

Shurte, Jan

From: fwprice@blm.gov
Sent: Monday, July 18, 2011 2:25 PM
To: apb@idahowaters.com; Spencer, Nick; david.negri@usdoj.gov
Cc: Shurte, Jan; Williams, Ray; EMcgarry@usbr.gov; david.gehlert@usdoj.gov; gloria.baimbridge@usdoj.gov; sbeazer@blm.gov; ddelaney@srba.state.id.us; pharrington@srba.state.id.us
Subject: 63-00137B, Boise Project Board of Control: typo in township (POD)
Attachments: 63-00137B Township typo and lot error.pdf; 63-00137B_Evolution of Lot 13.pdf

Everyone,

RE: 63-00137B, Boise Project Board of Control (BPBoC)
-typo in POD (T03N should be T02N)
-also Lot 9 has been resurveyed as Lot 13

63-00137B:
POD should be changed:
from T03N, R03E, S03, Lot 9 (NWSW);
to T02N, R03E, S03, Lot 13 (NWSW)

63-00137B:
DATE EVENT
06-14-2007 OBJ 01 F/B USDI-BLM (digital boundary objection)
06-19-2007 OBJ 02 F/B OBENDORF, RAY (objection to title)
05-02-2011 STANDARD FORM 5 FILED
 CHANGE: POD/REMARK
05-02-2011 CD/MAPS FOR DIGITAL BOUNDARY PLACE OF USE
05-05-2011 REPORT & RECOMMENDATION OF MASTER
06-29-2011 PARTIAL DECREES FILED

This email is just information to the parties and is not meant to be any kind of motion to set aside partial decrees.

1st Issue (63-00137B): typo in township -T03N should be T02N

The original Director's Report described a POD in Lot 6 (BLM) and Lot 9 (BOR), T03N, R03E, S03. The SF-5 (removed Lot 6 and left Lot 9), Special Master's Report and Recommendation (SMRR) and Partial Decree for the Boise Project Board of Control (BPBoC) water right 63-00137B describes the Point of Diversion (POD) in T03N, R03E, S03, Lot 9 (NWSW). This is a typo in township and the POD should be described in T02N, as described in BPBoC's other SRBA claims from the Boise River: 63-00136, 63-00200A and 63-00233K. BLM objected to the Place of Use and did not notice this discrepancy in township under the POD element.

2nd Issue (63-00136, 63-00137B, 63-00200A and 63-00233K): resurvey -Lot 9 is now Lot 13

On 07-31-2001, Lot 9 of S03, T02N, R03E was resurveyed to be Lot 13, therefore it appears both the township and the Lot should be adjusted, and the POD for 63-00137B should be described as T02N, R03E, S03, Lot 13 (NWSW). If, in the process of correcting the township on 63-00137B, the POD is also corrected to be Lot 13 instead of Lot 9, then the PODs for BPBoC's other rights from the same POD (63-00136, 63-00200A and 63-00233K) should be changed from Lot 9 (NWSW) to Lot 13 (NWSW). These other rights (63-00136, 63-00200A and 63-00233K) were partially decreed on 06-29-11.

3rd Issue (63-02392F): wrong lot (Lot 6 should be Lot 9 (now Lot 13))

On 06-03-11, IDWR issued the Spring 2011, Late & Miscellaneous Director's Report (filed 06-10-11) and the deadline to file objections is 08-12-11. Claim 63-02392F (BPBoC) was recommended with a single POD within Lot 6 (NWSW), S03, T02N, R03E (BLM land) from Waste Water (tributary to the Boise River). All of BPBoC's water claims from the Boise River (63-00136, 63-00200A, and 63-00233K), including 63-00137B (after township typo is corrected), define the POD as Lot 9 (NWSW), S03, T02N, R03E (BOR land). The SF-5 for 63-00137B actually removed Lot 6 (BLM) from the description to define the POD as just Lot 9 (BOR). Of course, as in Issue #2, Lot 9 has been resurveyed into Lot 13, S03, T02N, R03E, therefore the POD (lot #) should probably be changed from Lot 6 (NWSW), S03, T02N, R03E to Lot 13 (NWSW).

Fred Price

Water Rights Specialist

BLM, Idaho State Office

(See attached file: 63-00137B Township typo and lot error.pdf) (See attached file: 63-00137B_Evolution of Lot 13.pdf)

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, March 17, 2011 3:15 PM
To: Williams, Ray; Spencer, Nick
Cc: Egbert, Sandy; Harris, Lori
Attachments: BPBC.jpg

Hi Ray,

Attached is the Recommendation Layout for the Boise Project Board of Control. I was thinking you could make copies from it for the SF5s. There are 4 water rights involved.

As far as the CD goes, I'm not sure who makes them over there. I have not before, so maybe Sandy Egbert. I have been talking with Danielle over the last few days to get this shapefile fixed per the BLM objections on it and incorporating the objections to the Nampa Meridian ID large place of use also from BLM. However, she is working on a special project and won't be in tomorrow. I am ccing this to you Sandy – can you make the cds from a jpeg?

Lori, it's time to give the SF5s to Ray now. They looked fine to me and I'm sure we will hear if there is a problem somewhere. I am so glad to get these done finally (for now).

Thanks everyone!

Jan

Shurte, Jan

From: Dana Hofstetter [Dana@IdahoWaterLaw.com]
Sent: Tuesday, December 14, 2010 3:22 PM
To: Spencer, Nick; Shurte, Jan
Subject: 63-136 et al.

Nick and Jan:

Just as a reminder, could you prepare the SF5s for my client's signature. I generally prefer to have the client sign.

Thank you,
Dana

*OK with 107,000 acres per phone conv.
w/ Al Barker.*

BLM will be correct (took out 30 acres
of BPBC)

- BPBC - 167,000 acres Dir. Rept. -
On our database it is 195,496 acres
Al Baker filed NOE on 9/06 for 167,000
& we had a proof report for 195,496 dated
8/06. Dir Rept to Court is 167,000. The BPBC
is for the same lands as the BOR claims
listed below. No NOE was submitted on those &
the acre rec. were 195,496 in the Dir. Rept.
Need to rectify that before an SFS can be done.
Hold off on SFS's, updated shapes removing
BLM land from both BPBC & BOR events ^{or: file only on BPBC}
BOR - Need to remember 30 acres
out of the BOR.

BOR is the same place of use as BPBC. Since
an NOE was not filed the total acres rec.
in the Dir. Rept to the Court is 195,526 (w/ 30
acres yet taken out). Should be same as BPBC
since BOR is storage for the 5 migration
districts just as BPBC is the live flow for
the same districts.

Problem need to fix is to see exactly what
the correct acres are between the two - 30 acres
for the BLM objection. Also Black Canyon Aug.
Dist wants to add their lands to the BOR
its only & we need to know how the connection
is made. BCID has been recommended in
R63 for ⁽⁶³⁻²⁸²⁸⁾ 61,240 acres & Gail McGary is telling
me 64,000. Why are these acres only on BOR & not BPBC.

Scanned & sent to Lori
on 1-10-11

SF5 Right No. 63-136

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

RIGHT NUMBER: 63-136

NAME AND ADDRESS: BOISE PROJECT BOARD OF CONTROL
ATTN ALBERT BARKER
BARKER RSHOLT
PO BOX 2139
BOISE ID 83702-2139

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 20.000 CFS

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: 09/01/1864

POINT OF DIVERSION:

~~T02N R03E S3 NWSW Lot 6 Within ADA County~~ → delete

T02N R03E S3 NWSW Lot 9 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3/15 11/15	20.000 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; 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.

