County of Ada, State of Idaho, for good and valuable consideration, receipt of which is hereby acknowledged, hereby grants unto the SOUTH BOISE MUTUAL IRRIGATION DISTRICT, a political subdivision of the State of Idaho, Grantee, pursuant to Section 31-3805(1), Idaho Code, a perpetual right to the use of the water of that irrigation district on Grantor's premises described herein, together with all additional rights and privileges relating to the water of the said SOUTH BOISE MUTUAL IRRIGATION DISTRICT within Grantor's premises described herein.

This grant is of water rights only and should not be construed as granting any other rights or privileges whatsoever.

IN WITNESS WHEREOF, Grantor has executed this instrument at Boise, Ada County, Idaho, on the 14TH day of JULY, 1989.

MAX A. BOESIGER, INC.

by:

Max A Boesiger Jr.
Max A. Boesiger, Jr., President

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 14th day of July, 1989, before me, a notary public in and for said State, personally appeared MAX A. BOESIGER, JR., known to me to be the PRESIDENT of the corporation that executed the instrument, and acknowledged to me that such corporation executed the same.

Ada County, Idaho

Request of

Max A Boesiger

Notary Public, residing in Idaho

TIME 11:16 AM

DATE 7-14-89

JOHN EASTIDA

RECORDED

By Ch Yates 20

Commission expires:

Notary Public for the State of Idaho

Residing in Marion, Oregon, County, Idaho

My Commission expires April 1, 1993.

0-5-9 1990

JOHN BASTIDA
RECORDER
[Signature]

AFFIDAVIT CLARIFYING DEEDS

State of Idaho)
 : ss
County of Ada)

I, Max A. Boesiger, being of lawful age and duly sworn, depose and say that:

1. I am Vice President of Max A. Boesiger, Inc. an Idaho corporation. As a duly authorized representative of such corporation, I executed the following instruments, each of which is recorded with the Ada County Recorder:

- a. Warranty Deed dated April 6, 1984, instrument no. 8416871.
- b. Deed dated April 26, 1986, instrument no. 8621372.
- c. Deed dated October 22, 1986, instrument no. 8663972.

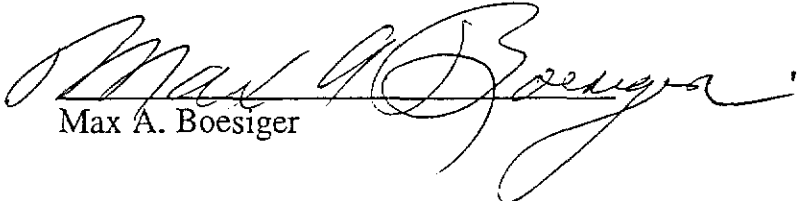
2. With these instruments, Max A. Boesiger, Inc. intended to transfer to South Boise Mutual Irrigation Co., Ltd., an Idaho non-profit corporation, all water rights on and appurtenant to the Pier Pointe Subdivision, Pier Pointe Subdivision No.3, and Pier Pointe Subdivision No. 4, all in Boise, Idaho.

3. The grantee in instrument no. 8416871 was incorrectly listed as "South Boise Mutual Irrigation District - Bulb Lateral, a political subdivision of the State of Idaho." The grantee in instrument no. 8621372, was incorrectly listed as "South Boise Water Irrigation District, a political subdivision of the State of Idaho." The grantee in instrument no. 8663972, was incorrectly listed as "South Boise Water Irrigation District, a political subdivision of the State of Idaho." To my knowledge, there are no entities. Max A. Boesiger, Inc. did not intend to convey any interests of any kind to any entity bearing any of these names, or to any district or political subdivision.

4. The above instruments should be interpreted and reformed to list, as sole grantee, South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation.

Dated this 12 day of March, 1990.

MAX A. BOESIGER, INC.


Max A. Boesiger

RECORDED
6/11/90

STATE OF IDAHO)

: SS

COUNTY OF ADA)

On this ⁹⁰12th day of March, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Max A. Boesiger, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.


Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: May 12, 1994

RECORDED

0071: 10

WARRANTY DEED

8416871

For Value Received

Max A. Boesiger, Inc.

the grantor, do hereby grant, bargain, sell and convey unto

the grantee, whose current address is

the following described premises, in Ada

County Idaho, to-wit:

Max A. Boesiger, Inc., of Boise, County of Ada, State of Idaho, Grantor and Owner of the premises described as Pier Pointe Subdivision in the City of Boise, County of Ada, State of Idaho for good and valuable consideration, receipt of which is hereby acknowledged hereby grant unto South Boise Mutual Irrigation District - Bulb Lateral, a political subdivision of the State of Idaho, Grantee, pursuant to Section 31-3805(1) Idaho Code a perpetual right to the use of the water of that Irrigation District on the Grantor's premises described herein together with all additional rights and privileges relating to the water of the said Irrigation District within Grantor's premises described herein.

This grant is for water rights only and should not be construed as granting any other rights or privileges whatsoever.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated:

STATE OF IDAHO, COUNTY OF Ada
On this 27 day of June, 1964,
before me, a notary public in and for the said State, personally appeared Max A. Boesiger

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary Public
Building at Boise
Comm. Expires

STATE OF IDAHO, COUNTY OF Ada
I hereby certify that this instrument was filed for record at the request of Max A. Boesiger

at 27 minutes past 6:00 day of June, 1964, in my office, and duly recorded in Book of Deeds at Page

JOHN BASTIDA

By: [Signature] Deputy.

Filed
27

DEED

8621372

FOR VALUE RECEIVED.

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto

South Boise Water Irrigation District
grantee whose current address is
1723 Colorado, Boise, Idaho
the following described real estate, to-wit:

Max A. Boesiger, Inc., of 6475 Glenwood, Boise, County of Ada, State of Idaho, Grantor and Owner of the premises described as Pier Pointe No. 3 Subdivision located in the City of Boise, County of Ada, State of Idaho, for good and valuable consideration, receipt of which is hereby acknowledged, hereby grants unto the South Boise Water Irrigation District, a political subdivision of the State of Idaho, Grantee, pursuant to Section 31-3805(1) Idaho Code, a perpetual right to the use of water of that irrigation district on Grantor's premises described herein, together with all additional rights and privileges relating to the water of the said South Boise Water Irrigation District within Grantor's premises described herein.

This grant is of water rights only and should not be construed as granting any other rights or privileges whatsoever.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee heirs and assigns forever

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be veraciously subscribed by its President and its corporate seal to be affixed by its Secretary this

By

Attest:

Chas. C. Manning
SECRETARY.

STATE OF IDAHO.

On this 25th day of April, 1986,
before me, a Notary Public in and for said State, personally appeared *Max A. Boesiger, Inc.* and *Chas. C. Manning*, known to me to be the President and Secretary of the corporation, who that executing this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged as the said 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 foregoing first above written.

Max A. Boesiger, Inc.
Notary Public
Boise, Idaho
Comm. Expires 7/1/87

STATE OF IDAHO, COUNTY OF Ada.

I hereby certify that this instrument was filed for record at the request of *JUB Engineers*
at 12:28 on day of April, 1986, in my office, and duly recorded in Book of Deeds as Page

JOHN RASTINE

John Rastine
By *John Rastine*
Deputy.

Form 1
Mail 101

8563972

DEED

FOR VALUE RECEIVED. MAX A. BOESIGER, INC.

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto South Boise Water Irrigation District, 1729 Colorado, Boise, Idaho, grantee, the following described real estate, to-wit:

Max A. Boesiger, Inc., of 6479 Glenwood, Boise, County of Ada, State of Idaho, Grantor and Owner of the premises described as Pier Pointe No. 4 Subdivision located in the City of Boise, County of Ada, State of Idaho, for good and valuable consideration, receipt of which is hereby acknowledged, hereby grants unto the South Boise Water Irrigation District, a political subdivision of the State of Idaho, Grantee, pursuant to Section 31-3805(1) Idaho Code, a perpetual right to the use of water of that irrigation district on Grantor's premises described herein, together with all additional rights and privileges relating to the water of the said South Boise Water Irrigation District within Grantor's premises described herein.

This grant is of water rights only and should not be construed as granting any other rights or privileges whatsoever.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this

By Max A. Boesiger
PRESIDENT

ATTENT:

SECRETARY.

STATE OF IDAHO, COUNTY OF Ada
On this 21st day of October, 1986,
before me a notary public in and for said State, personally
appeared Max A. Boesiger and

known to me to be the President and Treasurer of the corporation that executed this instrument as 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.

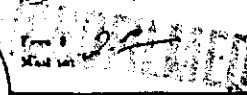
Shirley C. Morris
Notary Public
Residing at Boise, Idaho
Comm. Expires 1987

STATE OF IDAHO, COUNTY OF Ada
I hereby certify that this instrument was filed for record at
the request of Max Boesiger
at 5:10 minutes past 2 o'clock Pm
on the 22nd day of Oct
1986, in my office, and duly recorded in Book
of Deeds at page

JOHN BASTIDA

Ex-Officio Recorder

By D. Burton
Deputy.



OCT 10 1986

INSTRUMENT No.

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. MCCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

February 22, 1990

RECEIVED
FEB 22 1990

* ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

David R. Tuthill, Jr., P.E.
Director
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Department of Water Resources
Western Regional Office

Dear Dave:

As promised, I am enclosing a copy of the Water Rights Agreement between South Boise Mutual Irrigation Co., Boise Water Corporation, Columbia-Wilamette Development Co., and Gerald Herrick. I am also enclosing a copy of the Quitclaim Deed from Columbia-Willamette to SBMIC and SBMIC's Assignments of the Quitclaim to Boise Water and Herrick. I expect to file a transfer of water rights for Boise Water and Herrick in the near future.

Sincerely,

Jeff Fereday

Jeffrey C. Fereday

JCF/jb
Enclosures

MICROFILMED

OCT 19 1990

WATER RIGHTS AGREEMENT

This Agreement is made and entered into this 20th day of February, 1990, by and between South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation ("SBMIC"), Columbia-Willamette Development Company sometimes doing business in Idaho as River Run Development Company, an Oregon corporation ("Columbia-Willamette"), Gerald D. Herrick, an individual ("Herrick"), and Boise Water Corporation, an Idaho corporation ("Boise Water").

Recitals

1. SBMIC diverts and delivers irrigation water to lands of its shareholders and certain others in southeast Boise, Idaho, pursuant to rights decreed in the case of *Farmers Cooperative Ditch Co. v. Riverside Irrigation District*, Canyon Co. (1925)(the "decree"). These rights are on record with the Idaho Department of Water Resources ("Department") as rights no. 63-00280, 63-00281, 63-00282, 63-00283, 63-00284, 63-00240 through 00247, and 63-00298 (the "decreed rights"). SBMIC owns and operates certain diversion facilities in the Boise River and a canal system known as the Bubb Canal (collectively, the "SBMIC facilities"), by which SBMIC diverts and delivers water to shareholders under the decreed rights.

2. Columbia-Willamette is the owner of 30 shares of stock in SBMIC, which shares include the right to place to beneficial use for certain purposes a proportionate amount of the water available under the decreed rights. Columbia-Willamette also is entitled to divert and place to beneficial use on certain lands in southeast Boise, Idaho, which lands have been or will be developed as the Spring Meadow Subdivisions, and

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which are described on exhibits A-4, A-5 and A-6 to the instrument recorded in the records of Ada County, Idaho as instrument no. 8832370 (collectively, the "Spring Meadow Subdivisions"), certain additional portions of the decreed water rights for which shares of SBMIC have not been issued (the "Spring Meadow rights"). Herrick's property is included within the Spring Meadow Subdivisions. Waters diverted under Columbia-Willamette's shares and under the Spring Meadow rights have been diverted and delivered through the SBMIC facilities. Columbia-Willamette is obligated, pursuant to section 4.23 of the Master Declaration of Covenants, Conditions & Restrictions for Spring Meadow, recorded in the records of Ada County as instrument no. 8745024, to transfer from the subdivision lands all water rights appurtenant to the lands the Spring Meadow properties. This same condition binds each of the properties located in the Spring Meadow Subdivisions. In addition, Columbia-Willamette desires to cease using water under these shares and rights on its Spring Meadow properties, to facilitate the transfer of its SBMIC shares and Spring Meadow rights to Boise Water Corporation and to Herrick, and to assure that the landowners and associations in the Spring Meadow Subdivisions are perpetually free from any obligation or liability for or regarding the payment of assessments associated with SBMIC.

3. Boise Water desires to acquire surface water rights in Boise River flows in order to transfer and use such rights in connection with Boise Water's municipal water supply system which serves customers in the Boise, Idaho area.

4. Herrick owns lands within the Spring Meadow Subdivision which are situated in Government Lots 4 and 5, Section 24, T 3N, R 2E. Herrick desires to acquire an

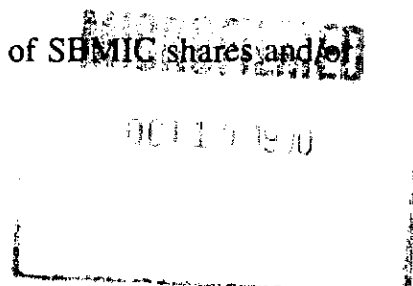
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OCT 19 1990

interest in surface water rights currently diverted through the SBMIC facilities in order to transfer and use such rights to augment any depletions to the Boise River caused by an irrigation well Herrick has constructed on his property.

