

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

RIGHT NUMBER: 63-131D

NAME AND ADDRESS: GREG OBENDORF
26496 DEB LN
PARMA ID 83660ANN OBENDORF
26496 DEB LN
PARMA ID 83660

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.420 CFS

This right is diverted from the Boise River in the SWSE, Lot 2, S25, Twp. 5N, Rge. 5W, and injected into Sand Hollow Creek in the NWNW, Lot 6, S25, Twp. 5N, Rge. 5W for mitigation of irrigation use under Right Nos. 63-33570 and 63-33571.

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

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:

T05N R05W S25 NWNW Lot 6 Injection Within CANYON County

T05N R05W S25 SWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	03/01 11/15	0.420 CFS
Diversion for mitigation water under this water right prior to April 1 and after October 31 shall occur only when the natural flow of the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall not interfere with storage of water under water rights for Lucky Peak, Lake Lowell, Arrowrock, or Anderson Ranch Reservoirs.		

SF5 Right No. 63-131D

PLACE OF USE: MITIGATION in CANYON County

T05N R05W S23	NWNE	T05N R05W S23	SWNE
T05N R05W S23	SENE	T05N R05W S23	NENW
T05N R05W S23	SENE	T05N R05W S23	NESE
T05N R05W S23	SESE	T05N R05W S24	NESW
T05N R05W S24	NWSW	T05N R05W S24	SWSW
T05N R05W S24	SESW	T05N R05W S24	SWSE

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right originated as all or part of right no. 121 in the Stewart Decree and the historic Boise River Water Masters records.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in purpose of use pursuant to Section 42-1425 Idaho Code.

This right is a split from former right 63-131B.

Shurte, Jan

From: Shurte, Jan
Sent: Monday, October 07, 2013 4:52 PM
To: 'Dana Hofstetter'
Cc: Cooley-Denney, Suzy
Subject: FW: Final SF5s to be mailed
Attachments: SF5 Right No. 63-127A.docx; SF5 Right No. 63-127B.docx; SF5 Right No. 63-127C.docx; SF5 Right No. 63-127D.docx; SF5 Right No. 63-128A.docx; SF5 Right No. 63-128B.docx; SF5 Right No. 63-128C.docx; SF5 Right No. 63-128D.docx; SF5 Right No. 63-129A.docx; SF5 Right No. 63-129B.docx; SF5 Right No. 63-129C.docx; SF5 Right No. 63-129D.docx; SF5 Right No. 63-130A.docx; SF5 Right No. 63-130B.docx; SF5 Right No. 63-130C.docx; SF5 Right No. 63-130D.docx; SF5 Right No. 63-131A.docx; SF5 Right No. 63-131B.docx; SF5 Right No. 63-131C.docx; SF5 Right No. 63-131D.docx; SF5 Right No. 63-178B.docx; SF5 Right No. 63-178D.docx; SF5 Right No. 63-178E.docx; SF5 Right No. 63-3201.docx; SF5 Right No. 63-9744.docx; SF5 Right No. 63-33497.docx; SF5 Right No. 63-33498.docx; SF5 Right No. 63-33499.docx; SF5 Right No. 63-33511.docx; SF5 Right No. 63-33570.docx; SF5 Right No. 63-33571.docx; SF5 Right No. 63-33590.docx; SF5 Right No. 63-21530.docx; SF5 Right No. 63-178C.docx

Hi Dana,

Here are all of these again. Please look at the the Obendorf's rights which have had the mitigation language changed, the name on 63-178C now shows The Iest Family LLLP and the change in the acre limitation on 63-33571.

The idea is to send these out for signature as soon as we get the correct signatory names for each from you. Then, if you get me a deed for the land under 63-178C with the name of The Iest Family LLLP on it I can change our database. I wanted these circulating for signature asap so I changed the name in the overstrike/underline format for the SF5s.

Email Suzy or myself the names for signature on the cover sheets and we will get these out the door.

Thanks,
Jan

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-131D V1

WATER RIGHT NUMBER: 63-131D V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GREG OBENDORF 26496 DEB LN PARMA, ID 83660 (208)722-6451
Current Owner	ANN OBENDORF 26496 DEB LN PARMA, ID 83660 (208)722-6451
Attorney	DANA L HOFSTETTER HOFSTETTER LAW OFFICE LLC 608 W FRANKLIN ST BOISE, ID 83702 (208)424-7800

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MITIGATION	03/01 to 11/15	0.420 CFS	
	<u>Total Diversion:</u>	0.420 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L2 (SW1/4SE1/4)	Sec. 25, Twp 05N, Rge 05W, B.M.
CANYON County		

Place of Use

MITIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	23		X	X	X	X			X					X				
05N	05W	24									X	X	X	X			X		

Conditions of Approval:

- SD1 This right originated as all or part of right no. 121 in the Stewart Decree and the historic Boise River Water Masters records.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-131D V1

2. Diversion for mitigation water under this water right prior to April 1 and after October 31 shall occur only when the natural flow of the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall not interfere with storage of water under water rights for Lucky Peak, Lake Lowell, Arrowrock, or Anderson Ranch Reservoirs.
3. This right is diverted from the Boise River in the SWSE, S25, Twp. 5N, Rge. 5W, and injected into Sand Hollow Creek in the NWNW, S25, Twp. 5N, Rge. 5W for mitigation of Sand Hollow Creek Right Nos. 63-33570 and 63-33571.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. 183 Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
6. This right is a split of Right No. 63-131B per settlement agreement dated 2-11-11.
7. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:

Comments:

1. jshurte 8/1/2011 obj resolution

Comment: This right is a result of a settlement agreement between Obendorf and Tree top dated 2-11-2011. Mitigation use was recommended because the point of injection of this Boise river water is downstream from the points of diversion from Sand Hollow Creek. See copy of agreement in file.

2. jshurte 5/23/2013 Final recommendation

Comment: See 63-127D for documents and emails regarding these recommendations.

Water Supply Bank:



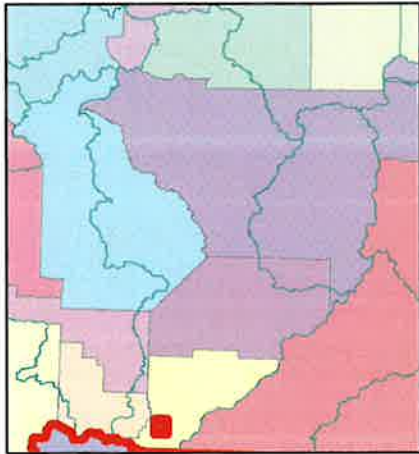
Idaho Department of Water Resources

Adjudication Recommendation

63-131D

(MITIGATION)

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by Shurte, Jan
On May 23, 2013
2009 Aerial Photography