PLACE OF USE:

195496 ACRES TOTAL ← OK at 167,000 acres
~~167000 ACRES TOTAL~~

Place of Use is 195,496 ~~167,000~~ irrigated acres within the following irrigation district boundaries: Boise-Kuna Irrigation District, Nampa-Meridian Irrigation District, Wilder Irrigation District, New York Irrigation District, and the Big Bend Irrigation District.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

SF5 Right No. 63-136

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

The name and address of the Boise Project Board of Control appears in the Name and Address section of this partial decree. The Boise Project Board of Control is the operating agent of the Nampa-Meridian Irrigation District, Boise-Kuna Irrigation District, New York Irrigation District, Wilder Irrigation District and Big Bend Irrigation District. Pursuant to Idaho law, this right is appurtenant to the lands within the boundaries of or served by these irrigation districts.

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 is designated as No. 8 in the Stewart Decree and the Boise Water Distribution Report.

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

RIGHT NUMBER: 63-200A

NAME AND ADDRESS: BOISE PROJECT BOARD OF CONTROL
ATTN ALBERT BARKER
BARKER RSHOLT
PO BOX 2139
BOISE ID 83702-2139

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 8.900 CFS

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: 08/20/1888

POINT OF DIVERSION:

~~T02N R03E S3 NWSW Lot 6 Within ADA County~~
T02N R03E S3 NWSW Lot 9 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	8.900 CFS
DOMESTIC	01/01 12/31	0.020 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; 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.

PLACE OF USE:

~~195496 ACRES TOTAL~~ 167000 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

SF5 Right No. 63-200A

Place of Use is ~~195,496~~ 167,000 irrigated acres within the following irrigation district boundaries: Boise-Kuna Irrigation District, Nampa-Meridian Irrigation District, Wilder Irrigation District, New York Irrigation District, and the Big Bend Irrigation District.

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

The name and address of the Boise Project Board of Control appears in the Name and Address section of this partial decree. The Boise Project Board of Control is the operating agent of the Nampa-Meridian Irrigation District, Boise-Kuna Irrigation District, New York Irrigation District, Wilder Irrigation District and Big Bend Irrigation District. Pursuant to Idaho law, this right is appurtenant to the lands within the boundaries of or served by these irrigation districts.

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 is designated as No. 106 in the Stewart Decree and the Boise Water Distribution Report.

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

RIGHT NUMBER: 63-137B

NAME AND ADDRESS: BOISE PROJECT BOARD OF CONTROL
ATTN ALBERT BARKER
BARKER RSHOLT
PO BOX 2139
BOISE ID 83702-2139

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.340 CFS

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: 06/01/1869

POINT OF DIVERSION:

~~T03N R03E S3 NWSW Lot 6 Within ADA County~~

T03N R03E S3 NWSW Lot 9 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3/15 11/15	0.340 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; 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.

PLACE OF USE:

~~195485 ACRES TOTAL~~ 167000 ACRES TOTAL

Place of Use is ~~195,485~~ 167,000 irrigated acres within the following irrigation district boundaries: Boise-Kuna Irrigation District, Nampa-Meridian Irrigation District, Wilder Irrigation District, New York Irrigation District, and the Big Bend Irrigation District.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

SF5 Right No. 63-137B

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

The name and address of the Boise Project Board of Control appears in the Name and Address section of this partial decree. The Boise Project Board of Control is the operating agent of the Nampa-Meridian Irrigation District, Boise-Kuna Irrigation District, New York Irrigation District, Wilder Irrigation District and Big Bend Irrigation District. Pursuant to Idaho law, this right is appurtenant to the lands within the boundaries of or served by these irrigation districts.

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 is designated as No. 45 in the Stewart Decree and the Boise Water Distribution Report.

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

RIGHT NUMBER: 63-233K

NAME AND ADDRESS: BOISE PROJECT BOARD OF CONTROL
ATTN ALBERT BARKER
BARKER ROSHOLT
PO BOX 2139
BOISE ID 83702-2139

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.200 CFS

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: 10/01/1887

POINT OF DIVERSION:

~~T02N R03E S3 NWSW Lot 6 Within ADA County~~

T02N R03E S3 NWSW Lot 9 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	1.200 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; 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.

PLACE OF USE:

~~195,496 ACRES TOTAL 167,000 ACRES TOTAL~~

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of Use is ~~195,496~~ 167,000 irrigated acres within the following irrigation district boundaries: Boise-Kuna Irrigation District, Nampa-Meridian Irrigation District, Wilder Irrigation District, New York Irrigation District, and the Big Bend Irrigation District.

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

The name and address of the Boise Project Board of Control appears in the Name and Address section of this partial decree. The Boise Project Board of Control is the operating agent of the Nampa-Meridian Irrigation District, Boise-Kuna Irrigation District, New York Irrigation District, Wilder Irrigation District and Big Bend Irrigation District. Pursuant to Idaho law, this right is appurtenant to the lands within the boundaries of or served by these irrigation districts.

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 water right provides for conveyance loss in the New York Canal.

This right is designated as No. 96 in the Stewart Decree and the Boise Water Distribution Report.



Boise Project Board Of Control

Adjudication Recommendations: 63-136, 63-137 B, 63-200A, 63-233K

Irrigation Service Area Boundary
GIS Place of Use Illustration

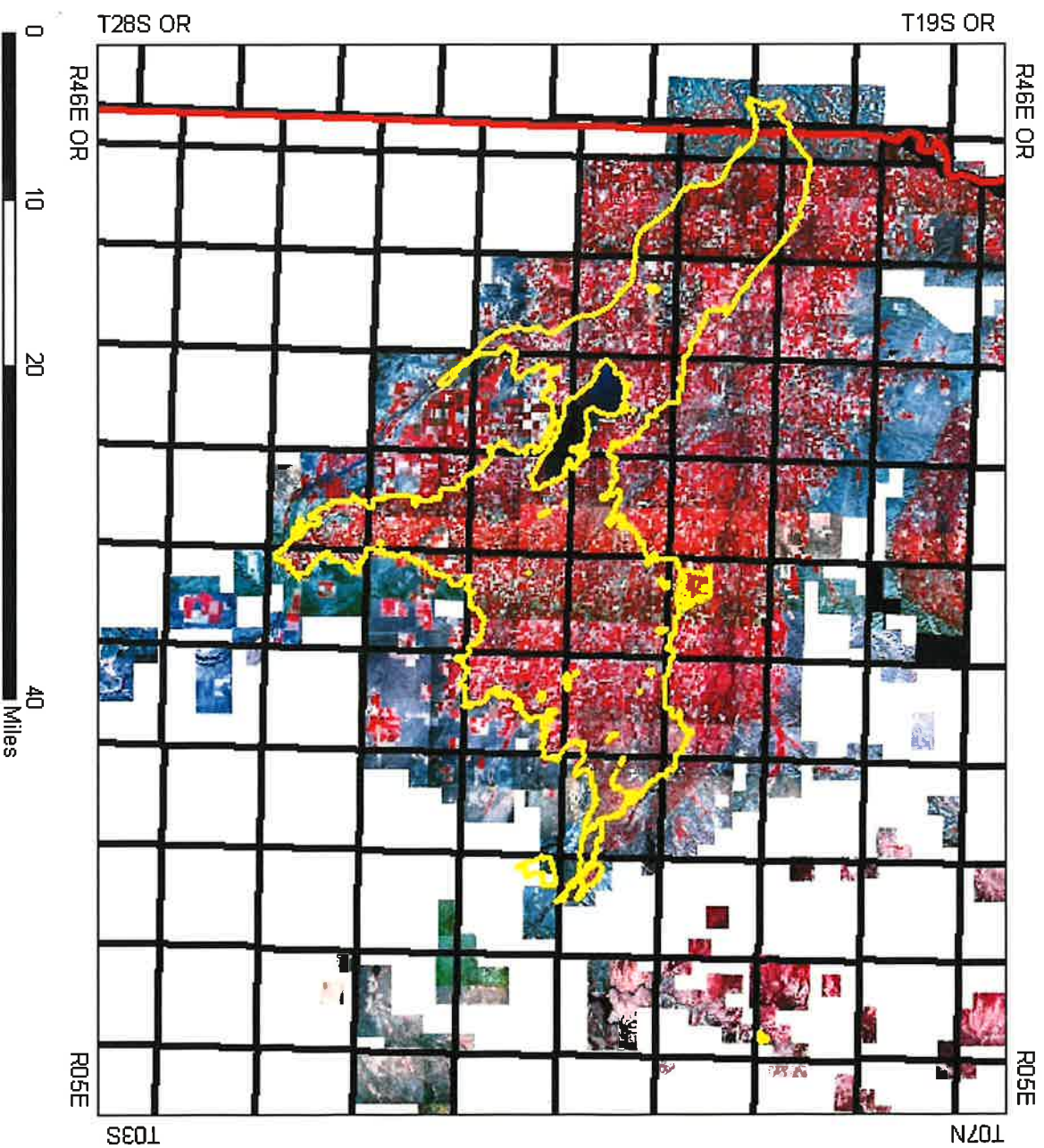
Legend

-  Service Area
-  State Outline
-  Townships



Boise, Canyon, Ada, Malheur Or Counties
IDWR Basin 63

Prepared by Favreau, Danielle
On April 28, 2011
1987/88 Aerial Photography



FOR 136, 137B, 200A + 233K

08/17/2006

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

RIGHT NUMBER: 63-136
NAME AND ADDRESS: BOISE PROJECT BOARD OF CONTROL
ATTN ALBERT BARKER
BARKER ROSHOLT
PO BOX 2139
BOISE ID 83702-2139

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 20.000 CFS

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.

No
change
this page

PRIORITY DATE: 09/01/1864
POINT OF DIVERSION:
T02N R03E S3 NWSW Lot 6 Within ADA County
T02N R03E S3 NWSW Lot 9 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3/15 11/15	20.000 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; 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.		

See
2nd page

PLACE OF USE:

195526 ACRES TOTAL

195,526

NOTE: THIS PRINT OUT IS 8/17/2006. THE DIRECTOR'S REPORT WAS FILED ON DEC. 29, 2006. FOR SOME REASON THE DIRECTOR'S REPT. ON THE COURTS PAGE SHOWS 167,000. WE HAVE CONFIRMED THE 195,526 AC.

AND WILL TAKE CARE OF THE DISCREPANCY WITH THE OBJECTIONS SFS.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of Use is 195,526 irrigated acres within the following irrigation district boundaries: Boise-Kuna Irrigation District, Nampa-Meridian Irrigation District, Wilder Irrigation District, New York Irrigation District, and the Big Bend Irrigation District. *→ Change to 195,496 on all*

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 is designated as No. 8 in the Stewart Decree and the Boise Water Distribution Report.



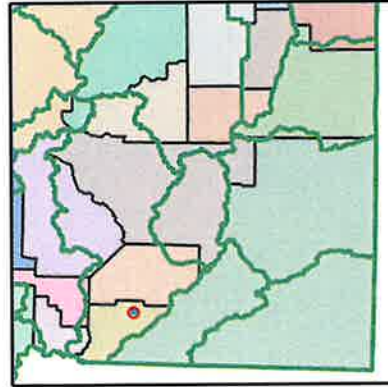
Idaho Department of Water Resources

Adjudication Claim:

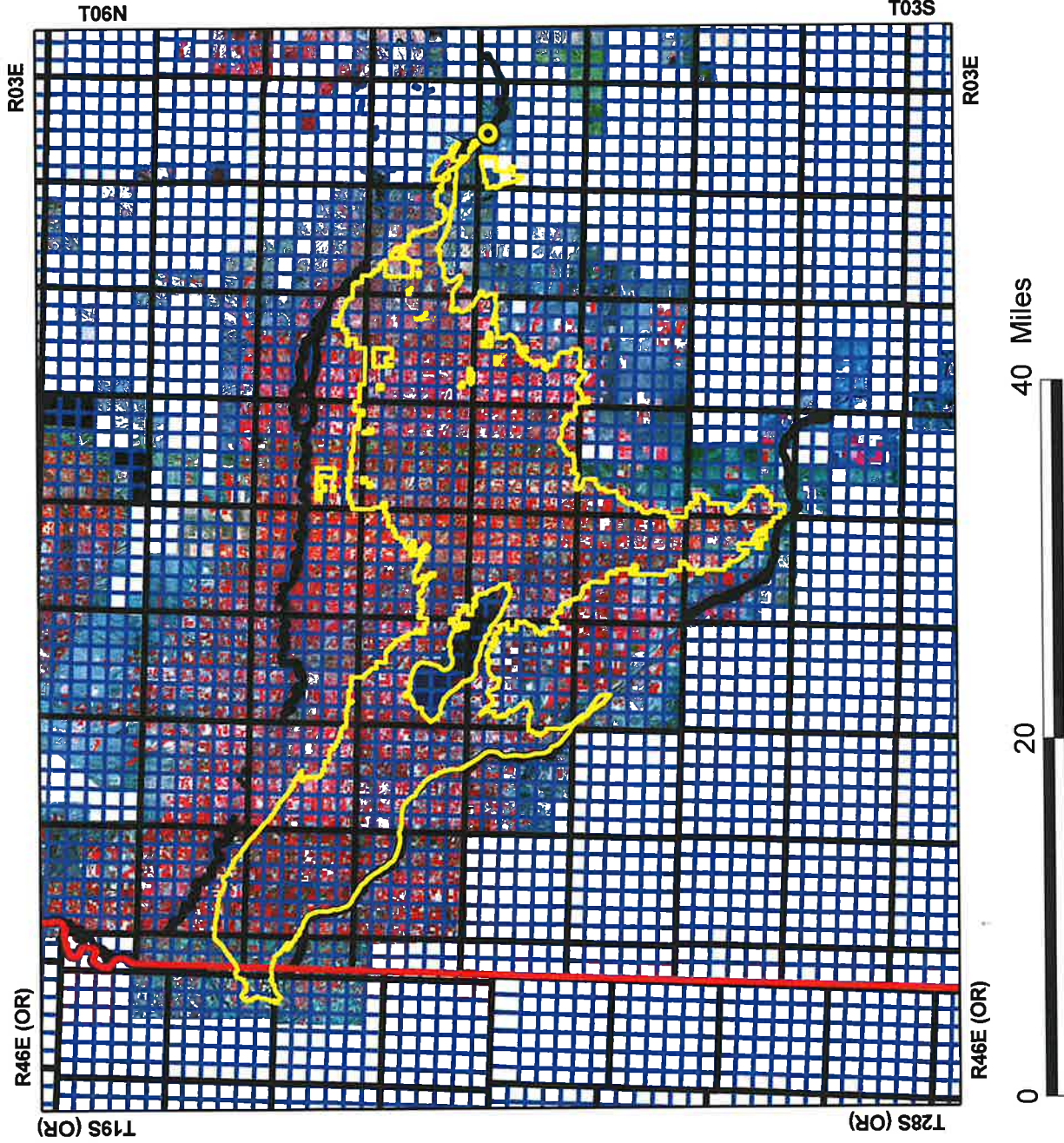
63-136

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections



Ada, Canyon, Owyhee Counties
IDWR Basin 63



Prepared by A. Warntjes
On Tuesday, April 4, 2006
1987/88 Aerial Photography

STATUS CONFERENCE NOTES:

RIGHT NO. 63-301 &

DATE: 4-13-10

63-2212

See Ray's email

Subordination remark come off or not. May not even need a remark.

Call Gail & get the acres. Plus need the place of use for the acres in Block Canyon ID. Called Gail this date to let her know these ~~remarks~~ items are needed. Will follow up with an email in one week.

All parties ok with Pioneer vs US language. Re-regulation maybe ok - may need to call Gail & ask her about adding a dw. to stor. component or whatever.

May just get acres & pay for PID, add Pioneer vs US remark as portrayed in BBBSC obj. & see what happens.

Shurte, Jan

From: Albert Barker [apb@idahowaters.com]
Sent: Tuesday, April 13, 2010 10:44 AM
To: Spencer, Nick; Shurte, Jan
Cc: Hofstetter Law Office; Bryce Farris
Subject: Boise Project rights

Nick/Jan-

Here is the language on ownership of the rights in the name of the Board of Control.

"The name and address of the Boise Project Board of Control appears in the Name and Address section of this partial decree. The Boise Project Board of Control is the operating agent of the Nampa-Meridian Irrigation District, Boise-Kuna Irrigation District, New York Irrigation District, Wilder Irrigation District and Big Bend Irrigation District.

Pursuant to Idaho law, this right is appurtenant to the lands within the boundaries of or served by these irrigation districts."



Albert P. Barker
Barker Rosholt & Simpson LLP
(208) 336-0700

GENERAL REMARK - 1 PARAGRAPH

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FOR

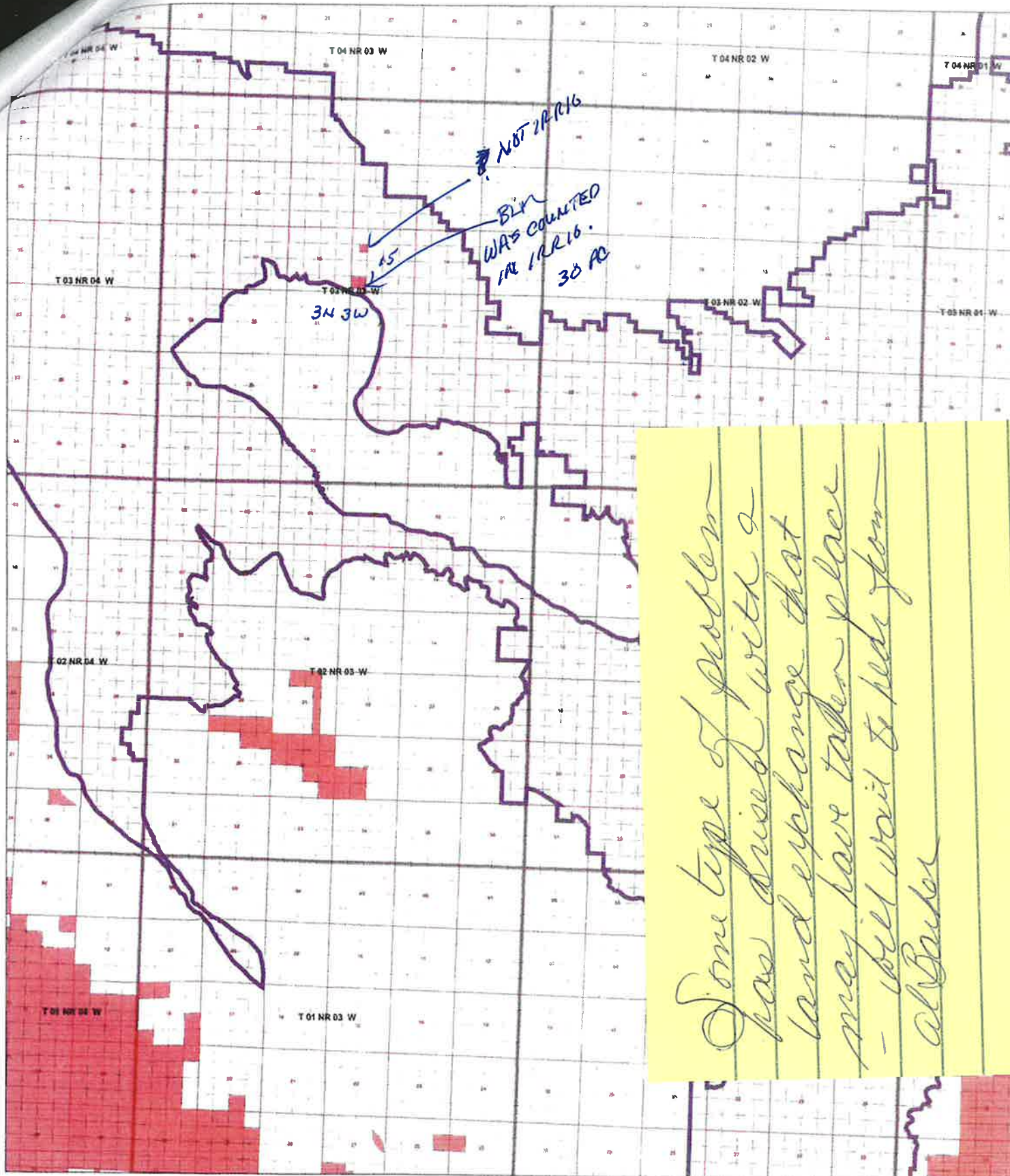
136, 200A, 137B & 233K

STATUS CONFERENCE NOTES:

RIGHT NO. 63-136 etc.

DATE: 4-13-10

Awaiting language from BPBC (Al Baker) on Hydroplaning obj. - He has it & will send it. Ready to update all the other sts with the BLM shapefile which is in my N Drive. Reduction of 2 acres?



Some type of problem
has arisen with a
land exchange that
may have taken place
- but will be held from
abandon

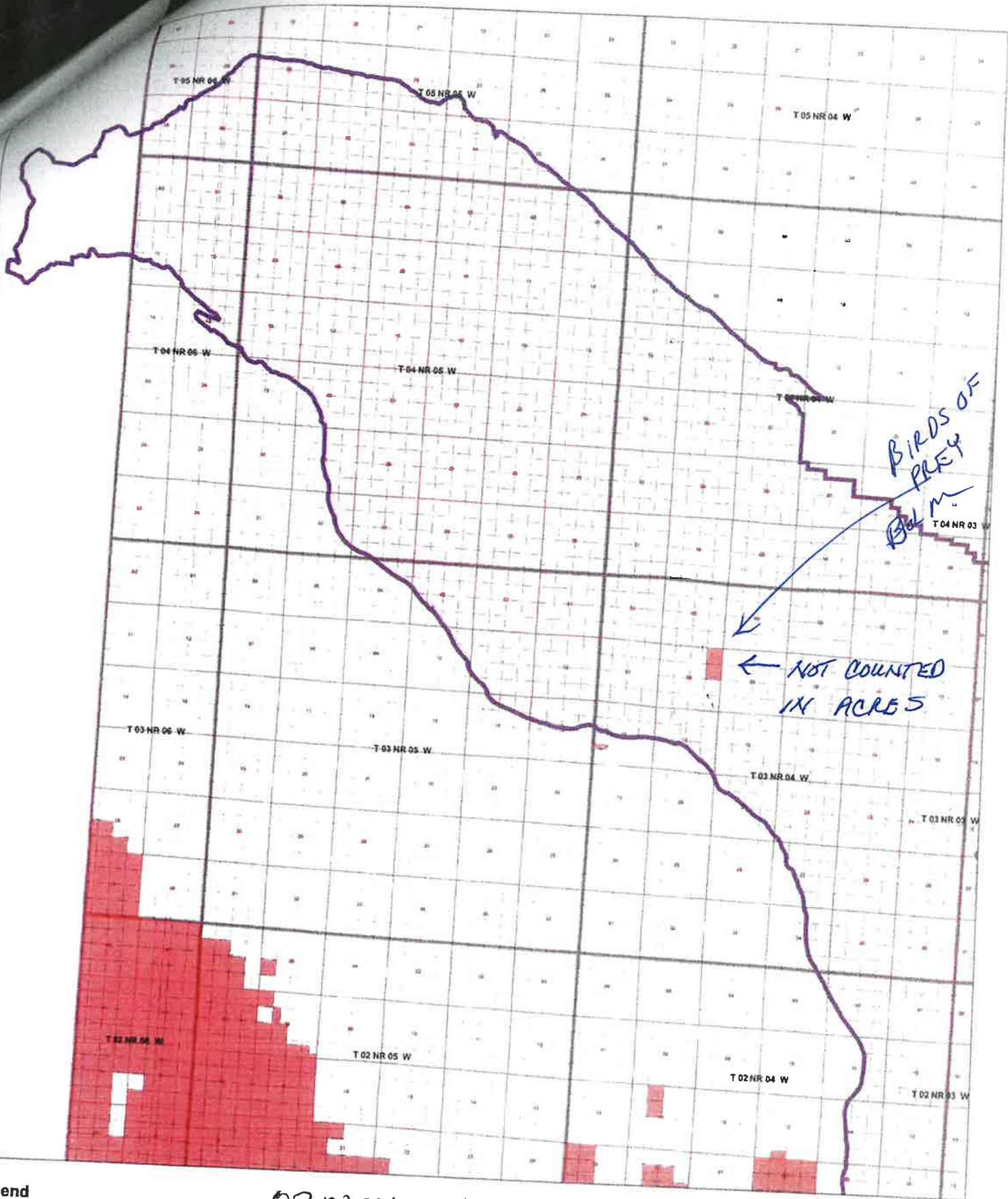
Legend

- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- bpbc_bndy 63-00136 et. al.

03N03W15

@ 12950 50.75 1
Miles





- Legend**
- SECTIONS_ID24_POLY
 - BLM
 - TOWNSHIPS_ID24_POLY
 - bpbcbndy 63-00136 et. al.

03N04W08

02850.50.75 1
Miles



STATUS CONFERENCE NOTES:

RIGHT NO. 63-136, et al

DATE: 7-14-09

BLM vs BPBC - Next station 10-13 at 11:00 AM

Al Baker stated that he & Dana have worked out language for the U.S. vs Pioneer language to resolve her objection.

BOR & BLM will work together to contact the landowners of the acres being irrigated on BLM ground & see if they are OK with removing this $\frac{1}{4}$ $\frac{1}{4}$ from within the SD boundaries.

NOTE: Wilder SD called Danielle & they will be meeting with her on 8/5/09. See emails in file.

Shurte, Jan

From: Spencer, Nick
Sent: Monday, July 13, 2009 3:42 PM
To: Albert Barker
Cc: Negri, David (ENRD); Leininger, Lee (ENRD); Sherman_Beazer@blm.gov; Williams, Ray; Shurte, Jan; Fredric_Price@blm.gov
Subject: RE: Boise Project Board of Control 63-00136 et al.

Al, in response to your question about precedent, I can say that in my experience the BLM has filed overlap objections to digital boundaries in probably hundreds of subcases in dozens of basins. The forest service has done so, too, I think, to some extent, if my memory serves me correctly. The Idaho Department of Lands, and maybe the Idaho Department of Parks & Recreation and the Idaho Department of Fish and Game also have filed objections to private water rights overlapping onto state land. However, I don't recall if any of those objections involved digital boundaries. I don't remember anybody else filing this type of objection, but there may be isolated instances where others have done so and I simply am not remembering. Historically IDWR has viewed this as being generally a pretty noncontroversial, "housekeeping" type of matter. In terms of precedent, my opinion is that there is lots of precedent that says public land CAN be deleted from within digital boundaries but no precedent that says it MUST be done even absent someone seeking by objection to have it done. This is something that has been done only because the agencies involved have filed objections seeking to have it done. If the United States wants it done, files objections seeking it, and the United States and the claimant agree to do it, IDWR is just fine with that, but IDWR does not require that it be done. NBS

-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Monday, July 13, 2009 3:07 PM
To: Albert Barker
Cc: Negri, David (ENRD); Leininger, Lee (ENRD); Spencer, Nick; Sherman_Beazer@blm.gov; Williams, Ray
Subject: RE: Boise Project Board of Control 63-00136 et al.

Mr. Barker,

RE: Boise Project Board of Control 63-00136 et al.

Thank you very much for catching those typos. I have corrected the information sent previously to fix the typos you identified (see attached).
I respond below to your two issues and your parcel comments.

ISSUE ONE:

- "that removing the BLM parcels on the inside of the digital boundary is not precedent that we have to take out every parcel in the digital boundary that does not have a water right."

BLM is the only objector seeking modifications to the place of use element of these claims. BLM did not file an objection on behalf of similarly positioned landowners who are within your boundary but are not served by these claims. BLM objected to the presence of legal land descriptions within the digital boundary that describe BLM land where such activity is not authorized. If you remove BLM land from the digital boundary then BLM's objections are satisfied.

ISSUE TWO:

- Needing assistance to make these changes to the digital boundary.

Done, see my email to you and IDWR on 06-18-08 that has ArcGIS files attached to it. We have already prepared a new digital boundary that resolves BLM's objection. IDWR can use these files to create an SF-5 that communicates a new digital boundary to the court via CDs attached to it containing the electronic files (i.e. digital boundary). There is no cost associated with altering digital boundaries in the SF-5 process.

1ST PARCEL: Van Slyke
T03N, R04W, S08

NENE
SENE

You are correct that these two places of use could also be described as the E1/2 of the NE 1/4 of Sec. 8.

Your email states that "I don't think I can agree on Mr. Van Slyke's behalf that he has no interest in the parcel that BLM claims. If Mr. Van Slyke agrees with BLM, then we have no issue in excluding that parcel. If he does not, I don't see how the District can unilaterally tell him he has no water on that parcel just because the maps we received from BLM show that the parcel is owned by BLM."

This statement suggests to me that you believe the "actual" place of use for these claims does include these two legal land descriptions (NENE, SENE, S08, T03N, R04W) and thus confirms BLM's objections. These two legal land descriptions are federal public land administered by BLM and the county agrees. The maps I included in the previous (& current) presentation are official records of the United States and official records and maps from the Canyon County Assessor's Office. BLM's assertion of U.S. ownership for these parcels is more than a claim. Ownership has been established by these documents.

BLM's objection seeks to remove federal public land from the place of use description. A water right cannot be established by aid of trespass, therefore if the 4.0 acres on BLM associated with Van Slyke's pivot are part of your place of use, then it is a good thing BLM objected to the place of use that intends to water public land in trespass. If the 4.0 acres on BLM are not part of the place of use, then there is no effect on the water claims if BLM land is removed from the digital boundary other than to clarify the place of use.

Your email suggests that there is something to straighten out with Van Slyke. There cannot be any legitimate dispute over ownership of lands within these two legal land descriptions as United States records and county records both identify the entirety of these two legal land descriptions as being federal public land (see attached files containing information from U.S. and county records), so there is nothing to straighten out with Van Slyke. You can certainly confirm ownership with the county directly if you remain unconvinced by the records I provided.

Van Slyke's 4.0 acre trespass on public land is a fairly typical representation of a trespass onto public land and does not appear "odd" to me.

2ND PARCEL: Paine Farms
T03N, R03W, S15
NESWNW
Lot 2 (SWSW)
Lot 3 (SWSW)
Lot 4 (SWSW, SESW) -a portion thereof

You are correct that the land in question is located in S15, T03N, R03W rather the reference to R04W contained in parts of my previous presentation. I have corrected those references in the presentation and added other annotations that more clearly identify the location of the "lots" (see attached).

Fred Price
Water Rights Specialist
BLM, Idaho State Office
(See attached file: 63-00136_Ownership-from-County_S08_revised.pdf)
(See attached file: 63-00136_Ownership-from-County_S15_revised.pdf)

"Albert Barker"
<apb@idahowaters
.com>

07/11/2009 11:24
AM

To
"Negri, David \ (ENRD\)"
<David.Negri@usdoj.gov>, "Spencer,
Nick" <Nick.Spencer@idwr.idaho.gov>,
<Fredric_Price@blm.gov>

cc

"Leininger, Lee \ (ENRD\)"

<Lee.Leininger@usdoj.gov>

Subject

RE: Boise Project Board of Control
63-00136 et al.

I don't think I can agree on Mr. Van Slyke's behalf that he has no interest in the parcel that BLM claims. If Mr. Van Slyke agrees with BLM, then we have no issue in excluding that parcel. If he does not, I don't see how the District can unilaterally tell him he has no water on that parcel, just because the maps we received from BLM show that the parcel is owned by BLM.

I am just asking that BLM, which claims the land, clear up the ownership issue with Van Slyke.

I don't have any problem with excluding the parcels in the second batch, if they are in T03N R03W S15 and not in T03N R04W S15. I just need something that has the lot numbers on it, which I did not notice on the maps that were sent earlier. If they are there, I apologize for overlooking the lot numbers. Also there are 3 lots identified, plus one parcel in NESWNW, for a total of 4 parcels, but only 3 parcels are shown on the County assessor maps. It may be as simple as one parcel consists of 2 lots, but I can't tell that for sure.

I also need Nick Spencer to weigh in on the "not precedent" issue and how best to handle that from IDWR perspective.

Seems like all these are details that can be worked out.

Albert P. Barker

Barker Rosholt & Simpson LLP

(208) 336-0700

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-----Original Message-----

From: Negri, David (ENRD) [mailto:David.Negri@usdoj.gov]

Sent: Friday, July 10, 2009 9:56 AM,

To: Albert Barker; Spencer, Nick; Fredric_Price@blm.gov

Cc: Leininger, Lee (ENRD)

Subject: RE: Boise Project Board of Control 63-00136 et al.

Al --

Thanks for running this down.

I think Fred can confirm that Mr. Van Slyke has no authorization to farm BLM land. If we agree on land ownership, i.e., that this is federal land, then BLM's position is that the land should not be included in the POU since a water right cannot be perfected in trespass.

I'm not sure from your message where we are on the land ownership issues. You mentioned concerns about the legal descriptions at the beginning of Fred's email. I think Fred is out today (Friday) but should be in on Monday. If you and Fred could talk on Monday, I think he can explain exactly which parcels BLM is concerned with. Fred's phone number is 373-3831. Fred -- could you try calling Al at 336-0700?

I may not be back to the office on Tuesday. If not, Lee Leininger has agreed to cover our status conference for me. Since we are making some progress now, I'd suggest another

status set a few months down the road.

If we need to schedule this, either because the court wants to or for some other reason, I asked Lee to request 3 or 4 months for some basic discovery and then a summary judgment briefing schedule. I think we should be able to resolve any issues on summary judgment and wouldn't necessarily need a trial setting. Seems like another status would be the best bet though. It probably would be very helpful to get together in one room with the relevant maps to try to work this out.

Lee and Fred -- thanks again for handling in my absence.

-----Original Message-----

From: Albert Barker [mailto:apb@idahowaters.com]

Sent: Thursday, July 09, 2009 8:15 PM

To: Negri, David (ENRD); Spencer, Nick; Fredric_Price@blm.gov

Subject: RE: Boise Project Board of Control 63-00136 et al.

David/Nick/Fred

I talked with the Wilder Secretary today about these two properties and land descriptions, and left David a voice message.

First parcel:

T03N R04W S08:

NENE -dry, no authorization

SENE -dry, no authorization

Wilder would typically describe this as the east 1/2 of the NE 1/4 of section 8.

Van Slyke claims 4 acres of irrigated ground in this area - 2 acres in each

1/4 1/4 section.

If you look at the pivot, you will see a straight line down the east boundary of Van Slyke's pivot, which would seem odd.

It is incumbent on BLM to get this straight with Van Slyke, since he seems to be claiming to irrigate land that BLM claims to own. Wilder has no dog in that fight.

Second parcel:

T03N R04W S15:

NESWNW -dry, no authorization

Lot 2 (SWSW) -pivot irrigation (Paine Farms), no authorization

Lot 3 (SWSW) -pivot irrigation (Paine Farms), no authorization

Lot 4 (SWSW) -portion thereof, dry, no authorization

This land is actually in T03N R03W Section 15. The assessor records show the wrong Range. This land shown on the map is east of the first parcel.

The entirety of the NW and SW 1/4s of Section 15 have no Wilder water right on it. There is some Wilder water on the land in the NENE of Section 15.

Wilder has no records of any of these Lot locations in the SWSW of section 15. The county maps you forwarded only show 2 parcels in SW SW 1/4 of section 15 as BLM land, but we can't tell which of those 2 lots are BLM.

If you are really claiming BLM land in T03N R04W S15, that is all Wilder water.

We have two other issues. One - that removing the BLM parcels on the inside of the digital boundary is not precedent that we have to take out every parcel in the digital boundary that does not have a water right. If we have to make that magnitude of change as a result of the BLM's position, then we will have to fight it. Remember that the digital boundary is only a "general description" of the POU according to the statute, and not the measure of every irrigated acre. If this change is just an accommodation to the BLM and is not an admission that the change is legally required of the Districts, then we are OK with carving out these two or three little donut holes (assuming you get the acreage issue worked out with Van Slyke).

Second, Wilder will require assistance from IDWR technical personnel to make these changes to the digital boundary. I assume we can get this from the Department at no direct cost. If there is a cost to make a change to the digital boundary to accommodate BLM, we will

have to discuss compensation.

Albert P. Barker
Barker Rosholt & Simpson LLP
(208) 336-0700

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-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Tuesday, May 12, 2009 5:31 PM
To: Negri, David (ENRD)
Cc: Albert Barker; Spencer, Nick
Subject: RE: Boise Project Board of Control 63-00136 et al.

Gentlemen,

RE: Land Ownership

SUBCASE	CLAIMANT	OBJECTORS
63-00136	BPBC	BLM, Obendorf
63-00137B	BPBC	BLM, Obendorf
63-00200A	BPBC	BLM, Obendorf
63-00233K	BPBC	BLM, Obendorf

BLM PARCELS:

T03N R04W S08:
NENE -dry, no authorization
SENE -dry, no authorization

T03N R04W S15:
NESWNW -dry, no authorization
Lot 2 (SWSW) -pivot irrigation (Paine Farms), no authorization
Lot 3 (SWSW) -pivot irrigation (Paine Farms), no authorization
Lot 4 (SWSW) -portion thereof, dry, no authorization

I have reviewed the lands records of the United States in the form of BLM's Master Title Plats (MTP) and Historical Indexes (HI). I have also obtained information from the Canyon County Assessor's Office. This information was used to produce the attached products which depict ownership of the parcels that are the subject of BLM's objections and of parcels adjacent to the BLM parcels. Hopefully this will resolve any factual issues over ownership.

Van Slyke's pivot does not appear to trespass onto BLM in E2NE4, S08, T03N, R04W, but the Paine Farms Properties, LLP pivot does appear to be trespassing on BLM land in SWSW, S15, T03N, R04W. Is Paine Farms Properties, LLP a customer of Boise Project Board of Control? And if so, how many acres worth of water is he allotted?

Please let me know if you think of anything else that would assist your review of these materials.

Fred Price
Water Rights Specialist
BLM, Idaho State Office
(See attached file: 63-00136_Ownership-from-County_S08.pdf) (See attached file: 63-00136_Ownership-from-County_S15.pdf)

"Negri, David
(ENRD)"
<David.Negri@usd
oj.gov>

"Albert Barker"
<apb@idahowaters.com>

To

05/12/2009 01:30
PM

cc
<Fredric_Price@blm.gov>, "Spencer,
Nick" <Nick.Spencer@idwr.idaho.gov>
Subject
RE: Boise Project Board of Control
63-316 et al.

Al -- The BLM does not believe this can be settled with only a remark without correcting the map. It would be inconsistent to state that no federal lands are included and then include parcels on the map, which parcels could be easily excluded (unlike mixed-ownership quarter-quarters).