5. SBMIC desires to maintain a strong and viable system for delivering irrigation water to its current and future shareholders, and therefore agrees to facilitate the transfer of water rights from lands, such as those in the Spring Meadow Subdivisions and the Herrick property, which no longer have a need for surface irrigation water, to other points of diversion, places and types of use where they can be put to beneficial use and where the owners can become SBMIC shareholders. SBMIC also desires to obtain a transfer of water rights (the "internal transfer") within the SBMIC service area which would allow the most senior of the decreed rights diverted through the SBMIC facilities to continue to be so diverted and applied to the lands of SBMIC stockholders who continue to irrigate with this water, and to allow the less senior decreed rights to be conveyed to buyers who currently are not SBMIC shareholders and transferred to their places and types of use. On April 5, 1989, SBMIC's president signed and filed with the Department SBMIC's application for transfer whereby SBMIC proposed to accomplish the internal transfer and other purposes. Since the internal transfer would affect the seniority of water rights appurtenant to the lands of Columbia-Willamette and Herrick, SBMIC desires to obtain these parties' approval of the internal transfer.

6. The parties desire to enter into this Agreement in order to approve the SBMIC internal transfer application, to contract for the sale of SBMIC shares and for



water rights to Boise Water and Herrick, and to clarify that the lands, landowners and homeowner associations in the Spring Meadow Subdivisions will not be subject to assessments once the transfers fully implementing this Agreement have been approved.

Agreement

THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

7. Columbia-Willamette to convey shares and water rights to SBMIC. At closing, Columbia-Willamette shall convey to SBMIC all of its shares in SBMIC, and the water rights represented thereby, and all of its entitlement to receive surface waters through the SBMIC facilities.

8. No further assessments. Upon closing, and the conveyance to SBMIC of all of Columbia-Willamette's shares, SBMIC shall permanently cease, and shall not attempt to levy or collect, any future assessment of any kind within the Spring Meadow Subdivisions, or upon the Spring Meadow Master Association or any successor or local associations comprised of or representing landowners within the Spring Meadow Subdivisions, in connection with SBMIC's operations, the delivery of waters under the decreed rights or the use of the SBMIC facilities. The parties recognize that SBMIC has no basis for asserting or collecting any assessments apart from the actual delivery of water to the lands of those individuals to be assessed pursuant to the ownership of shares in SBMIC, and further recognize that Columbia-Willamette's rights and responsibilities under this Agreement may be assigned to the master association or local associations which represent the landowners in the Spring Meadow Subdivisions, and that Columbia-

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Willamette's continuing liability under this agreement shall cease upon such assignment. If such an assignment occurs, the references in this Agreement to Columbia-Willamette shall be construed to refer to such successor in interest.

a) So long as SBMIC maintains a canal or other irrigation water conveyance facility through the Spring Meadow Subdivisions, SBMIC shall have the right to enter upon such subdivision lands with such equipment as may be necessary along an easement no greater in width than fifteen feet on both sides of the center line of the alignment of such canal or facility, at the places and to the extent reasonably necessary, in order to clean and maintain those portions of the SBMIC canal or facility located on such lands and used in the delivery of water to SBMIC shareholders.

b) Columbia-Willamette shall be entitled to relocate or replace with a pipe those portions of the SBMIC canal or water delivery facility which are located within or which affect the Spring Meadow Subdivisions, provided, that any such relocation or piping shall preserve SBMIC's ditch right and/or easement for the canal and shall not injure any of SBMIC's water rights, impair its ability to deliver water to its shareholders, or cause SBMIC to incur any significant increase in canal maintenance cost. Any piping of the canal or delivery facility shall be undertaken by Columbia-Willamette or its successor in interest subject to SBMIC's prior approval, including approval of any such piping and pipe diameter, and of the number, size and location of clean-out hatches to be installed in the pipe, which approval shall not be unreasonably withheld. SBMIC shall do all maintenance in a workmanlike manner and shall not leave debris behind or otherwise injure the Spring Meadow Subdivisions or any property or

OCT 10 1990

property interest therein. Columbia-Willamette shall indemnify, defend and hold SBMIC harmless for or from any claim for injury to persons or property arising from or out of the negligence of Columbia-Willamette in its installation of any piping to replace the canal or delivery system of SBMIC. This Agreement is not intended to identify or allocate liability by or between SBMIC and Columbia-Willamette with respect to any injury to person or property, other than an injury arising from the negligent installation of any pipe by Columbia-Willamette. Any liability other than that which arises from such negligent installation shall be determined or adjudicated based upon the circumstances of the case and according to Idaho law.

9. SBMIC to convey shares to Boise Water. At closing, SBMIC shall convey 128 shares of SBMIC stock to Boise Water, and Boise Water shall pay for them, together with the water and water rights they represent, at a partial purchase price of \$10.00 per share.

10. SBMIC to convey shares to Herrick. At closing, SBMIC shall convey 9 shares of SBMIC stock to Herrick, and Herrick shall pay for them, together with the water and water rights they represent, at a partial purchase price of \$10.00 per share.

11. Boise Water's water right transfer. Boise Water is acquiring the shares and the water and water rights they represent for the purpose of using such water in Boise Water's municipal water supply system. Within 90 days after the date of this Agreement, Boise Water shall file with the Department and thereafter diligently pursue an application to accomplish such transfer (the "Boise Water transfer application"). At Boise Water's request, SBMIC shall execute any documents Boise Water deems

necessary to support the Boise Water transfer application. If the Department approves all or any portion of a Boise Water's transfer application, within 30 days after such approval becomes final and non-appealable Boise Water shall pay SBMIC any amount owed pursuant to paragraph 15 of this Agreement.

12. Herrick's water right transfer. Herrick is acquiring the shares and the water rights they represent for the purpose of using such water to augment the depletions to the Boise River occurring as a result of Herrick's shallow irrigation well. Within 90 days after the date of this Agreement, Herrick shall file with the Department and diligently pursue an application to accomplish such transfer (collectively the "Herrick transfer application"). At Herrick's request, SBMIC shall execute any documents Herrick deems necessary to support the Herrick transfer application. If the Department approves of all or any portion of the Herrick transfer application, within 30 days after such approval becomes final and non-appealable Herrick shall pay SBMIC any amount owed pursuant to paragraph 16 of this Agreement.

13. Approvals of internal transfer. Columbia-Willamette, Herrick and Boise Water hereby approve of, and waive any and all right to protest, SBMIC's internal transfer as described in paragraph 5, above.

14. Approval by SBMIC. This Agreement constitutes SBMIC's approval of the transfer of shares and the water rights they represent to Boise Water and Herrick, and further constitutes its approval of the use of these waters by Boise Water and Herrick or their successors as these parties determine to be appropriate. SBMIC shall cooperate with Boise Water and Herrick to secure any approval of any future change or transfer

of the shares, and the rights they represent, to new owners, places or types of use or points of diversion, provided, that any such change or transfer: a) shall not injure any other SBMIC shareholder financially or impair his use of water from the SBMIC facilities, and b) shall conform to the requirements of paragraph 23 of this Agreement.

15. Additional payment by Boise Water. If Boise Water is successful in pursuing the change application and obtains a non-appealable decision confirming Boise Water's right to divert and use water under the shares for Boise Water's purposes, such party promptly shall pay SBMIC an additional amount ("additional payment") which shall be computed as that amount necessary, when added to the \$10-per-share partial purchase price already paid, to bring the total amount paid by Boise Water to SBMIC to \$15.00 for each acre-foot of water which Boise Water is entitled to divert and place to beneficial use annually under such decision, as determined by the Department. If the Department or a court determines that there is no valid water right or right to receive water under some or all of the shares Boise Water purchases from SBMIC, and provided that such invalidity is not a result of Boise Water's failure to file for transfer of those shares and rights conveyed hereunder prior to April 15, 1990, Boise Water shall be entitled to return to SBMIC all shares for which such a determination of invalidity is made and thereafter shall not be responsible for assessments of any kind associated with such shares.

16. Additional payment by Herrick. If Herrick is successful in pursuing the change application and obtains a non-appealable decision confirming Herrick's right to divert and use water under the shares for Herrick's purposes, Herrick promptly shall

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OCT 19 1990

pay SBMIC an additional amount ("additional payment") which shall be computed as that amount necessary, when added to the \$10-per-share partial purchase price already paid, to bring the total amount paid by Herrick to SBMIC to \$15.00 for each acre-foot of water which Herrick is entitled to divert and place to beneficial use annually under such decision, as determined by the Department. If the Department or a court determines that there is no valid water right or right to receive water under some or all of the shares Herrick purchases from SBMIC, and provided that such invalidity is not a result of Herrick's failure to file for transfer of those shares and rights conveyed hereunder prior to April 15, 1990, Herrick shall be entitled to return to SBMIC all shares for which such a determination is made and thereafter shall not be responsible for assessments of any kind associated with such shares.

17. Delivery of shares and other documents. At closing:

a) Columbia-Willamette shall deliver to SBMIC: i) all SBMIC stock certificates it owns or controls, duly endorsed in blank; and ii) appropriate documentation conveying to SBMIC all water rights represented by such certificates, including all entitlements to receive surface waters through SBMIC facilities, which are or may be appurtenant to the Spring Meadow Subdivisions.

b) Boise Water shall pay SBMIC the additional sum of \$1,500.00, which is the amount of the unpaid assessments levied against the Columbia-Willamette shares at the rate of \$25.00 per share for the two-year period ending December 31, 1989.

RECORDED

OCT 15 1990

c) SBMIC shall deliver to Boise Water and to Herrick: i) all share certificates in SBMIC to which these parties are entitled hereunder; and ii) copies of any other documents which pertain to this transaction.

d) upon the delivery of the above documents, Boise Water and Herrick, respectively, shall become the sole owners of the shares and water rights to which each is entitled, subject only to SBMIC's contract right to additional payments made pursuant to paragraphs 15 and 16 above, in the event the SBMIC transfer application and those to be filed by Herrick and Boise Water are successful, and further subject to SBMIC's right to levy assessments against such shares and water rights on an equal basis with other SBMIC shareholders.

18. Assessments. The parties agree and acknowledge that the purchase price for the shares and the water and water rights they represent, and the consideration for this Agreement, includes, in addition to other obligations and covenants contained herein, each of the following elements: a) the purchasers' commitment to pay when due all assessments and charges SBMIC levies on the shares and water rights purchased; b) the \$10.00 per share purchase price; and c) any additional payments to be made pursuant to paragraphs 15 and 16. Upon delivery of the shares and other documents specified in paragraph 17, Boise Water and Herrick shall have the sole responsibility to pay all assessments pertaining to their respective shares and water rights accrued for 1990 and thereafter, and shall hold SBMIC harmless for such assessments. Boise Water and Herrick shall not be responsible for any assessments accrued and owing prior to January 1, 1989, except as provided in paragraph 17, above. Columbia-Willamette shall not be

RECORDED

OCT 19 1990

responsible for any SBMIC assessments accrued either before or after the date of this Agreement, so long as the assessments described in paragraph 17 of this Agreement are paid in full at the closing or as otherwise provided herein.

19. Warranty. SBMIC hereby warrants that the shares purchased under this Agreement shall be validly issued by SBMIC; that SBMIC has or will have at the time of delivery a good and marketable title thereto; that SBMIC has the authority to sell them; and that upon delivery of the stock certificates Boise Water and Herrick, respectively, will acquire a good and marketable title to the shares, and the water rights they represent, free and clear of liens and encumbrances, options, proxies, charges and any other adverse interests of any kind and nature except those which have been disclosed to Boise Water and Herrick in writing prior to the date of this Agreement or those which may be set forth in the Articles and By-Laws of SBMIC or those which are specifically agreed herein. Boise Water and Herrick warrant that they are entering into this Agreement after having had full opportunity to review the books and records of SBMIC, and based entirely on their review of such documents and other information available to them and not upon any representation of SBMIC other than those contained herein.

20. Reservation of actions. SBMIC shall take no actions which would adversely affect either Boise Water's or Herrick's change applications or their attempts to change the point of diversion, nature, time or place of use of the water and water rights represented by the shares, subject to the provisions of paragraph 23 herein. Nothing in this Agreement shall be construed so as to prohibit SBMIC from using, developing, and

OCT 27 1990

filing change, transfer or other applications of its own, either individually or in concert with others, based upon other shares of stock owned or controlled by SBMIC.

21. Notice. Any required notice shall be given to the parties hereto in writing, and shall be mailed postage prepaid to the parties at the following addresses, which may be changed from time to time:

SBMIC:

Richard D. Harland, President
South Boise Mutual Irrigation Company, Ltd.
1507 Garfield Street
Boise, Idaho 83706

Ms. Pearl Milton, Secretary
South Boise Mutual Irrigation Company, Ltd.
1120 Chamberlin Street
Boise, Idaho 83706

Columbia-Willamette:

River Run Development Company
671 East River Park Lane
Suite 200
Boise, ID 83706

Boise Water:

Boise Water Corporation
Wayne L. Booe, President
8248 Victory Road
Boise, Idaho 83709

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Herrick:

Gerald D. Herrick
2242 Whitepine Place
Boise, Idaho 83707

22. Closing. Closing shall occur on or before February 20, 1990.

23. Sale or assignment of shares. The shares and water rights acquired pursuant to this Agreement may be transferred, sold or assigned at the discretion of Herrick and Boise Water, or their successors in interest, provided that any such transferee, purchaser or assignee shall become a SBMIC shareholder in the transferor's place and shall remain fully liable for all assessments and charges duly imposed by SBMIC. In the event of any such sale, transfer or assignment, SBMIC shall be obligated to supply water through the SBMIC facilities to such new shareholder only if the place of use is within the delivery area then prevailing for SBMIC and the delivery can be made through the SBMIC facilities, provided, that any such sale or assignment shall be subject to all terms and conditions of this Agreement, specifically paragraph 24 herein.

