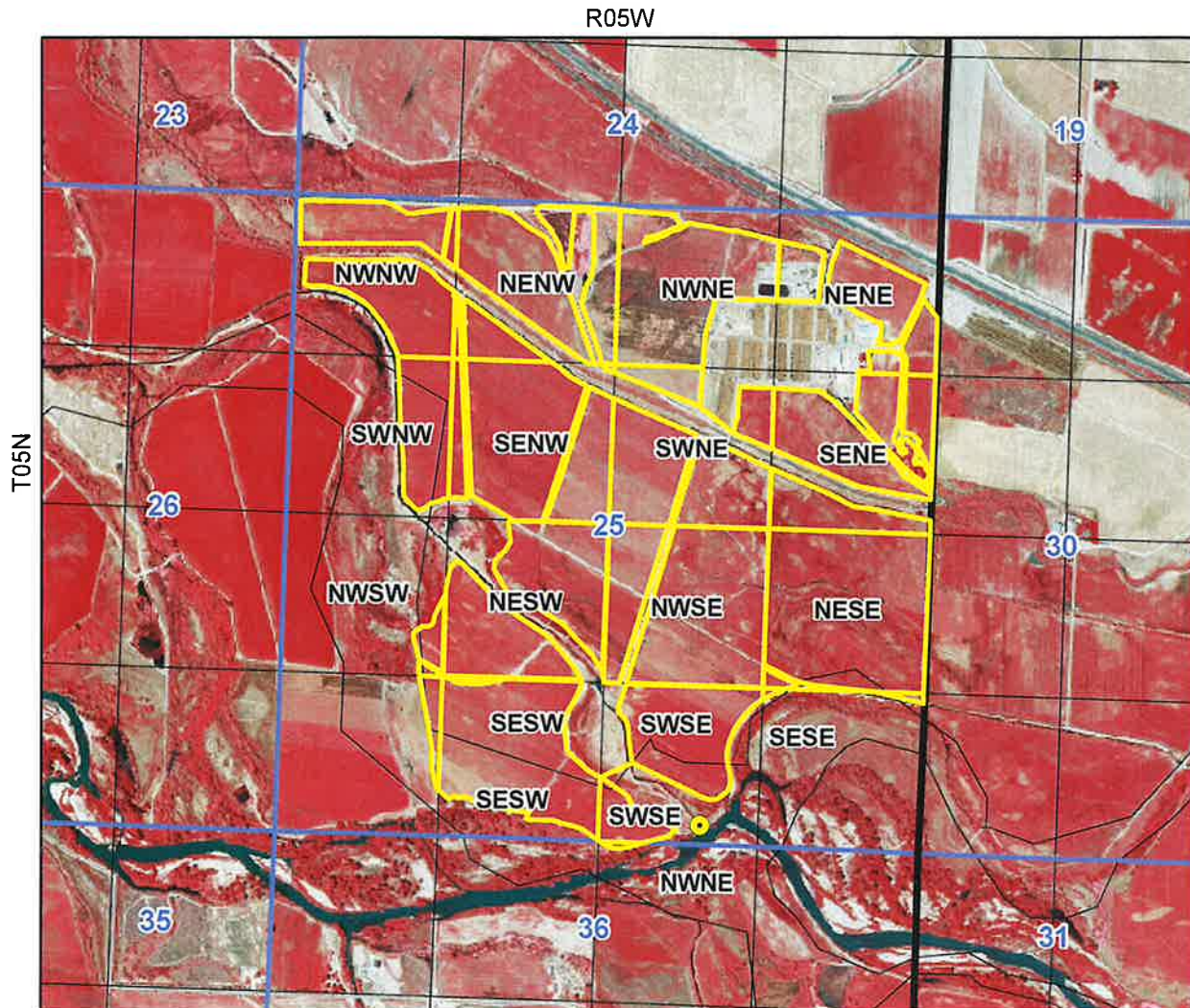


State of Idaho
Department of Water Resources
Adjudication Recommendation
63-181
Water Service Area Boundary for E G Johnson Farms Inc



Legend

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.15 0.3 0.6 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-181 V1

WATER RIGHT NUMBER: 63-181 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	T W BOONE
	, ID
Current Owner	E G JOHNSON FARMS INC 24007 HWY 20-26 PARMA, ID 83660 (208)722-5829
Attorney	JOHN M MARSHALL JOHN MARSHALL LAW PLLC 575 W BANNOCK ST BOISE, ID 83702 (208)841-3017

Priority Date: 06/01/1874

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	2.200 CFS	
	<u>Total Diversion:</u>		2.200 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 UseMITIGATION Within CANYON County

T05N R05W S25	NENE	T05N R05W S25	NWNE
T05N R05W S25	SWNE	T05N R05W S25	SENE
T05N R05W S25	NENW	T05N R05W S25 Lot 6	NWNW
T05N R05W S25 Lot 5	SWNW	T05N R05W S25 Lot 5	SENW
T05N R05W S25 Lot 4	NESW	T05N R05W S25 Lot 4	NWSW
T05N R05W S25 Lot 3	SWSW	T05N R05W S25 Lot 3	SESW
T05N R05W S25 Lot 1	NESE	T05N R05W S25	NWSE
T05N R05W S25 Lot 2	SWSE	T05N R05W S25 Lot 1	SESE
T05N R05W S36 Lot 3	NWNE		