We are concerned that any interpretation of this ambiguity (or inconsistency) by state courts in the future would not be favorable to the US. Particularly given that there is an easy fix to eliminate the uncertainty/ambiguity and given that we have done so in dozens of similar subcases. We cannot understand the district's reluctance to do so, particularly in light of the "carve outs" already apparent within the boundary, unless the district is indeed trying to claim a right to irrigate land which federal land records clearly demonstrate is federal land.

Off the top of my head, the only discovery I would anticipate regards the land ownership issue -- what documents/facts/witnesses you have that indicate the BLM land ownership map is in error, etc. I agree that if we agree on land ownership, this becomes a strictly legal issue that the SRBA court can decide. If we can't agree on land ownership, I think we have issues that would need to be determined in federal court before the SRBA court could rule.

Assuming we do agree on land ownership, this could go pretty quickly.
Should we schedule a date to discuss that issue, with BLM and your client?

-----Original Message-----

From: Albert Barker [mailto:apb@idahowaters.com]
Sent: Tuesday, May 12, 2009 1:38 PM
To: Negri, David (ENRD)
Cc: Fredric_Price@blm.gov; Spencer, Nick
Subject: RE: Boise Project Board of Control 63-316 et al.

David-

I was not trying to say that you had not responded with your position on the digital boundary statute, but that I did not recall any response to the parcel of land that Wilder had identified as being irrigated, which you all showed as BLM ground.

I understand the BLM has a policy of when to use the standard remark involving mixed quarter-quarter sections, but don't understand why the remark is not equally effective to remove federal land from the POU when that POU is encompassed within a larger digital boundary. If part of the BLM land identified within the digital boundary is in mixed quarter-quarter sections are we still going to have to use the remark anyway?

How do we handle the inconsistency between the description of the POU in rights held by the BOR and those held by the Board of Control for these same lands?

I agree that the issue of who actually owns the land should be resolvable.

I think the question of the meaning of the Digital Boundary statute is a legal question that can be resolved on SJ and that a trial is likely unnecessary. I don't see what kind of discovery would be necessary for resolution of that legal issue, but we can talk.

From: Negri, David (ENRD) [mailto:David.Negri@usdoj.gov]

Sent: Tue 5/12/2009 9:54 AM
To: Albert Barker
Cc: Fredric_Price@blm.gov; Spencer, Nick
Subject: RE: Boise Project Board of Control 63-316 et al.

I responded on June 16, 2008, to your email below. In my response, I noted that the place of use is explicitly defined as the digital boundary. I raised concerns that Idaho Code 202B defined digital boundary as "place of use or permissible place of use." This is obviously circular, with the inclusion of "permissible place of use." Regardless of the meaning of "permissible place of use," it is our position that federal land is NOT the place of use. Nor is federal land a "permissible" place of use in accordance with any normal definition of "permissible."

This is not a red herring. We simply want land which is NOT the place of use to be excluded from the place of use.

The "standard remark" you mention below has been used, to my knowledge, only where we have mixed ownership quarter-quarters (federal and private land within the quarter-quarter) and that is the only way to exclude federal land. We always delete quarter-quarters which are entirely federal. That is all we are asking in this case. Where we have federal quarter-quarters, we delete them from the map representing the digital boundary, as other entities have already done with their land. If we have a mixed-ownership quarter-quarter, we would need the "place of use does not include federal land" remark.

As I've noted before, I believe that we should be able to agree on land ownership. We are of course more than willing to look at any documentation you have which might indicate the BLM's map is in error. I think it would be productive to do so. To the degree we have a disagreement over land ownership, then this dispute is obviously about much more than mapping.

-----Original Message-----

From: Albert Barker [mailto:apb@idahowaters.com]
Sent: Tuesday, April 14, 2009 8:49 PM
To: Negri, David (ENRD)
Cc: Fredric_Price@blm.gov; Spencer, Nick
Subject: RE: Boise Project Board of Control 63-316 et al.

This is what I can find on the property discrepancy. I am not sure I ever got a response. If I did, I cannot locate it.

I still don't understand why the standard remark to the effect that the POU does not include federal land does not work for BLM. I've been told that it does not but I don't understand why not.

The other question is one of consistency. The rights in the name of Reclamation delivered to the Board of Control Districts were not subject to this same objection and they have now been decreed.

Albert P. Barker
Barker Rosholt & Simpson LLP
(208) 336-0700

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-----Original Message-----

From: Albert Barker

Sent: Friday, June 13, 2008 5:05 PM

To: 'Fredric_Price@blm.gov'

Cc: david.negri@usdoj.gov; andrea.courtney@idwr.idaho.gov;

raymond.williams@idwr.idaho.gov; Sherman_Beazer@blm.gov

Subject: RE: Boise Project Board of Control

I am told by the Wilder district that the land on the map at T3N R4W section 8 shows on their records as irrigated land under a pivot owned by Van Slyke, not BLM land. They show the other 2 areas in T3N R3W section 15 shows as dry land without a Wilder right. That ownership of that parcel and whether the land is in fact irrigated with Wilder water has to be cleared up.

Moreover, I still think that legally this proposed amendment to the digital boundary is a red herring. The statutory definition of digital boundary is not the same thing as a Place of Use. The definition in Idaho Code section 42-202B(2) reads:

"Digital boundary" means the boundary encompassing and defining an area consisting of or incorporating the place of use or permissible place of use for a water right prepared and maintained by the department of water resources using a geographic information system in conformance with the national standard for spatial data accuracy or succeeding standard.

Idaho Code 42-1411, which sets out the requirements for what must be in the director's report provides:

(2) The director shall determine the following elements, to the extent the director deems appropriate and proper, to define and administer the water rights acquired under state law: ...

(h) a legal description of the place of use; if one (1) of the purposes of use is irrigation, then the number of irrigated acres within each forty (40) acre subdivision, except that the place of use may be described using a general description in the manner provided under section 42-219, Idaho Code, which may consist of a digital boundary as defined in section 42-202B, Idaho Code, if the irrigation project would qualify to be so described under section 42-219, Idaho Code;

Idaho Code 42-219, which is the licensing statute, has the same language about a general description of the place of use:

(2) If such use is for irrigation, such license shall give a description, by legal subdivisions, of the land which is irrigated by such water, except that the general description of a place of use described in accordance with subsection (5) or (6) of this section may be described using a digital boundary, as defined in section 42-202B, Idaho Code.

The digital boundary thus is only a "general description" which encompasses the place of use, but does not by itself define the place of use. The irrigation districts had this discussion with the IDWR, that the digital boundary was not the same thing as the district's place of use, and we were told by Director Tuthill, who was the primary proponent of the digital boundary bill, that the digital boundary was not intended to imply that every acre in the boundary was the actual place of use.

Albert P. Barker

Barker Rosholt & Simpson LLP

(208) 336-0700

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-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Friday, June 13, 2008 4:33 PM
To: Albert Barker
Cc: david.negri@usdoj.gov; andrea.courtney@idwr.idaho.gov;
raymond.williams@idwr.idaho.gov; Sherman_Beazer@blm.gov
Subject: Fw: Boise Project Board of Control

Mr. Barker,

RE: 63-00136, 63-00137B, 63-00200A, 63-00233K, Boise Project Board of Control

At the Initial Hearing set for 9:45 am on 06-05-08, David Negri (Dept. of Justice, 208-334-1936) discussed with you about resolving BLM's objection by adjusting the digital boundary to exclude BLM land. Attached is an adjusted boundary for your review. Hopefully, the claimant has a GIS person who can work with ArcGIS files to whom you can forward this data. Also attached are maps in .pdf format.