24. Voting of shares by Boise Water. It is understood and agreed by and between the parties hereto that it is the intent of Boise Water to purchase, and SBMIC does desire to sell to Boise Water, all of the shares of stock and water rights of SBMIC as they become available. However, it is the further intent of the parties hereto that despite its present or future ownership of a controlling interest in SBMIC, Boise Water shall not vote its shares at any SBMIC shareholders meeting in a manner which is detrimental to SBMIC's minority shareholders, which might accelerate the closing down of SBMIC's water delivery system, or which will result in the cessation of water deliveries to such minority shareholders.

Accordingly, and subject to the terms specified below, Boise Water and SBMIC hereby create a voting trust (the "voting trust") for the sole purpose of voting certain of Boise Water's SBMIC shares on any vote at a general shareholders meeting concerning which the Board has determined that the best interests of the minority shareholders require the Board to do so. The SBMIC Board of Directors ("Board") shall be the trustee of the voting trust, and, during the term of the voting trust, is entitled to operate as provided herein, shall have the right and power to act as Boise Water's trustee and representative in voting that portion of Boise Water's SBMIC shares that are being held in trust from time to time. The voting trust shall terminate as specified below. The voting trust shall be operated pursuant to the following terms and conditions:

a) Boise Water shall transfer to the Board, in trust, one-half of all shares it then owns, as well as one-half of any additional shares it acquires within the term of the voting trust.

b) The Board, acting as Trustee of the voting trust, shall keep a record of Boise Water's stock certificates or assignments placed in and subject to the trust (the "trust shares"), which shall evidence Boise Water's beneficial interest in the voting trust.

c) The Board, acting as trustee of the voting trust, may vote the trust shares of Boise Water in person or by proxy.

d) Vacancies on the Board acting as trustee of the voting trust shall be filled in accordance with the SBMIC Articles and By-Laws.

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BOISE WATER

e) The Board acting as trustee of the voting trust, and the individual members thereof, shall incur no responsibility as the trustee of the voting trust except for individual neglect and malfeasance of the individual Board members.

f) Unless its term is renewed or extended by agreement between SBMIC and Boise Water, the voting trust shall terminate, and the Board shall reconvey all of the trust shares back to Boise Water from the voting trust, no later than ten years after the date of this Agreement or at such time as Boise Water owns or controls 80% or more of the issued and outstanding shares of SBMIC (with the exception of any treasury stock held by SBMIC for five years or more) whichever first occurs. Boise Water and SBMIC are each responsible, and shall take all steps necessary, for negotiating the renewal or extension issue prior to the end of the ten-year term.

g) As additional consideration for this voting trust, Boise Water shall be entitled, though not obligated, to designate a member to serve on the Board, which member shall enjoy all rights, privileges and responsibilities of all other Board members, as specified by the SBMIC Articles and By-Laws, including the voting of Boise Water's shares in the Board's exercise of voting trust responsibilities.

25. Future water purchases; right of first refusal. As additional consideration for establishing the voting trust, and so long as the voting trust or any extension thereof is in full force and effect, SBMIC hereby grants Boise Water the first right of refusal to purchase any SBMIC shares, and the water rights they represent, which SBMIC receives pursuant to any appropriate documentation which effectively removes such shares and water rights from the lands to which they were or may have been appurtenant, which

documents would support a valid transfer of such rights when filed with the Department. Within sixty (60) days after SBMIC obtains any such shares and water rights in this manner, SBMIC shall offer to sell such shares and water rights to Boise Water. Boise Water shall have 30 days to accept such offer; if Boise Water declines to do so, SBMIC shall be entitled to sell such shares, and the water rights they represent, to another buyer, or to use them in any manner SBMIC determines to be appropriate. However, the right of first refusal hereby granted to Boise Water shall not be effective as against any person or entity owning or leasing lands which can be served by the delivery system of SBMIC who desires to purchase or otherwise obtain water from SBMIC for the purpose of irrigating such lands or providing for aesthetic purposes thereon.

26. Binding effect. This Agreement shall be binding upon the parties hereto and their heirs, successors, administrators and assigns, and shall survive the closing.

27. Recitals. The above recitals are hereby incorporated into this Agreement by this reference.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first set forth above.

SOUTH BOISE MUTUAL IRRIGATION
COMPANY, LTD.

Attest:

Pearl Milton
Pearl Milton, Secretary

By:

Richard D. Harland
Richard D. Harland, President

COLUMBIA-WILLAMETTE
DEVELOPMENT COMPANY, LTD.,
d/b/a/ RIVER RUN DEVELOPMENT
COMPANY

By: *Gregory R. Lansberry*
Gregory R. Lansberry
Vice President of Operations and
Controller

BOISE WATER CORPORATION

Attest:

Jeremiah J. Healy
Jeremiah J. Healy,
Assistant Secretary

By: *Benjamin M. Hepler*
Benjamin M. Hepler, Vice President

GERALD D. HERRICK

Gerald D. Herrick
Gerald D. Herrick

RECORDED

STATE OF IDAHO)

) ss.

County of Ada)

On this 20th day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard D. Harland, known or identified to me to be the President of South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Helen V. Arzen

Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 1/24/91

STATE OF IDAHO)

) ss.

County of Ada)

On this 20th day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Pearl Milton, known or identified to me to be the Secretary of South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Helen V. Arzen

Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 1/24/91

STATE OF IDAHO)
) ss.
County of Ada)

On this 20th day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Gregory R. Lansberry, known or identified to me to be the vice president of operations and controller of Columbia-Willamette Development Company, Ltd., d/b/a River Run Development Company, Inc., the limited partnership that executed the within and foregoing instrument, and acknowledged to me that such limited partnership 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.

Julien V. Arzen
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 1/24/91

STATE OF IDAHO)
) ss.
County of Ada)

On this 20th day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Benjamin M. Hepler, known or identified to me to be the Vice President of Boise Water Corporation, an Idaho corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Julien V. Arzen
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 1/24/91

RECORDED
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STATE OF IDAHO)
) ss.
County of Ada)

On this 24th day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Jeremiah J. Healy, known or identified to me to be the Assisant Secretary of South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Eileen V. Arnez
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 1/24/91

STATE OF IDAHO)
) ss.
County of Ada)

On this 20th day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Gerald D. Herrick, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

Susan A. Pisano
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: March 14, 1991

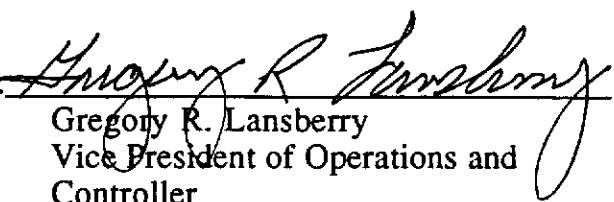
QUITCLAIM DEED OF WATER RIGHTS

(Columbia-Willamette to SBMIC)

FOR VALUE RECEIVED, Columbia-Willamette Development Company, an Oregon corporation, sometimes doing business as River Run Development Company, ("Grantor"), does hereby convey, release, remise and forever quitclaim unto South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation ("Grantee"), its successors and assigns, all of Grantor's right, title and interest in and to any and all water rights and/or right to receive water delivered through Grantee's canal and which are or have been appurtenant to or placed to beneficial use upon those lands in Boise, Idaho which have been or will be developed as the Spring Meadow Subdivisions, and which are described on exhibits A-4, A-5 and A-6 to the instrument recorded in the records of Ada County, Idaho as instrument no. 8832370.

IN WITNESS WHEREOF, the Grantor has caused his name to be subscribed to the within instrument effective the 20 day of February, 1990.

COLUMBIA-WILLAMETTE
DEVELOPMENT COMPANY,
d/b/a/ RIVER RUN DEVELOPMENT
COMPANY

By: 

Gregory R. Lansberry
Vice President of Operations and
Controller

MICROFILMED

OCT 19 1990

STATE OF IDAHO)

County of Ada) ss.

On this 20th day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared GREGORY R. LANSBERRY known or identified to me to be the Vice President of Operations and Controller of Columbia-Willamette Development Company, d/b/a River Run Development Company, the company that executed the within and foregoing instrument, and acknowledged to me that such company 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.

Helen V. Arnzen
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 1/24/91

ASSIGNMENT

(SBMIC to Boise Water Corporation)

FOR VALUE RECEIVED, South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation ("Assignor"), hereby assigns to Boise Water Corporation, an Idaho corporation, its successors and assigns, ~~an undivided 92.6% interest in all of the rights, entitlements and interests conveyed to Assignor by the Quitclaim Deed of~~ Water Rights executed in Assignor's favor by Columbia-Willamette Development Company and dated February 20, 1990, a copy of which is attached hereto as Exhibit A. *R.D.H. P.M.*

IN WITNESS WHEREOF, Assignor has executed the within and foregoing Assignment effective the 20 day of February, 1990.

SOUTH BOISE MUTUAL IRRIGATION
COMPANY, LTD.

Pearl Milton
Pearl Milton, Secretary

By: Richard D. Harland
Richard D. Harland, President

MICROFILMED

OCT 19 1990

STATE OF IDAHO)
) ss.
County of Ada)

On this 20th day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard D. Harland, known or identified to me to be the President of South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Suzanne V. Arnzen
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 1/24/91

STATE OF IDAHO)
) ss.
County of Ada)

On this 20th day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Pearl Milton, known or identified to me to be the Secretary of South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Suzanne V. Arnzen
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 1/24/91

RECORDED

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QUITCLAIM DEED OF WATER RIGHTS

(Columbia-Willamette to SBMIC)

FOR VALUE RECEIVED, Columbia-Willamette Development Company, an Oregon corporation, sometimes doing business as River Run Development Company, ("Grantor"), does hereby convey, release, remise and forever quitclaim unto South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation ("Grantee"), its successors and assigns, all of Grantor's right, title and interest in and to any and all water rights and/or right to receive water delivered through Grantee's canal and which are or have been appurtenant to or placed to beneficial use upon those lands in Boise, Idaho which have been or will be developed as the Spring Meadow Subdivisions, and which are described on exhibits A-4, A-5 and A-6 to the instrument recorded in the records of Ada County, Idaho as instrument no. 8832370.

IN WITNESS WHEREOF, the Grantor has caused his name to be subscribed to the within instrument effective the 20 day of February, 1990.

COLUMBIA-WILLAMETTE
DEVELOPMENT COMPANY,
d/b/a/ RIVER RUN DEVELOPMENT
COMPANY

By: _____

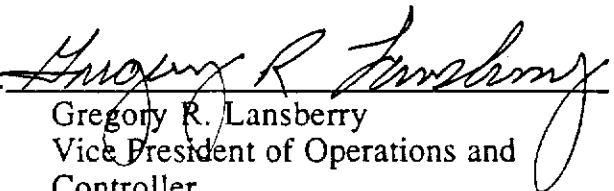

Gregory R. Lansberry
Vice President of Operations and
Controller

EXHIBIT A

STATE OF IDAHO)

) ss.

County of Ada)

On this 20th day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared GREGORY R. LANSBERRY known or identified to me to be the Vice President of Operations and Controller of Columbia-Willamette Development Company, d/b/a River Run Development Company, the company that executed the within and foregoing instrument, and acknowledged to me that such company 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.

Helin V. Arnzen
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 1/24/91

RECORDED

OCT 16 1990

ASSIGNMENT

(SBMIC to Herrick)

FOR VALUE RECEIVED, South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation ("Assignor"), hereby assigns to Gerald D. Herrick, his successors and assigns, ~~an undivided 7.4% interest in all of the rights, entitlements and interests conveyed to Assignor by the Quitclaim Deed of Water Rights executed in~~ ^{B.M.} Assignor's favor by Columbia-Willamette Development Company and dated February 26, 1990, a copy of which is attached hereto as Exhibit A. _{P.M.}

IN WITNESS WHEREOF, Assignor has executed the within and foregoing Assignment effective the 26 day of February, 1990.

SOUTH BOISE MUTUAL IRRIGATION
COMPANY, LTD.

Pearl Milton
Pearl Milton, Secretary

By: Richard D. Harland
Richard D. Harland, President

MICROFILMED

OCT 19 1990

STATE OF IDAHO)
) ss.
County of Ada)

On this 20th day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard D. Harland, known or identified to me to be the President of South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

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

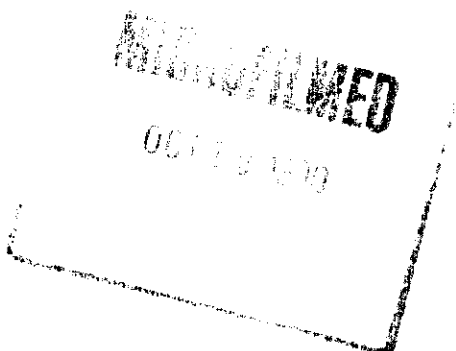
Helen V. Anzen
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 1/24/91

STATE OF IDAHO)
) ss.
County of Ada)

On this 20th day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Pearl Milton, known or identified to me to be the Secretary of South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Helen V. Anzen
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 1/24/91



QUITCLAIM DEED OF WATER RIGHTS

(Columbia-Willamette to SBMIC)

FOR VALUE RECEIVED, Columbia-Willamette Development Company, an Oregon corporation, sometimes doing business as River Run Development Company, ("Grantor"), does hereby convey, release, remise and forever quitclaim unto South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation ("Grantee"), its successors and assigns, all of Grantor's right, title and interest in and to any and all water rights and/or right to receive water delivered through Grantee's canal and which are or have been appurtenant to or placed to beneficial use upon those lands in Boise, Idaho which have been or will be developed as the Spring Meadow Subdivisions, and which are described on exhibits A-4, A-5 and A-6 to the instrument recorded in the records of Ada County, Idaho as instrument no. 8832370.