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-181 V1

Conditions of Approval:

1. 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.
2. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. This right is also designated as Right No. 59 in the Boise River Stewart Decree and Boise River Water Distribution Report.
5. 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.
6. Diversion for any water use under this water right prior to April 1 and after October 31 shall occur only when the natural flow in 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 be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
7. This right mitigates for the depletion of water resulting from the diversion and use of water under Right Nos. 63-4036A, 63-4036B, 63-28751 and 63-32394. To prevent injury to other water right holders, the right holder shall cease diverting 2.2 cfs of this right from the Boise River. If the mitigation portion of this right is used for any other purpose, then water shall not be diverted under Right Nos. 63-4036A, 63-4036B, 63-28751 and 63-32394. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right Nos. 63-4036A, 63-4036B, 63-28751 and 63-32394 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

Remarks:

Comments:

1. jshurte 2/16/2011 Recommendation

Comment: See comments and documents supporting recommendation in 63-180.

Water Supply Bank:

(19)

Sec. 26, all in T. 5 N. R. 5 W. B.M., in the following amount from the following date;

63 0178 425 inches, from June 1, 1860; and hereby designated as Right No. 44.

And be adjudged to pay \$29.75 costs, in addition to the costs incurred by him.

XLIII.

That the defendant the MASON CREEK DITCH COMPANY, a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank thereof near the center of the east line of Sec. 13, T. 4 N. R. 2 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date;

63 0179 1660 inches, from June 1, 1860; and hereby designated as Right No. 46.

T-Ad. 29
And be adjudged to pay \$130.20 costs in addition to the costs incurred by it.

XLIV.

That the defendant T. W. Boone be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the SE $\frac{1}{4}$ of Sec. 25, and SW $\frac{1}{4}$ of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, and lots 1, 2 and 3, Sec. 25, T. 5 N. R. 5 W. B.M., in the following amounts and from the following dates;

63 0180 175 inches, from June 1, 1860; and hereby designated as Right No. 47.

63 0181 110 inches, from June 1, 1874; and hereby designated as Right No. 59.

And be adjudged to pay \$19.95 costs in addition to the costs incurred by him.

XLV.

That the defendant W. J. HAMMING be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the middle of the east line of Sec. 17. T. 4 N. R. 1 W. B.M.



Bureau of Land Management - General Land Office Records

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Survey Details

[Quick Help](#) [Bookmark](#)[Home](#) > [Survey Search](#) > Survey Details[Help](#)

Original Survey

• Twp 5N-5W, ID, Boise (South, West boundaries and Subdiv. Lines)

Survey Details

Plat Details

Plat Image

Field Note Images

Description: ---



John Marshall Law PLLC

575 W Bannock, Suite B
Boise, ID 83702

RECEIVED

OCT 26 2010

DEPARTMENT OF
WATER RESOURCES

phone 208-841-3017
fax 208-906-8043
john@jmarshalllaw.com

October 25, 2010

Via US Mail:

Diana Delaney
253 3rd Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: Amended Notices of Claim — Subcases 63-00180 and 63-00181

Dear Ms. Delaney:

Pursuant to the Court's *Order Conditionally Granting Late Notice of Claim for Water Right Claims 63-00180 and 63-00181*, please find the enclosed Amended Notices of Claim for claims 63-180 and 63-181.

Sincerely,



Shannon Marshall

Enclosures

cc: Parties on Docket Sheet service list

SCANNED

OCT 27 2010

Saxton, Craig

From: Saxton, Craig
Sent: Monday, August 09, 2010 8:39 AM
To: Spencer, Nick; Courtney, Andrea; Williams, Ray
Cc: Shurte, Jan
Subject: Motion to file late claim 63-181 - Informationf for hearing

Hey everyone,

The hearing for Motion to File late claim 63-181 is set for 10-19-2010. The claim submitted with the motion does not include a point of diversion, rather it states, "Right currently left in river for mitigation."

POD should be that location at which water would be diverted from if it wasn't being used for mitigation. Therefore, when we data entered the claim, we added the 2 points of diversion that were listed on the water right record:

T5N, R5W, S25, SE
T5N, R5W, S30, SW

If this information is incorrect, we probably need them to amend the claim to tell us where the last valid POD was.

Thanks,
Craig

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-181

WATER RIGHT NUMBER: 63-181

Owner Type Name and Address

Current Owner T W BOONE

, ID

Priority Date: 06/01/1874

Basis: Decreed

Status: Active

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

2.200 CFS

Annual VolumeTotal Diversion: 2.200 CFSLocation of Point(s) of DiversionBOISE RIVER
CANYON County

Sec. 30, Twp 05N, Rge 05W, B.M.

BOISE RIVER
CANYON County

Sec. 25, Twp 05N, Rge 05W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	05W	25	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X	X	X	X								X	X	X	X		
														L 3	L 1		L 2		

Conditions of Approval:

1. P/D IN SE, S25 & SW, S30, T5N, R5W.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-181

Licensed Date:
Decreed Date: 1/18/1906
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Riverside Irrigation District, Ltd, et al
Decree Plaintiff: Farmers Cooperative Ditch Co
Civil Case Number:
Judicial District: Seventh District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank: