

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

RIGHT NUMBER: 63-178D

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

ANN OBENDORF  
26496 DEB LN  
PARMA ID 83660

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.540 CFS

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.

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.

PRIORITY DATE: 06/01/1869

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          | 0.540 CFS       |
| <p>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.</p> |                      |                 |

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

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 42-1423 Idaho Code.

This right originated as all or part of right no. 44 in the Stewart Decree and the historic Boise River Water Masters records.

This right is a split from former right 63-178.

## Shurte, Jan

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**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 lest 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 lest 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 63-178D V1

WATER RIGHT NUMBER: 63-178D V1

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

Priority Date: 06/01/1869

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  | 0.540 CFS             |                      |
|                       | <u>Total Diversion:</u> |           | 0.540 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:

1. P21 This right is a split from former right 63-178.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-178D V1

2. 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.
3. 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.
4. 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. 63-3201 and 63-9744.
5. 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.
6. SD1 This right originated as all or part of right no. 44 in the Stewart Decree and the historic Boise River Water Masters records.
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 recommendation is a result of the settlement agreement between Obendorf and Tree Top dated 2-11-2011. The change made to this right was to recommend it for mitigation rather than irrigation as outlined in the agreement. Points of diversion from Sand Hollow Creek are upstream from the injection of Boise River water into the creek. See copy of settlement in file.

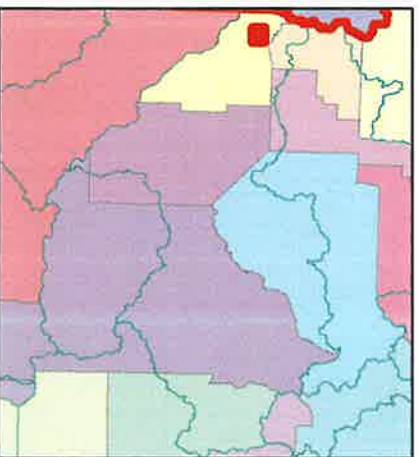
Water Supply Bank:

# Idaho Department of Water Resources



## Adjudication Recommendation 63-178D (MITIGATION)

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



Canyon County  
IDWR Basin 63