IN WITNESS WHEREOF, the Grantor has caused his name to be subscribed to the within instrument effective the 20 day of February, 1990.

COLUMBIA-WILLAMETTE
DEVELOPMENT COMPANY,
d/b/a/ RIVER RUN DEVELOPMENT
COMPANY

By: Gregory R. Lansberry
Gregory R. Lansberry
Vice President of Operations and
Controller

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EXHIBIT A

STATE OF IDAHO)

) ss.

County of Ada)

On this 20th day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared GREGORY R. LANSBERRY known or identified to me to be the Vice President of Operations and Controller of Columbia-Willamette Development Company, d/b/a River Run Development Company, the company that executed the within and foregoing instrument, and acknowledged to me that such company 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.

Helene V. Arnzen

Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 1/24/91

RECORDED

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Department of Water Resources
Western Regional Office

WATER RIGHTS AGREEMENT

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This Agreement is made and entered into this ____ day of _____, 1989, by and between South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation ("SBMIC"), Columbia-Willamette Development Company sometimes doing business in Idaho as River Run Development Company, an Oregon corporation ("RRDC"), Gerald D. Herrick, an individual ("Herrick"), and Boise Water Corporation, an Idaho corporation ("Boise Water").

Recitals

1. SBMIC diverts and delivers irrigation water to lands of its shareholders and certain others in southeast Boise, Idaho, pursuant to rights decreed in the case of *Farmers Cooperative Ditch Co. v. Riverside Irrigation District*, Canyon Co. (1925)(the "decree"). These rights are on record with the Idaho Department of Water Resources ("Department") as rights no. 63-00280, 63-00281, 63-00282, 63-00283, 63-00284, 63-00242, and 63-00243 (the "decreed rights"). SBMIC owns and operates certain diversion facilities in the Boise River and a canal system known as the Bubb Canal (collectively, the "SBMIC facilities").

2. RRDC is the owner of 30 shares of stock in SBMIC, which shares include the right to divert and place to beneficial use for certain purposes a proportionate amount of the water available under the decreed rights. RRDC also is entitled to divert and place to beneficial use on certain lands which RRDC owns in the Spring Meadow Subdivisions in southeast Boise, Idaho certain additional portions of decreed right no. 63-00282, for which shares have not been issued (the "Spring Meadow rights"). Waters diverted under RRDC's shares and under the Spring Meadow rights have been diverted and delivered through the SBMIC facilities. RRDC desires to cease using water under these shares and rights on its Spring Meadow properties, to facilitate the transfer of its SBMIC shares and Spring Meadow rights to Boise Water Corporation and to Herrick, and to assure that the landowners in the Spring Meadow Subdivisions are perpetually free from any

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liability, assessments or charges associated with SBMIC or with any waters or water rights delivered through the SBMIC facilities.

3. Boise Water desires to acquire surface water rights in Boise River flows in order to transfer and use such rights in connection with Boise Water's municipal water supply system which serves customers in the Boise, Idaho area.

4. Herrick owns lands within the Spring Meadow Subdivision which are situated in Government Lots 4 and 5, Section 24, T 3N, R 2E, an indeterminate portion of which were irrigated by proportionate share of the Spring Meadow rights under right no 63-0283. Herrick desires to cease irrigating his property with surface rights diverted through the SBMIC facilities and has installed a shallow well near the Boise River for this purpose. Herrick desires to acquire an interest in surface water rights in order to transfer and use such rights to augment any depletions to the Boise River caused by his well.

5. SBMIC desires to facilitate the transfer of water rights from lands, such as those in the Spring Meadow Subdivisions and the Herrick property, which no longer have a need for surface irrigation water, to other points of diversion, places and types of use where they can be put to beneficial use and where the owners can become SBMIC shareholders. SBMIC also desires to obtain a transfer of water rights (the "internal transfer") within the SBMIC service area which would allow the most senior of the decreed rights diverted through the SBMIC facilities to continue to be so diverted and applied to the lands of SBMIC stockholders who continue to irrigate with this water, and to allow the less senior decreed rights to be conveyed to these buyers and transferred to their places and types of use. On April 5, 1989, SBMIC filed its application for transfer whereby it proposed to accomplish the internal transfer and other purposes. A copy of SBMIC's internal transfer application is attached hereto as Exhibit A and incorporated by this reference. Since the internal transfer would affect the seniority of water rights appurtenant to the lands of RRDC and Herrick, SBMIC desires to obtain these parties' approval of the internal transfer.

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6. The parties desire to enter into this Agreement in order to approve the SBMIC internal transfer application, to contract for the sale of SBMIC shares and/or water rights to Boise Water and Herrick, and to clarify that the Spring Meadow subdivision lands will not be subject to assessments or charges once the transfers fully implementing this Agreement have been approved.

Agreement

THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

7. RRDC to convey shares and water rights to SBMIC. At closing, RRDC shall convey to SBMIC all of its shares in SBMIC, and all of its entitlement to receive surface waters through the SBMIC facilities.

8. No further assessments. Upon closing, and the conveyance to SBMIC of all of RRDC's shares, SBMIC shall permanently cease, and shall not attempt to levy or collect, any assessment or charge of any kind within the Spring Meadow subdivisions in connection with the delivery of waters under the decreed rights or the use of the SBMIC facilities. The parties recognize that SBMIC has no basis for asserting or collecting any assessments or charges apart from the actual delivery of water to the lands to be assessed pursuant to the ownership of shares in SBMIC.

9. SBMIC to convey shares to Boise Water. SBMIC shall convey ____ shares of SBMIC stock to Boise Water, and Boise Water shall purchase them, together with the water and water rights they represent, at a purchase price of \$10.00 per share.

10. SBMIC to convey shares to Herrick. SBMIC shall convey ____ shares of SBMIC stock to Herrick, and Herrick shall purchase them, together with the water and water rights they represent, at a purchase price of \$10.00 per share.

11. Boise Water's water right transfer. Boise Water is acquiring the shares and the water and water rights they represent for the purpose of using such water in Boise Water's municipal water supply system. Within 90 days after the date of this Agreement, Boise Water shall file with

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the Department and thereafter diligently pursue an application to accomplish such transfer (the "Boise Water transfer application"). At Boise Water's request, SBMIC shall execute any documents Boise Water deems necessary to support the Boise Water transfer application.

12. Herrick's water right transfer. Within 90 days after the date of this Agreement, Herrick shall file with the Department and diligently pursue an application to accomplish such transfer (collectively the "Herrick transfer application"). At Herrick's request, SBMIC shall execute any documents Herrick deems necessary to support the Herrick transfer application.

13. Approval by SBMIC. This Agreement constitutes SBMIC's approval of the transfer of shares and water rights to Boise Water and Herrick, and further constitutes its approval of the use of these waters by Boise Water and Herrick or their successors as these parties determine is appropriate. SBMIC shall cooperate with Boise Water and Herrick to secure any approval of any future change or transfer of the shares, or rights held under them, to new owners, places or types of use or points of diversion.

14. Bonus payment. If Boise Water or Herrick is successful in pursuing the change application and obtains a non-appealable decision confirming such party's right to divert and use water under the shares for such party's commercial purposes, such party promptly shall pay SBMIC an additional amount ("bonus payment") which shall be computed as that amount necessary, when added to the \$10-per-share purchase price already paid, to bring the total amount paid by that party to SBMIC to \$15.00 for each acre-foot of water which such party is entitled to divert and place to beneficial use annually under such decision.

15. Delivery of shares and other documents. At closing, SBMIC shall: a) endorse the appropriate share certificates and deliver them to Boise Water and to Herrick; b) execute and deliver to Boise Water and to Herrick the Deed of Water Rights and Assignment of SBMIC Stock ("deed"), a copy of which is attached hereto as Exhibit B; c) deliver to Boise Water and Herrick copies of any other documents, such as homeowner or homeowners' association approvals, which pertain to this transaction; and d) deliver to RRDC a signed release of assessments and charges in

the form of the release attached as Exhibit C. At closing, Boise Water and Herrick, respectively, shall become the sole owners of the shares to which each is entitled, subject only to SBMIC's contract right to a bonus payment, pursuant to paragraph 14 above, in the event the SBMIC transfer application and that to be filed by Herrick are successful.

16. Assessments and charges. Upon delivery of the shares, the deed and other documents specified in paragraph 15, Boise Water and Herrick shall have the sole responsibility to pay all assessments and other charges pertaining to the shares accrued for 1988 or thereafter, and shall hold SBMIC harmless for such assessments and charges. Boise Water and Herrick shall not be responsible for any assessments or charges accrued and owing prior to January 1, 1988.

17. Warranty. SBMIC hereby warrants that the shares purchased under this Agreement have been validly issued by SBMIC; that SBMIC has a good and marketable title thereto; that SBMIC has the authority to sell them; and that upon delivery of the stock certificates and the deeds Boise Water and Herrick, respectively, will acquire a good and marketable title to the shares free and clear of liens and encumbrances, options, proxies, charges and any other adverse interests of any kind and nature except those which have been disclosed to Boise Water and Herrick in writing prior to the date of this Agreement or those which are specifically agreed herein.

18. Reservation of actions. SBMIC shall take no actions which would adversely affect the change application or either Boise Water's or Herrick's attempts to change the point of diversion, nature, time or place of use of the water and water rights represented by the shares. Nothing in this Agreement shall be construed so as to prohibit SBMIC from using, developing and filing change, transfer or other applications of his own, either individually or in concert with others, based upon other shares of stock owned by SBMIC in the SBMIC.

19. Notice. Any required notice shall be given to the parties hereto in writing, and shall be mailed postage prepaid to the parties at the following addresses, which may be changed from time to time:

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OCT 18 1988

DRAFT

SBMIC: Richard D. Harland, President
South Boise Mutual Irrigation Company, Ltd.
1507 Garfield Street
Boise, Idaho 83706

Ms. Pearl Milton, Secretary
South Boise Mutual
SBMIC, Ltd.
1120 Chamberlin Street
Boise, Idaho 83706

RRDC: River Run Development Company
671 East River Park Lane
Suite 200
Boise, ID 83706

Boise Water: Boise Water Corporation
Wayne L. Booe, President
8248 Victory Road
Boise, Idaho 83709

Herrick: Gerald D. Herrick
2242 Whitepine Place
Boise, Idaho 83707

20. Closing. Closing shall occur on or before November 30, 1989.

21. Binding effect. This Agreement shall be binding upon the parties hereto and their heirs, successors, administrators and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first set forth above.

SOUTH BOISE MUTUAL IRRIGATION
COMPANY, LTD.

Attest: _____
Pearl Milton, Secretary

BY _____
Richard D. Harland, President

RIVER RUN DEVELOPMENT COMPANY

Attest: _____

BY _____
Peter S. O'Neill, President

DRAFT

BOISE WATER CORPORATION

Attest: _____

By: _____
Wayne L. Booe, President

GERALD D. HERRICK

Gerald D. Herrick

STATE OF IDAHO)
) ss.
County of Ada)

On this _____ day of _____, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard D. Harland, known or identified to me to be the President of South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: _____

REPRODUCED

DO NOT WRITE IN THESE SPACES

DRAFT

STATE OF IDAHO)
) ss.
County of Ada)

On this _____ day of _____, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Pearl Milton, known or identified to me to be the Secretary of South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: _____

STATE OF IDAHO)
) ss.
County of Ada)

On this _____ day of _____, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Peter S. O'Neill, known or identified to me to be the President of River Run Development Company, Inc., an Oregon corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: _____

RECEIVED

OCT 19 1989

STATE OF IDAHO)
) ss.
County of Ada)

DP 1 FT

On this ____ day of _____, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Wayne L. Booe, known or identified to me to be the President of Boise Water Corporation, an Idaho corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: _____

STATE OF IDAHO)
) ss.
County of Ada)

On this ____ day of _____, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Gerald D. Herrick, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: _____

RECEIVED

OCT 17 1990

RECEIVED
OCT 17 1989

Department of Water Resources
Western Regional Office

AGREEMENT TO TRANSFER OF WATER RIGHTS AND CONSENT

THIS AGREEMENT Made and entered into this 2nd day of ~~September~~ October, 1989, by and between R. Allen & Associates, an Idaho Limited Partnership, hereinafter referred to as "Transferor," and South Boise Mutual Irrigation Company, Inc., an Idaho non-profit corporation, hereinafter referred to as "Transferee";

W I T N E S S E T H:

WHEREAS, Transferor is the owner of that certain parcel or real property situate in Boise, Ada County, Idaho, which property is more fully described on Exhibit "A" attached hereto and by this reference made a part hereof as though fully set forth herein, and which is hereinafter referred to as the "Subject Property"; and

WHEREAS, The Transferee is an irrigation company which owns and delivers irrigation water to its shareholders by means of a ditch and canal system and which collects assessments from its shareholders for these deliveries; and

WHEREAS, The Subject Property is located within the delivery system of the Transferee and may have appurtenant thereto certain water rights and ditch rights as a result of appropriation or by ownership of shares in the Transferee; and

MICROFILMED

OCT 19 1989

WHEREAS, The Transferee is transferring the water rights from the upper end of its delivery system to the lower end of said system; and

WHEREAS, The Transferor desires to consent to said transfer of water rights within Transferee's area of delivery, as well as transfer to Transferee all existing water rights, ditch rights and contract rights to water appurtenant to the Subject Property;

NOW, THEREFORE, FOR AND IN CONSIDERATION Of the mutual covenants and conditions herein contained, the parties hereto agree as follows:

1. Consent: The Transferor hereby consents to the proposed transfer of water rights from the upper end of the delivery system of Transferee to the lower end of said system and hereby waives any objections to said transfer.

2. Transfer of Water Rights: For good and valuable consideration, receipt of which is hereby acknowledged, the Transferor hereby releases, relinquishes and quitclaims to Transferee, its successors and assigns, all its right, title and interest in and to all water rights, ditch rights, ditch company shares and/or contract rights in the Transferee, together with all ditch rights and all water rights and/or entitlements to receive irrigation water through the Transferee's delivery system which the Transferor may hold or in which Transferor may have any interest. After the effective

RECORDED
OCT 19 1990

date of this agreement, Transferee shall seek to deliver no water and shall assert no liens or encumbrances against the Subject Property for any reason associated with the delivery of water or the use of the Transferee's facilities.

In addition, the Transferee or its successors in interest shall be entitled to change and/or transfer any rights granted herein to another point of diversion, place of use and/or type of use and the Transferor shall not object to any such change or transfer.

3. Transferor Not Liable for Assessments: Except as hereinafter provided, Transferor shall not be responsible or liable in any way to Transferee for assessments or charges of any kind levied by the Transferee against the property of the Transferor prior to or after the effective date of this agreement.

4. Aesthetic Water Delivery: As and for additional consideration for this agreement, the Transferee promises upon request, to sell to Transferor up to two shares of stock in Transferee at the then determined value of said shares. After issuing all or any portion of said shares to which Transferor is entitled, the Transferee shall, within one year from the date of issuance of said shares, undertake to deliver through its irrigation delivery system such amounts of water as the Transferor shall be entitled by

MICROFILMED

OCT 19 1990

virtue of its ownership of said shares for the purpose of providing aesthetic water for use on the Subject Property.

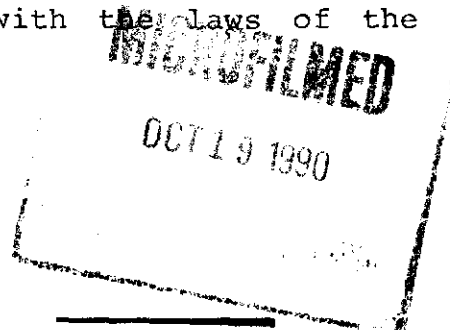
Provided, however, that this provision shall be null and void in the event that no available ditch or delivery system capable of conveying the aesthetic water to the Subject Property exists at the time that the Request for Shares is made and provided further that the Transferor shall be responsible for paying all assessments levied by the Transferee against such shares as may be issued hereunder and owned by Transferor from time to time hereafter.

5. Heirs, Assigns, Successors: This agreement is binding upon and inures to the benefit of the heirs, assigns and successors in interest of the parties hereto.

6. Attorneys Fees: If action becomes necessary to enforce any provision of this agreement, in such event the prevailing party shall be entitled to reasonable attorneys fees.

7. Severability: Any provision of this agreement which may prove invalid or unenforceable under any law, rule or regulation of any government agency, federal, state or local, will not affect the validity or enforceability of any other provisions of this agreement.

8. Governing Law: This agreement is governed by and shall be interpreted in accordance with the laws of the State of Idaho.



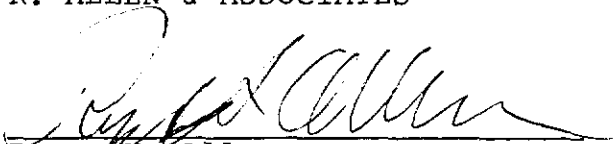
9. Captioned Paragraphs: The captions of this agreement are for convenience and reference only and in no way define, limit or describe the scope or intent of this agreement or in any way affect this lease.

10. Entire Agreement: This agreement is the entire agreement between the parties and sets forth all agreements and obligations between the parties hereto.

11. Other Documents: The parties shall execute any and all documents required and/or necessary to complete the transfer of water rights, ditch rights and contract rights to water appurtenant to the Subject Property as hereinabove set forth.

DATED This 6th day of October, 1989.

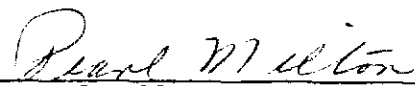
R. ALLEN & ASSOCIATES

By: 
Roger H. Allen

SOUTH BOISE MUTUAL IRRIGATION
COMPANY, INC.

By: 
Richard D. Harland, President

ATTEST:


Pearl Milton, Secretary

MICROFILMED

OCT 19 1990

STATE OF IDAHO

)

: ss

COUNTY OF ADA

)

On this 6th day of October, 1989, before me, a notary public in and for said state, personally appeared Richard D. Harland, President of South Boise Mutual Irrigation Company, Inc., known to me to be the person who executed the foregoing instrument and who acknowledged to me that he executed the same on behalf of said corporation.

IN WITNESS WHEREOF I have affixed my official seal the day and year first above written.

V. W. Kaylor
NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
Commission Expires 3/30/94

STATE OF IDAHO

)

: ss

COUNTY OF ADA

)

On this 6th day of October, 1989, before me, a notary public in and for said state, personally appeared Pearl Milton, Secretary of South Boise Mutual Irrigation Company, Inc., known to me to be the person who executed the foregoing instrument and who acknowledged to me that she executed the same on behalf of said corporation.

IN WITNESS WHEREOF I have affixed my official seal the day and year first above written.

V. W. Kaylor
NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
Commission Expires 3/30/94

RECORDED

OCT 11 1989

STATE OF IDAHO

)

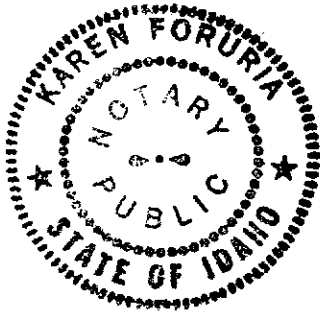
: SS

COUNTY OF ADA

)

On this 2nd day of October, 1989, before me, a notary public in and for said state, personally appeared Roger H. Allen, General Partner of R. Allen & Associates, known to me to be the person who executed the foregoing instrument and who acknowledged to me that he executed the same on behalf of said corporation.

IN WITNESS WHEREOF I have affixed my official seal the day and year first above written.

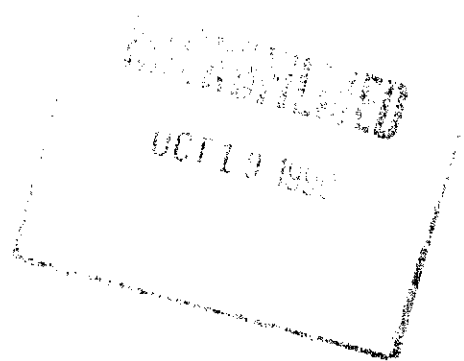


Karen Foruria

NOTARY PUBLIC FOR IDAHO

Residing at Boise, Idaho

Commission Expires 8/1/91





63-0280

✓ *De*
General File

State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 21, 1989

Mr. R. D. Harland
South Boise Mutual Irrigation Co. Ltd.
1120 Chamberlin St.
Boise, ID 83706

RECEIVED

SEP 22 1989

Department of Water Resources
Western Regional Office

RE: Snake River Basin Adjudication (SRBA)
Ada County

Dear Mr. Harland:

This letter is in response to your denied Extension Request dated August 4, 1989 and correspondence from Mr. David Tuthill, IDWR Western Regional Manager dated September 5, 1989 regarding the protection of your water rights in Ada County.

This letter is granting an Extension of Time for the filing of the above referenced Notice of Claim to a Water Right until January 1, 1990. The original filing deadline for the claim was August 8, 1989. Please keep this extension of time with your legal documents regarding your claims.

This extension is granted under the authority of §42-1409 (10), Idaho Code.

If you have any further questions please contact this office.

Signed this 21st day of September, 1989.

David B. Shaw
Adjudication Bureau Chief

DBS;ds

cc: Mr. David Tuthill
IDWR Western Regional Mgr.
2735 Airport Way
Boise, ID 83705

MICROFILMED

OCT 19 1990

DEED TRANSFERRING WATER RIGHTS

Max A. Boesiger, Inc., an Idaho corporation, of 6479 Glenwood, Suite A, Boise, Idaho 83703, County of Ada, State of Idaho, Grantor and Owner of the premises described as PIER POINTE #8 SUBDIVISION, located in the City of Boise, County of Ada, State of Idaho, for good and valuable consideration, receipt of which is hereby acknowledged, hereby grants unto the SOUTH BOISE MUTUAL IRRIGATION DISTRICT, a political subdivision of the State of Idaho, Grantee, pursuant to Section 31-3805 (1), Idaho Code, a perpetual right to the use of the water of that irrigation district on Grantor's premises described herein, together with all additional rights and privileges relating to the water of the said SOUTH BOISE MUTUAL IRRIGATION DISTRICT within Grantor's premises described herein.

This grant is of water rights only and should not be construed as granting any other rights or privileges whatsoever.

IN WITNESS WHEREOF, Grantor has executed this instrument at Boise, Ada County, Idaho, on the 28th day of JULY, 1989.

MAX A. BOESIGER, INC.

by:

Max A. Boesiger Jr.
Max A. Boesiger, Jr., President

STATE OF IDAHO)

) ss.

COUNTY OF ADA)

On this 28th day of July, 1989, before me, a notary public in and for said State, personally appeared MAX A. BOESIGER, JR., known to me to be the PRESIDENT of the corporation that executed the instrument, and acknowledged to me that such corporation executed the same.

Ada County, Idaho, ss.

Request of

TIME 9:54 AM

DATE 8-3-89

JOHN BASTIDA

RECORDER

John O. Warfield
Notary Public, residing in Boise, ID

Commission Expires: May 12, 1994

OCT 19 1990

Max A. Boesiger, Inc., an Idaho corporation, of 6479 Glenwood, Suite A, Boise, Idaho 83703, County of Ada, State of Idaho, Grantor and Owner of the premises described as PIER POINT #7 SUBDIVISION, located in the City of Boise, County of Ada, State of Idaho, for good and valuable consideration, receipt of which is hereby acknowledged, hereby grants unto the SOUTH BOISE MUTUAL IRRIGATION DISTRICT, a political subdivision of the State of Idaho, Grantee, pursuant to Section 31-3805(1), Idaho Code, a perpetual right to the use of the water of that irrigation district on Grantor's premises described herein, together with all additional rights and privileges relating to the water of the said SOUTH BOISE MUTUAL IRRIGATION DISTRICT within Grantor's premises described herein.

This grant is of water rights only and should not be construed as granting any other rights or privileges whatsoever.

IN WITNESS WHEREOF, Grantor has executed this instrument at Boise, Ada County, Idaho, on the 14th day of JULY, 1989.

MAX A. BOESIGER, INC.

by:

Max A Boesiger Jr.
Max A. Boesiger, Jr., President

STATE OF IDAHO)

) ss.

COUNTY OF ADA)

On this 14th day of July, 1989, before me, a notary public in and for said State, personally appeared MAX A. BOESIGER, JR., known to me to be the PRESIDENT of the corporation that executed the instrument, and acknowledged to me that such corporation executed the same.

Ada County, Idaho

Request of

Max A Boesiger

TIME 11:16 AM

DATE 7-14-89

JOHN BASTIDA

RECORDED

By C. Yates 200

Notary Public, residing in Boise, Idaho

Commission expires: Notary Public in and for the State of Idaho

Residing in Marion, Canyon County, Idaho

My Commission Expires April 3, 1993.

MICROFILMED

OCT 19 1989

DEED TRANSFERRING WATER RIGHTS

8900261

Max A. Boesiger, Inc., an Idaho corporation, of 6479 Glenwood, Suite A, Boise, Idaho 83703, County of Ada, State of Idaho, Grantor and Owner of the premises described as PIER POINT #6 SUBDIVISION, located in the City of Boise, County of Ada, State of Idaho, for good and valuable consideration, receipt of which is hereby acknowledged, hereby grants unto the SOUTH BOISE MUTUAL IRRIGATION DISTRICT, a political subdivision of the State of Idaho, Granter, pursuant to Section 31-3605(1), Idaho Code, a perpetual right to the use of the water of that irrigation district on Grantor's premises described herein, together with all additions, rights and privileges relating to the water of the said SOUTH BOISE MUTUAL IRRIGATION DISTRICT within Grantor's premises described herein.

This grant is of water rights only and should not be construed as granting any other rights or privileges whatsoever.

IN WITNESS WHEREOF, Grantor has executed this instrument at Boise, Ada County, Idaho, on the 19TH day of DECEMBER, 1955.

MAX A. BOESIGER, INC.

By:

Max A. Boesiger, Jr.
Max A. Boesiger, Jr., Vice President

OCT 19 1955
STATE OF IDAHO) ss.
COUNTY OF ADA)

On this 19TH day of December, 1955, before me, a notary public in and for said State, personally appeared MAX A. BOESIGER, JR., known to me to be the VICE PRESIDENT of the corporation that executed the instrument, and acknowledged to me that such corporation executed the same.

Ada County, Idaho

Notary Public

My Commission expires: March 15, 1994DATE 10-10-55FEE 3.00

J. H. H. H.

J. H. H. H.

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J. H. H. H.

8762528

CORPORATE WARRANTY DEED **TRANSFERRING WATER RIGHTS**

FOR VALUE RECEIVED. **MAX A. BOESIGER, INC.,**

organized and existing under the laws of the State of Idaho with its principal office at 6479 Glenwood, Suite A, Boise, ID 83703 of County of ADA State of Idaho.
 GRANTOR hereby GRANT, BARGAIN SELL and CONVEY unto
 NEW YORK IRRIGATION DISTRICT

GRANTEE

whose current address is 214 Broadway Avenue, Boise, ID 83702
 the following described real property located in ADA County, State of Idaho, more particularly described as follows, to wit: Max A. Boesiger, Inc., of 6479 Glenwood, Suite A, Boise, Idaho, County of Ada, State of Idaho, Grantor and Owner of the premises described as Pier Pointe No. 5 Subdivision located in The City of Boise, County of Ada, State of Idaho, for good and valuable consideration, receipt of which is hereby acknowledged, hereby grants unto New York Irrigation District, a political subdivision of the State of Idaho, Grantee, pursuant to Section 31-3805(1), Idaho Code a perpetual right to the use of water of that irrigation district on Grantor's premises described herein, together with all additional rights and privileges relating to the water of the said New York Irrigation District within Grantor's premises described herein.
 This grant is of water rights only, and should not be construed as granting any other rights or privileges whatsoever.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which the conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor will warrant and defend the same from all lawful claims, whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name to be hereunto affixed by its duly authorized officers, this 9th day of November, in the year of 1987

MAX A. BOESIGER, INC.

Max A. Boesiger Jr.
 by: Max A. Boesiger, Jr. (CORPORATE NAME)
 Vice-President

By _____ PRESIDENT

Attest _____ SECRETARY

STATE OF Idaho County of Ada

On the 9th day of November, 1987

before me, the undersigned, a Notary Public in and for said State, personally appeared **Max A. Boesiger, Jr.**

known to me to be the Vice-President

of the corporation that executed the instrument of the premises, who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the

Max A. Boesiger, Jr.

John O. Bastida

John O. Bastida

My commission expires May 12, 1988

STATE OF IDAHO, COUNTY OF Ada

I hereby certify that this instrument was filed for record in the public

of Max A. Boesiger, Inc.

44 pages 3 pages P.

37 on my office, and duly recorded in Book

of Deeds of Page

JOHN BASTIDA

Notary Public

C. Bastida

Form 5

last to 2N

00119 1980

This form furnished courtesy of

STEWART TITLE OF IDAHO, Inc.



8663972

DEED

FOR VALUE RECEIVED, MAX A. BOESIGER, INC.

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell And Convey unto South Boise Water Irrigation District, 1729 Colorado, Boise, Idaho, grantee, the following described real estate, to-wit:

Max A. Boesiger, Inc., of 6479 Glenwood, Boise, County of Ada, State of Idaho, Grantor and Owner of the premises described as Pier Pointe No. 4 Subdivision located in the City of Boise, County of Ada, State of Idaho, for good and valuable consideration, receipt of which is hereby acknowledged, hereby grants unto the South Boise Water Irrigation District, a political subdivision of the State of Idaho, Grantee, pursuant to Section 31-3805(1) Idaho Code, a perpetual right to the use of water of that irrigation district on Grantor's premises described herein, together with all additional rights and privileges relating to the water of the said South Boise Water Irrigation District within Grantor's premises described herein.

This grant is of water rights only and should not be construed as granting any other rights or privileges whatsoever.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this

RECORDED

OCT 19 1986

By

Max A. Boesiger
PRESIDENT

ATTEST:

SECRETARY.

STATE OF IDAHO, COUNTY OF *Ada*
On this *21st* day of *October*, 19 *86*,
before me a notary public in and for said State, personally
appeared *Max A. Boesiger* and

known to me to
be the President and Secretary 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.

Shirley C. Warner
Notary Public

Residing at *Boise*, Idaho
Comm. Expires *1987*

STATE OF IDAHO, COUNTY OF *Ada*
I hereby certify that this instrument was filed for record at the request of *Max Boesiger*

at *5:00* minutes past *2* o'clock *P.*m.,
this *20th* day of *Oct*,
19 *86*, in my office, and duly recorded in Book
of Deeds at page

JOHN BASTIDA

Ex-Officio Recorder

By

D. A. B. B.
Deputy.

Fees \$ *2.00*
Mail to:

INSTRUMENT No.

DEED

8621372

FOR VALUE RECEIVED.

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto

South Boise Water Irrigation District
grantee whose current address is
1729 Colorado, Boise, Idaho
the following described real estate, to-wit:

Max A. Boesiger, Inc., of 6479 Glenwood, Boise, County of Ada, State of Idaho, Grantor and Owner of the premises described as Pier Pointe No. 3 Subdivision located in the City of Boise, County of Ada, State of Idaho, for good and valuable consideration, receipt of which is hereby acknowledged, hereby grants unto the South Boise Water Irrigation District, a political subdivision of the State of Idaho, Grantee, pursuant to Section 31-3805(1) Idaho Code, a perpetual right to the use of water of that irrigation district on Grantor's premises described herein, together with all additional rights and privileges relating to the water of the said South Boise Water Irrigation District within Grantor's premises described herein.

This grant is of water rights only and should not be construed as granting any other rights or privileges whatsoever.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee heirs and assigns forever

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this

By

ATTEST:

John B. Bactina
SECRETARY.

STATE OF IDAHO.

On this 15th day of April, 1955,
before me, a Notary Public in and for said State, personally appeared Max A. Boesiger, Inc. and John B. Bactina, known to me to be the President and Secretary 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.

John B. Bactina
Notary Public

Residing at 3015 E. 1st
Comm. Expires 2/1/56

Idaho

STATE OF IDAHO, COUNTY OF Ada.

I hereby certify that this instrument was filed for record at the request of JUB Engineers

at 12 minutes past 3 o'clock P.M.
this 25th day of April, 1955
in my office, and duly recorded in Book
of Deeds at Page

JOHN BACTINA

Ex-Officio Recorder

By

Fees \$

Notary

Deputy.

OCT 19 1990

WARRANTY DEED

For Value Received

8416871

Max A. Boesiger, Inc.

the grantor, do es hereby grant, bargain, sell and convey unto

the grantee, whose current address is

the following described premises, in Ada

County Idaho, to-wit:

Max A. Boesiger, Inc., of Boise, County of Ada, State of Idaho, Grantor and Owner of the premises described as Pier Pointe Subdivision in the City of Boise, County of Ada, State of Idaho for good and valuable consideration, receipt of which is hereby acknowledged hereby grant unto South Boise Mutual Irrigation District - Bulb Lateral, a political subdivision of the State of Idaho, Grantee, pursuant to Section 31-3805(1) Idaho Code a perpetual right to the use of the water of that Irrigation District on the Grantor's premises described herein together with all additional rights and privileges relating to the water of the said Irrigation District within Grantor's premises described herein.

This grant is for water rights only and should not be construed as granting any other rights or privileges whatsoever.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated:

19

STATE OF IDAHO, COUNTY OF

On this 22 day of Jan, 1971, before me, a notary public in and for the said State, personally appeared Max A. Boesiger

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Residing at Boise
Comm. Expires

Notary Public
Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of Max A. Boesiger

at 27 minutes past 6:00 day of April 1971, in my office, and duly recorded in Book of Deeds at Page

JOHN BASTIDA

Notary Public

By Anna Bastida Deputy.

Fee \$ 2.00
Paid to:

RECORDED

OCT 10 1971

Max A. Boesiger, Inc., an Idaho corporation, of 6479 Glenwood, Suite A, Boise, Idaho 83703, County of Ada, State of Idaho, Grantor and Owner of the premises described as PIER POINT #7 SUBDIVISION, located in the City of Boise, County of Ada, State of Idaho, for good and valuable consideration, receipt of which is hereby acknowledged, hereby grants unto the SOUTH BOISE MUTUAL IRRIGATION DISTRICT, a political subdivision of the State of Idaho, Grantee, pursuant to Section 31-3805(1), Idaho Code, a perpetual right to the use of the water of that irrigation district on Grantor's premises described herein, together with all additional rights and privileges relating to the water of the said SOUTH BOISE MUTUAL IRRIGATION DISTRICT within Grantor's premises described herein.

This grant is of water rights only and should not be construed as granting any other rights or privileges whatsoever.

IN WITNESS WHEREOF, Grantor has executed this instrument at Boise, Ada County, Idaho, on the 14TH day of JULY, 1989.

MAX A. BOESIGER, INC.
by:

Max A Boesiger Jr.
Max A. Boesiger, Jr., President

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 14th day of July, 1989, before me, a notary public in and for said State, personally appeared MAX A. BOESIGER, JR., known to me to be the PRESIDENT of the corporation that executed the instrument, and acknowledged to me that such corporation executed the same.

Ada County, Idaho
Request of

Max A Boesiger
Notary Public, residing in Boise, Idaho

Commission expires: Notary Public in and for the State of Idaho
Residing in Harlow, Benewah County, Idaho
My Commission expires April 3, 1993.

DATE 7-14-89
JOHN BASTIDA

RECORDER

By

Notary

MICROFILMED

OCT 19 1989

Al Yates 3.00

Max A. Boesiger, Inc., an Idaho corporation, of 6479 Glenwood, Suite A, Boise, Idaho 83703, County of Ada, State of Idaho, Grantor and Owner of the premises described as PIER POINT #7 SUBDIVISION, located in the City of Boise, County of Ada, State of Idaho, for good and valuable consideration, receipt of which is hereby acknowledged, hereby grants unto the SOUTH BOISE MUTUAL IRRIGATION DISTRICT, a political subdivision of the State of Idaho, Grantee, pursuant to Section 31-3805(1), Idaho Code, a perpetual right to the use of the water of that irrigation district on Grantor's premises described herein, together with all additional rights and privileges relating to the water of the said SOUTH BOISE MUTUAL IRRIGATION DISTRICT within Grantor's premises described herein.

This grant is of water rights only and should not be construed as granting any other rights or privileges whatsoever.

IN WITNESS WHEREOF, Grantor has executed this instrument at Boise, Ada County, Idaho, on the 14TH day of JULY, 1989.

MAX A. BOESIGER, INC.
by:

Max A Boesiger Jr.
Max A. Boesiger, Jr., President

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

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MICROFILMED

OCT 19 1990

Ada County, Idaho
Request of

TIME 11:16 AM
DATE 7-14-89

JOHN BASTIDA

RECORDER

By

Al Yater 3.00

Notary Public, residing in Boise, Idaho

Commission expires: Notary Public in and for the State of Idaho

Residing in Harmon, Canyon County, Idaho
My Commission expires April 3, 1993.

MEMORANDUM

TO: Dave Shaw

FROM: Dave Tuthill *DT*

RE: Request for Extension of Time to File Adjudication Claim

DATE: September 5, 1989

The purpose of this memorandum is to provide additional information in support of the request for extension of time to file additional claims which was filed by the South Boise Mutual Irrigation Co., Ltd. on August 4, 1989.

Mr. Richard Harland, President of the Company, started in December, 1988, to accumulate information to be used in preparation of proper adjudication claims to describe the water rights of the company. The intent of the company is to move senior water rights to locations where long term use is anticipated, and to make available junior water rights for sale to other entities, possibly Boise Water Corporation. The information provided by Mr. Harland resulted in preparation of an application for transfer on March 3, 1989. Copies of pages 1 and 18 of this 19 page transfer demonstrate the complexity of the transfer that has been requested. Most of the necessary information was submitted at the time the transfer application was filed. The information that was not submitted was approval of the transfer by the present landowners of the land from which the senior water rights are proposed to be removed. Since March these approvals have trickled into the office, and presently only one signature is needed, that of the owner of 27 acres covered by the irrigation company. An attorney representing the owner has contacted this office, and action on this aspect seems imminent. As soon as the application for transfer is finalized, this office is ready to recommend approval, and no protests were received in response to the advertisement. Meanwhile, the company is poised and ready to file adjudication claims based on the approved transfer.

Because this transfer is so close to being approved, it is my recommendation that the extension of time to January 1, 1990, be allowed so that the claims filed are correct as initially filed. Alternatively, an extension for perhaps one month could be granted, if there is an urgent need for the claims to be filed. In this case the total number of acres is 421, and the total filing fee will be in the neighborhood of \$700, so the dollar amount is not a critical aspect in the adjudication funding. Thus, I would urge that the extension of time be approved as requested.

MICROFILMED

OCT 19 1989

8/4/1989

5/89

RECEIVED

AUG 10 1989

State of Idaho
Department of Water ResourcesREQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)Department of Water Resources
Western Regional Office

RECEIVED

AUG 08 1989

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

South Boise Mutual Irrigation Co. LTD. () 344-3062
Name of Claimant Phone Number

1120 Chamberlin St. Boise Idaho 83706
Mailing Address City State Zip

ADA August 7, 1989
County(s) where place of use is located Date claim originally due

Application for transfer of 1865 and 1889 water rights
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

The Company directors have requested transfer of water rights and relocation of diversions to utilize the Ridenbaugh Canal above our ditch as a diversion point, rather than the River diversion into the Bubb Ditch. Although we started in December 1988, we are not able to complete the agreement and obtain signatures for water right transfer in time to meet the above date.

Claimant requests an extension to January 1, 1990, 19 90

R.D. Harland Aug 4 8, 1989
Signature Date of request

R.D. Harland
President
Title

1507. Company
Boise Idaho
344 9492-23706

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [] granted [X] denied for the following reasons:

Claims should be filed to reflect current use, may be amended at such time as transfer is made.

and if granted the filing deadline is extended to 19

Signed this 9 day of August 19 89

Director or his designated agent

DAVID B. SH

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

MICROFILMED

OCT 19 1990

CANTRILL, SKINNER, SULLIVAN & KING

ATTORNEYS AND COUNSELORS AT LAW

1423 TYRELL LANE P.O. BOX 359

BOISE, IDAHO 83701

TELEPHONE 344 8035
AREA CODE 208

DAVID W. CANTRILL
GARDNER W. SKINNER, JR.
WILLIS E. SULLIVAN, III
JOHN L. KING
ROBERT D. LEWIS
FRANK P. KOTYK
HOLLIS AMY MERCER
DAVID R. SKINNER

April 26, 1989

Mr. Roger Allen
6904 Randolph Drive
Boise, Idaho 83707

RE: South Boise Mutual Irrigation Company/
River Run-Allen, et al.

Dear Mr. Allen:

This firm represents the South Boise Mutual Irrigation Company, whose president, Dick Harland, has recently spoken with you. As you have been made aware, as a part of the readjudication of the Boise River drainage, South Boise Mutual has been required to do an inventory of its water rights and the application of those rights within its system. As a result of that inventory, the Board has determined to make an internal transfer of the water rights between the upper and lower ends of its delivery system, ensuring that the downstream properties will receive the necessary water service.

My purpose for writing to you is a follow-up to Mr. Harland's discussion to the effect that you as an owner of real property in the area affected by the internal transfer of these water rights must either object or give your authorization to the transfer to the Department of Water Resources. I understand from Mr. Harland that you are willing to consent to the transfer. Accordingly, I have taken the liberty of preparing a proposed letter to be signed by you and forwarded to the Department of Water Resources if you deem the form acceptable. Please note that you need to attach to the authorization a copy of your tax statement on the subject property, or a description from your title insurance policy.

If you have any questions, please contact Mr. Harland. Thank you very much for your help in this matter.

Very truly yours,

MICROFILMED

Willis E. Sullivan, III

OCT 13 1989

WESIII:hva
Enclosure
cc: Richard Harland

April 27, 1989

The Water Resources Board
2735 Airport Way
Boise, Idaho 83705

RE: South Boise Mutual Irrigation Company
Application for Transfer of Water Rights

Gentlemen:

Please be advised that I, as the owner of certain real property more fully described on the attached document, which property is located within the South Boise Mutual Irrigation Company's delivery system, do hereby give my consent and authorization to the proposed transfer of water rights from the upper end of the system to the lower end of the system of that company and waive any objections to said transfer that I might have.

If you have any questions or need further evidence of my support of this matter, please advise.

Very truly yours,

Roger Allen
6904 Randolph Drive
Boise, Idaho 83707
(208) 377-0023

MICROFILMED

001

LAW OFFICES

GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
PAUL J. BUSER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
KENNETH R. McCLURE
CHAS. F. McDEVITT
LEO EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB

*ALSO ADMITTED IN OREGON

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

RECEIVED

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

COPY

May 17, 1989

Willis E. Sullivan, Esq.
Cantrill, Skinner, Sullivan & King
1423 Tyrell
Boise, ID 83706

RE: South Boise Mutual Irrigation Company

Dear Willis:

Thank you for your recent letter concerning River Run Development Company's approval of the water rights exchange being carried out by the South Boise Mutual Irrigation Company. In response, I am enclosing a letter which we would like Dick Harland and Pearl Milton to acknowledge on behalf of the Company. I trust that the letter is self-explanatory, but please call with any questions. Once Dick and Pearl have signed the letter, please return it to me and I will provide it to Pete O'Neill for his signature and then send it on to the Department of Water Resources.

Sincerely,



Jeffrey C. Fereday

JCF/jb
Enclosure

cc: Mr. Wayne L. Booe
Mr. Benjamin M. Hepler
Stephen H. Sweet, P.E.
Mr. Peter S. O'Neill
Mr. Gerald D. Herrick

MICROFILMED

OCT 19 1989

CANTRILL, SKINNER, SULLIVAN & KING

ATTORNEYS AND COUNSELORS AT LAW

1423 TYRELL LANE P.O. BOX 359

BOISE, IDAHO 83701

DAVID W. CANTRILL
GARDNER W. SKINNER, JR.
WILLIS E. SULLIVAN, III
JOHN L. KING
ROBERT D. LEWIS
FRANK P. KOTYK
HOLLIS AMY MERCER
DAVID R. SKINNER

TELEPHONE 344-8035
AREA CODE 208

April 26, 1989

Jeffrey C. Fereday, Esq.
P. O. Box 2720
Boise, Idaho 83701

RE: South Boise Mutual Irrigation Company/
River Run, et al.

Dear Jeff:

The advertising for the transfer of the older water rights owned by South Boise Mutual to the lower end of its delivery system is now completed.

The Department of Water Resources Board is willing to perfect the transfer, but requires an authorization by a few individuals who possess land located in the area affected by the transfer. Obviously, your clients number among that group.

At present, the Board is requesting a written authorization to the transfer and a waiver of objection, together with proof of ownership of the affected properties, such as a copy of tax statements or land descriptions from the title company.

Could you please be so kind as to write to the Board of Water Resources on behalf of your clients, authorizing the contemplated transfer and waiving any objections thereto, as well as enclosing the proof of ownership required by the Board. If there is any problem with this, could you please let me know. I am contacting the other individual land owner who is affected by this transfer and requesting the same of him.

Once these two sets of authorizations are before the Board, the transfer can proceed and we will then be in a position to commence the transfer to your clients.

Best Regards,

Willis E. Sullivan, III

WESIII:hva

cc: Richard Harland



BOISE WATER CORPORATION • P.O. BOX 7488 • BOISE, IDAHO 83707 • (208) 362-1300

July 14, 1989

Mr. Richard Harland, President
South Boise Mutual Irrigation Company, Inc.
1507 Garfield Street
Boise, ID 83706

RE: Sale of shares in SBMIC

Dear Dick:

This responds to your recent request, through our water counsel, Jeff Fereday, that we confirm the amount Boise Water Corporation is willing to pay for certain shares in the South Boise Mutual Irrigation Company, Inc. During our meeting with you and other members of your board of directors on September 2, 1988, I believe we agreed that the price would be \$15.00 for each acre-foot of water that is successfully transferred to and made available for diversion by Boise Water. This is slightly more than the amount that we negotiated with a seller in another ditch company in the Boise Valley. The contract of sale would require an initial nominal payment followed by payment of the balance once the Idaho Department of Water Resources has approved a particular amount for transfer and the decision is not subject to further challenge. Of course, we recognize, and discussed during our meeting, that Boise Water still would be responsible for paying annual assessments on the shares.

Please let me know whether you have any questions about this. We would hope that the sale could be completed in the near future.

Sincerely,

BOISE WATER CORPORATION



Wayne L. Booe, President

WLB:ce

cc: Jeffrey C. Fereday, Esq.
Willis E. Sullivan III, Esq.

RECORDED



671 E. River Park Ln. • Suite 200 • Boise, ID • 83706 • 208/344-2299

May 17, 1989

David R. Tuthill, Jr., P.E.
Director
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: South Boise Mutual Irrigation Company's proposed internal water right transfer

Dear David:

The Directors of the South Boise Mutual Irrigation Company have asked that River Run Development Company approve and waive objection to SBMIC's proposed transfer of those water rights which are delivered to certain RRDC lands through SBMIC's Bubb canal. The RRDC lands involved are those within the Spring Meadow Subdivisions. As we understand it, the transfer (actually an exchange) would move those rights carrying an 1865 priority from the RRDC lands to other SBMIC lands which will remain in irrigation but which carry more junior priorities; the rights appurtenant to these other lands would be made appurtenant to the RRDC lands. As you know, RRDC is developing the Spring Meadow parcels into residential subdivisions which no longer will be irrigated with rights delivered through the SBMIC facilities. Much of the property will go out of irrigation permanently; some will be irrigated under a separate entitlement or arrangement.

We have agreed with SBMIC that the exchange may take place with respect to those SBMIC-delivered rights which are appurtenant to RRDC lands, provided that SBMIC: 1) approve a subsequent transfer of the exchanged water rights from the RRDC lands to Boise Water Corporation and Gerald D. Herrick, a Spring Meadow landowner in Government Lots 4 and 5, Section 24, T. 3N., R 2E., whose lands have been irrigated until this season with water held under right No. 63-0283; and 2) confirm that RRDC and its successors in interest, including any homeowners' associations (and excepting any successor who may retain or acquire a separate water right involving an SBMIC delivery arrangement), thereafter will have no obligation to SBMIC for assessments, fees, or charges of any kind concerning land ownership, the delivery or use of such water rights or the maintenance of SBMIC facilities. If SBMIC agrees to meet these conditions by signing in the space provided below, this letter will serve as our approval and waiver of objection to the transfer.

MICROFILMED

OCT 19 1989

David R. Tuthill, Jr., P.E.
May 17, 1989
Page 2

Thank you for your help in this matter. If you have any questions, please contact me or our water counsel, Jeff Fereday (342-6571).

Very truly yours,

Peter S. O'Neill

The South Boise Mutual Irrigation Company, Inc., by and through its Board of Directors, has agreed to be bound by the above terms and has authorized its President and Secretary to confirm this agreement by signing this letter.

Richard D. Harland, President

Pearl Milton, Secretary

RECEIVED
MAY 18 1989

FILED
MAY 18 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 4, 1989

Jeffrey C. Fereday, Esq.
P.O. Box 2720
Boise, ID 83701

Dear Mr. Fereday:

Enclosed is a copy of the file for South Boise Mutual Irrigation Company, Ltd. which you requested. All together there were 72 copies and at 10¢ per copy that comes to \$7.20.

If we can assist you further, please call this office.

Sincerely,

A handwritten signature in cursive script that reads 'Sue Taylor'.

Sue Taylor
Secretary, Office Coordinator

Encl.

Handwritten note:
A sent to
Nate 5/14/89
5-27

MICROFILMED

OCT 19 1990

Page 1 of 19STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant South Boise Mutual Irrigation Company, LTD. Phone 344-9492
Post Office address c/o Richard Harland, President 1507 Garfield Boise, Id. 83706

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The company proposes to transfer senior rights to lands currently holding junior rights, and vice versa. The junior rights are then available to be sold or conveyed to another water user. In addition, S. B. Mutual may begin to divert via the Ridenbaugh Canal and/or continue to use the Bubb Canal diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|----------------|--------------------|---------------|---------------|
| 63-00280 | Apr. 1, 1865 | 1.80 cfs | Irrigation | 3/15 to 11/15 |
| 63-00281 | Apr. 1, 1865 | .50 cfs | Irrigation | 3/15 to 11/15 |
| 63-00282 | March 15, 1870 | .30 cfs | Irrigation | 3/15 to 11/15 |
| 63-00283 | March 15, 1870 | .70 cfs | Irrigation | 3/15 to 11/15 |
| 63-00284 | March 1, 1889 | .84 cfs | | |
2. Total amount of water being transferred 7.27 + 3.03 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Boise River tributary to S Snake River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal - South Boise Mutual Irr. Co. Div.
06		NW	SW	29	3N	3E	Ada	Ridenbaugh Canal

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
63-00280	3N	2E	15													15	25	15	55
		22	7																7
63-00281		22	18	8															26
63-00282		24														10	3	1	14
63-00283		22		7	12	16													35
63-00284		22				9													9
		23																	
							4	(See Attachment A For Remainder of Land List)											4

63-00242A May 1, 1889 0.86 cfs
63-00243A May 1, 1889 2.27 cfs

63-00243B May 1, 1889 3.03 cfs Total acres 284

Subtotal
For
Water
Rt

62

26

14

35

13

PART 1

6. General Information:

- a. Description of diversion system The historic diversion system for these water rights has been via the South Boise Mutual Irrigation Company's ^{with} diversion dam into the Bubbs ditch. One intent of this transfer is to add a new potential diversion site of the Ridebaugh Ditch operated by the Nampa Meridian Irrigation District.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Total number of acres irrigated will not change.

- d. Remarks:

See Attachment B

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

MICROFILMED

Witness my hand this _____ day of _____, 19 OCT 19 1990

B. Description of right(s) or portion thereof, after the requested change

1. Right Number	Priority	Amount	Nature of use	Period of use
<u>63-00284</u>	<u>March 1, 1889</u>	<u>.84 cfs</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>63-00242 A</u>	<u>May 1, 1889</u>	<u>.86 cfs</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>63-00243 A</u>	<u>May 1, 1889</u>	<u>2.27 cfs</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>63-00243 B</u>	<u>May 1, 1889</u>	<u>3.03 cfs</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>

MICROFILMED

OCT 19 1980

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00280 Decreed to 1st NAT'L Bank of Pueblo, Inc
 in case of Farmers Cooperative Ditch Company vs. Riverside Irrigation District, et al
 dated 5/11/1925 in 7th Jud Dist Court county of Canyon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other To be provided

3. Source of water Boise River tributary to Snake River

4. Date or priority April 1, 1865

5. Water is used for the following purpose:

amount 1.80 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 1.80 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	3E	19											2.6	X					
		30						2.4	X										
	2E	24											2.4	X			X	2.4	
		25					X												

(probable place
error should be new)

Total acres _____

9. Describe any other water rights used for the same purpose as described above 63-00243

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.80 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

3. Lands irrigated or place of use: ACTUAL PLU AND ACRES PER MAP AND U-2 Interpretation

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	3E	30						2.4	2.3										22
		19						2.1	1				2.6						5
	2E	24													2.4			2.4	29
		25	6																6

Total acres 62**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) NONE**

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00281 Decreed to S. Glee Hardies
in case of Farmers Cooperative Ditch Co vs. Riverside Irrigati
dated 5/11/1925 in 1st Judicial Dist Ct county of Canyon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other TO be provided

3. Source of water Borse River tributary to Snake River

4. Date or priority April 1, 1865

5. Water is used for the following purpose:

amount 0.50 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.50 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	24																	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.50 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	24										26							26

Total acres 26**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change) NONE

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00282 Decreed to Ametia Easley
in case of Farmers Coop Ditch Co vs. Riverside Irr Dist, et al
dated 5/11/1925 in 7th Judicial Dist Ct county of Rangon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other To be provided

3. Source of water Boise River tributary to Snake River

4. Date or priority MARCH 15, 1870 (beginning of irrigation season of 1870)

5. Water is used for the following purpose:

amount 0.30 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.30 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	BULL CANYON

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	24			2.6 X						X					2.5 X			

Total acres _____

9. Describe any other water rights used for the same purpose as described above 63-00283, 63-00284,

63-00243

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.30 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb CRNAL

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	24									15								15

Total acres 15**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) None**

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00283 Decreed to Amelia Eiste
in case of Farmers Coop Ditch Co. vs. Riverside Irr Dist, et al
dated 5/11/1925 in 7th Judicial Dist Ct county of Canyon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other To be provided

3. Source of water Borise River tributary to Snake River

4. Date or priority 3/15/1870 (beginning of irrigation season, 1870)

5. Water is used for the following purpose:

amount 0.70 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 0.70 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	24			2.6 X						X					2.5 X			

Total acres _____

9. Describe any other water rights used for the same purpose as described above 63-00282, 63-00284,

63-00243

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.70 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		<u>SE</u>	<u>NW</u>	<u>30</u>	<u>3N</u>	<u>3E</u>	<u>Ada</u>	<u>Bubb Creek</u>

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>3N</u>	<u>2E</u>	<u>24</u>													<u>24</u>	<u>23</u>	<u>8</u>	<u>4</u>	<u>35</u>

Total acres 35**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)** none

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00284 Decreed to Amelia Easley
in case of Farmers Coop Ditch Co vs. Riverside Irr Dist, et al
dated 5/11/1925 in 7th Judicial Dist Ct county of Canyon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other To be provided

3. Source of water Boise River tributary to Snake River

4. Date or priority March 1, 1889

5. Water is used for the following purpose:

amount 0.84 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.84 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	24			4.6 X						X					4.5 X			

Total acres _____

9. Describe any other water rights used for the same purpose as described above 63-00282, 63-00283,
63-00243

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.84 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bnbb Canal

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	24									10					2.5	3		13

Total acres 13**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)** NONE

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00242 Decreed to Steve & John Litter & C. B. Taylor
in case of Farmers Coop Ditch Co. vs. Riverside Irr Dist, et al.
dated 5/11/1925 in 7th Judicial Dist Ct county of Canyon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other To be provided

3. Source of water Boise River tributary to Snake River

4. Date or priority May 1, 1889

5. Water is used for the following purpose:

amount 2.40 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 2.40 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	23				X									X				
		24					X		X	X									

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
N^o If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.40 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	25				25									18				43

Total acres 43

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00243 Decreed to South Boise Mutual Irrigation Co.
in case of Farmers Coop Ditch Co vs. Riverside Irr Dist, et al
dated 5/11/1925 in 7th Judicial Dist Ct county of Canyon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other To be provided

3. Source of water Boise River tributary to Snake River

4. Date or priority May 1, 1889

5. Water is used for the following purpose:

amount 6.00 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 6.00 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	24			2.6 X						X				2.4 X	2.5 X			
		15														X	X	X	
		22	X	X	X	X													

Total acres _____

9. Describe any other water rights used for the same purpose as described above 63-00280, 63-00282,

63-00283, 63-00284

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 6.00 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2E	23					1	20	30	25									76
		24									10					2.5	3	1	14

Total acres 90**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

see attached maps

MICROFILMED

Oct 10 1990

PART 3**B. CHANGES IN NATURE OF USE***N/A*

- | 1. | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|------------------------------|------------------------|----------------------|
| | | | | to _____ |
| | | | | to _____ |
2. Quantity and quality of return flows and location of discharge:
- _____
- _____
3. Describe effects on other water uses resulting from the proposed change:
- _____
- _____
- _____
- _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains 19 (includes 1A) pages and A - R attachments

Received by SL (with check) Date 3/3/89 Protest filed by _____

Prelim. check by SL Fee 50.00 _____

Receipted by SL Date 3/9/89 WVD2372 _____

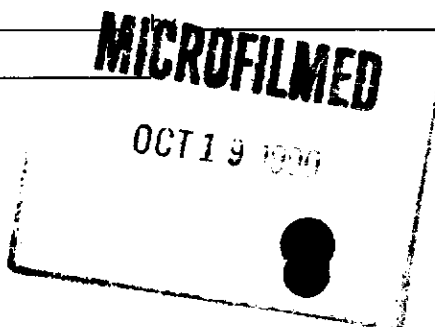
Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____

Copy of transfer sent to lien holder _____



Attachment A

LAND LIST ATTACHMENT

Description and location of place of use:

Subtotal
For
Water
Right

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
63-00	24	2A																	
3N	2E	23				25									18				43
63-00	24	3A																	
3N	2E	23					16	20	30	25									91
																			284
63-00	24	3B																	
3N	3E	19											2.6						5
		30					2.4	2.3	1										22
3N	2E	24									23	26			2.4	2.5	2.4		104
		25	6												1	23	3	28	6
																			137

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OC 19 1990

Junior
Water
Rights



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 14, 1989

South Boise Mutual Irrigation Co., Ltd.
c/o Richard D. Harland, Pres.
1507 Garfield
Boise, ID 83706

RE: Application for Transfer of Water Rights

Dear Mr. Harland:

As we have discussed, this office is currently in the process of advertising the application for transfer submitted by your organization on April 5, 1989. The protest date of the application expires on April 24, 1989. We will advise you if any protests to the application are received.

The purpose of this letter is to document for the file my continuing concern regarding the validity of this application. As we have discussed, the authority of the South Boise Mutual Irrigation Company, Ltd. to remove water rights from the lands as proposed in the application for transfer has not yet been fully determined. As we discussed, an approach that would be acceptable to the Department would be for your organization to obtain documents signed by the current owners of the land from which the water is to be removed, allowing the company to execute such removal. Lacking this kind of documentation, our next step would be to contact the owners of the property directly to determine if they have objections to approval of the transfer. The securement of the approvals from the present land owners by your organization would serve to expedite this process.

We continue to be interested in assisting your organization with this water right documentation procedure. Please contact me if we need to further discuss the items identified in this letter.

Sincerely,

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

RECEIVED

DRT:st

OCT 19 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that the South Boise Mutual Irrigation Co., Ltd., of Boise has applied to the Dept. of Water Resources for an additional point of diversion and change of place of use of the water of the Boise River.

The decreed irrigation rights sought to be changed share a point of diversion at T3N, R3E, S. 30 SENW (Bubb Canal) and are recorded as follows:

<u>Right No.</u>	<u>Amounts(CFS)</u>	<u>Priority</u>	<u>Place of Use within</u>
63-00280	1.80	4/01/1865	T3N, R3E, S.19, 30; T3N, R2E, S.24, 25, B.M.
63-00281	.50	4/01/1865	T3N, R2E, S.24
63-00282	.30	3/15/1870	T3N, R2E, S.24
63-00283	.70	3/15/1870	T3N, R2E, S.24
63-00284	.84	3/01/1889	T3N, R2E, S.24
63-00242	2.40	5/01/1889	T3N, R2E, S.23, 24
63-00243	6.00	5/01/1889	T3N, R2E, S.15, 22, 24

TO BE CHANGED AS FOLLOWS

Points of Diversion: T3N, R3E, S.29 L.6 NWSW (Ridenbaugh Canal); S.30 SENW (Bubb Canal).

The amounts shown above will be used for irrigation within the following:

<u>Right No.</u>	<u>Place of Use Within</u>
63-00280	T3N, R2E, S.15 NWSE, S1/2SE1/4; S.22 NENE
63-00281	T3N, R2E, S.22 N1/2NE1/4
63-00282	T3N, R2E, S.24 NESW, W1/2SE1/4
63-00283	T3N, R2E, S.22 NWNE, S1/2NE1/4
63-00284	T3N, R2E, S.22 SENE; S.23 NENW
63-00242A	T3N, R2E, S.23 SENE, NESE
63-00243A	T3N, R2E, S.23 NW1/4
63-00243B	T3N, R2E, S.24 N1/2SW1/4, SE1/4; S.25 NENE and T3N, R3E, S.19 SWSW; S.30 W1/2NW1/4

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Statehouse, Boise, ID 83720 on or before April 24, 1989.

R. Keith Higginson
Director

Published in the Idaho Statesman on 04/06⁰⁷ & 04/13¹⁴/89.

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MAR 5 1989

Department of Water Resources
Western Regional Office

Utah State Dept. of Water Resources Feb. 25, 1989

South Boise Mutual Irrigation Co. Board

of Directors met at 5:15 P.M. Friday May 24,

1989 at the home of our Secretary.

Among other Business the Board read

and discussed the proposed transfer of

water rights within our irrigation system.

The application was approved as written

with the following exceptions:

The Board voted - "The owners of the

10 acre and 4-1 acre parcels presently

using water east of apple street should

be allowed to retain their present

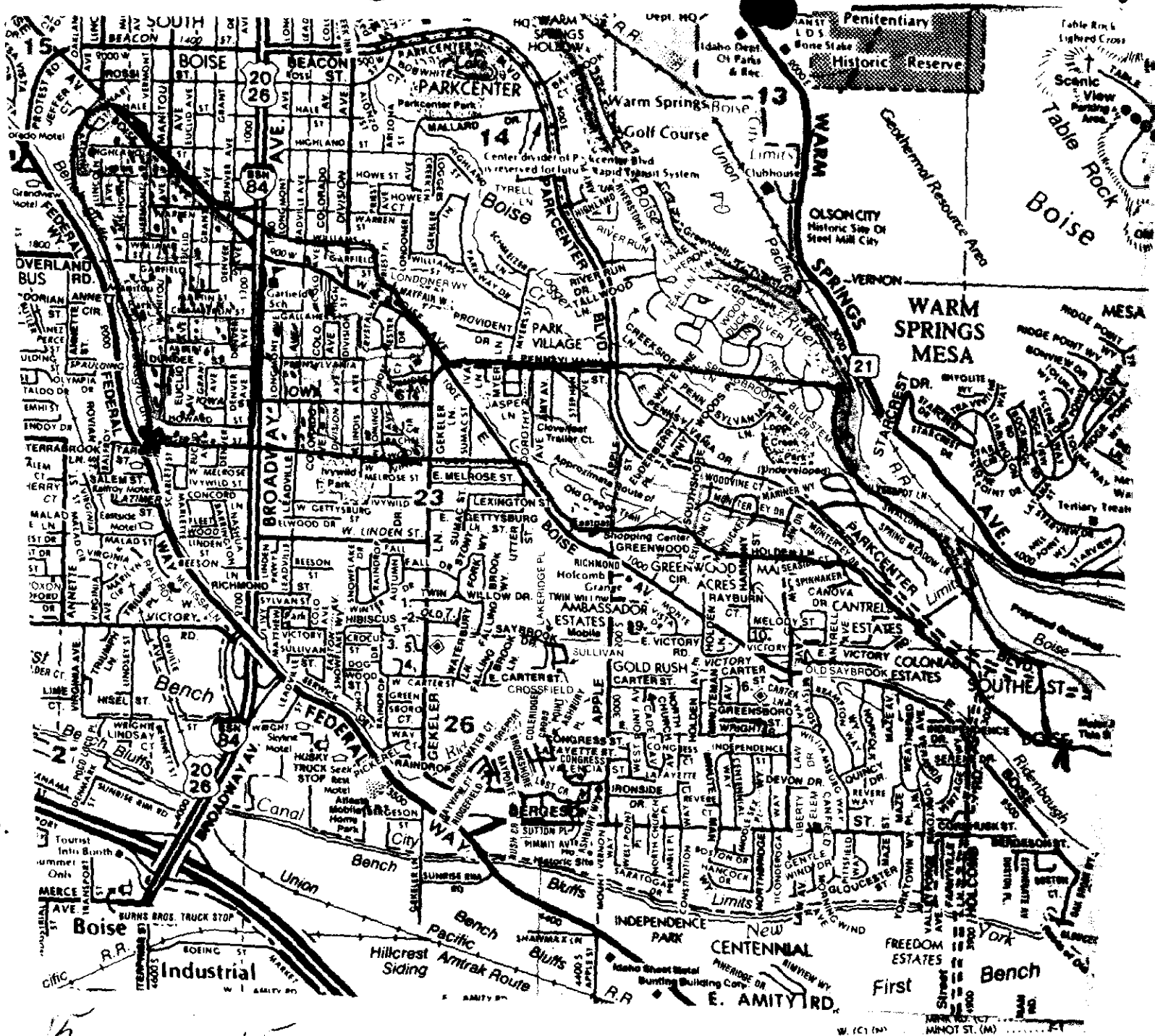
water rights."

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Please make this change in the final draft

of our application. Thank you. [Signature]



15 25 15
 25 25
 105
 17
 95
 12 21 7

20
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25
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 14
 5.7
 21
 27 H

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Upper Bench

320

60

100

80

560

Lower Level

160

150

120

430

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