Fred Price
Water Rights Specialist
BLM, Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709
(208) 373-3831

Name: Albert Penick Barker
Address: PO Box 2139, Boise, ID 83701
Firm: Barker, Rosholt & Simpson, LLP
Phone: (208) 336-0700 Ext:
Fax: (208) 344-6034
E-Mail Address: apb@idahowaters.com
Website Address:
ISB Membership Number: 2867
Admittance Date: 4/29/1982
Current Status: Active

----- Forwarded by Fredric Price/IDSO/ID/BLM/DOI on 06/13/2008 04:16 PM

Jacob
Simon/ISO/ID/BLM
/DOI

To

Fredric

Price/IDSO/ID/BLM/DOI@BLM

06/05/2008 02:39

cc

PM

Subject

Boise Project Board of Control

Fred,

Attached is a "zipped" shapefile that excludes BLM land. Also

attached are three .pdfs that show 1) an overview of the entire shape, 2) a blow up of T03N R03W S15, and 3) a blow up of T03N R04W S08.

RE: T03N R04W S08.

BLM land in S08 is described as follows:
NESWNW (No irrigation, no authorization)

Lot 2, Lot 3, and Lot 4 (appears to be irrigation, but no authorization)

RE: T03N R03W S015

BLM land in S15 is described as follows:
E1/2NE (No irrigation, no authorization)

(See attached file: BoiseProjectBOC_v2_.zip)

(See attached file: 63-00136_etal_NewBoundary(Detail2).pdf) (See attached
file: 63-00136_etal_NewBoundary.pdf) (See attached file:
63-00136_etal_NewBoundary(Detail1).pdf)

Thanks,
Jake Simon
Water Rights Clerk
BLM/Idaho State Office (ID-933b)
Office: (208) 373-3816
Fax: (208) 373-3839
Jacob_Simon@blm.gov

Shurte, Jan

From: Favreau, Danielle
Sent: Monday, July 13, 2009 9:49 AM
To: Shurte, Jan
Subject: FYI - regarding BLM objections to Boise Project Board of Control Rights where issue lies in boundary of Wilder ID

I have an appointment with Wilder ID to look at the digital boundary adjustments in the afternoon of 8/5/09.

Danielle

STATUS CONFERENCE NOTES:

RIGHT NO. 63-136, 137B,
200A, 233K

DATE: 5-12-09

PhM - David Negri + Al Barker
need to get together for going
over which land is B.M. land
or not + if it is does Al Barker
for P.P. Boy Control agree? Looks like
B.M. to me (the cut off in the middle)
It could be the side issues where
part of the $\frac{1}{4} \frac{1}{4}$ is owned privately
~~or~~ owned partially by B.M. May
include a different court addition.

Al Barker + Dana Hoptetter are
still trying to resolve U.S. vs Pioneer
language.

Status Conf. 10:00 AM on 7/14/09

STATUS CONFERENCE NOTES:

RIGHT NO. 63-134 et al

DATE: 4-14-09

Al Barker Claimant
David Negri } BLM
Fred Rice }
Dana Hoptetter - Obendorf's attorney

B
L
M
David N. - BLM objection - Digital
boundary. Talked w/ Al Barker talked
about it to Al. Al states that
they are drawing holes within the
digital boundary - Is it BLM land
that the holes are drawn out of. ~~He~~
Al states the holes in the digital
boundary are not BLM land - Mr.
Negri states they are BLM land.

O
B
E
N
D
O
R
F
Is the PID vs US case applicable to
Irrigation Districts. Al Barker does
not feel it is applicable to Irrig.
Districts. Scheduling conference
scheduled on 5-12-09.

Shurte, Jan

From: Shurte, Jan
Sent: Friday, April 02, 2010 2:18 PM
To: Spencer, Nick; Williams, Ray
Subject: Boise Project Board of Control - 63-136, et al

Hi,

We have a status conference coming up on these the 13th and I think the SF5's were supposed to be in the works. I have received the BLM shape files where Van Slyke's land plus whatever other BLM land has been removed, so that objection would go away. I will have to reduce the number of acres from the total acre digital boundary remark.

The only thing left that I don't seem to find a note on is the language for Dana Hofstetter's objection for Obendorf. It was concerning the language that went on the rights in the US vs Pioneer ID. My notes indicate that Al Barker was going to check to see if an irrigation district would be required to state that Obendorf is a beneficial user of the water from whatever irrigation district it is and then the next note I have is that they are working on the language. I have another note stating Dana was going to show the language to her client (Obendorf) and see if he agreed. Al Barker's email states that the proposed language would describe the Board of Control as agent for the 5 irrigation districts and be put in an SF5. This email is dated 11-9-09 and he also states he thought they had an agreement on the language in June of last year.

Bottom line is I'm ready to go on these except I don't have anything further on the language and whether Dana spoke with her client, etc. Do either of you know more? Am I missing or misjudging anything here?

Thanks,
Jan

Get language from Al Barker this morning.

STATUS CONFERENCE NOTES:

RIGHT NO. 63-136, et al
BPBC

DATE: 11-17-09

Nick spoke with Fred Price and he will be sending the shape files for BPBC over with the outages of BLM land after this hearing.

HOWARD VAN SLYKE - DAVID NEBO - FRED PRICE - AL BARKER, NICK & MYSELF - DANA HOFSTETTER PRESENT.

MR. VAN SLYKE WILL DISCONTINUE WATERING BLM LAND. MR. VAN SLYKE MAINTAINS THAT F&G PAID HIM TO CREATE WILDLIFE HABITAT. NEED TO REMOVE ACRES FROM # OF ACRES IN REMARKS. LEGAL DESCRIPTION NEEDS CORRECTION. SHAPEFILE NEEDS TO BE CHANGED. DANA HOFSTETTER RESOLVED ISSUE WITH AL BARKER & SENT TO HER CLAIMANT FOR APPROVAL. SHE WILL CONTACT US WITH IF THAT LANGUAGE IS OK. 60 DAY TICKLER TO FOLLOW-UP ON THIS.

- 1- CHECK # OF ACRES TO DELETE FROM BPBC REMARK
- 2- CHECK FOR ERROR IN LEGAL DESCRIPTION
- 3- UPDATE NEW SHAPE FOR ALL.
- 4- ADD LANGUAGE FROM AL & DANA'S OBJECTION WHEN SHE SENDS IT.
- 5- PUT 30-DAY REMINDER ON THIS FOR DANA'S RESPONSE.

Shurte, Jan

From: Fredric_Price@blm.gov
Sent: Tuesday, November 17, 2009 11:14 AM
To: apb@idahowaters.com
Cc: david.negri@usdoj.gov; Spencer, Nick; Williams, Ray; Sherman_Beazer@blm.gov; Shurte, Jan
Subject: 63-00136 et al, Boise Project Board of Control
Attachments: BoiseProjectBOC_11_16_09.shx; BoiseProjectBOC_11_16_09.dbf; BoiseProjectBOC_11_16_09.prj; BoiseProjectBOC_11_16_09.sbn; BoiseProjectBOC_11_16_09.sbx; BoiseProjectBOC_11_16_09.shp; BoiseProjectBOC_11_16_09.shp.xml; 63-00136_BLM-Land_VanSlyke-Paine.pdf; 11-16-09 blow ups.pdf

Mr. Barker,

RE: 63-00136, 63-00137B, 63-00200A, 63-00233K, Boise Project Board of Control

Nick Spencer asked me to send a revised boundary to IDWR for their consideration, review and modification as required. Attached are ArcGIS files that IDWR can use to produce a new digital boundary for SF-5 purposes that removes BLM land. In addition to the Van Slyke & Paine Farms parcels, there are some slight trimming or snapping of vertices needed to exclude BLM land elsewhere. There are maps attached in .pdf format below which describe each of the proposed adjustments to the digital boundary.

For digital boundary objections, IDWR has come up with a modification of Paragraph 3 in a standard SF-5 to notify the court that there has been a change to the digital boundary. We started doing this because there is no change to the written elements of the claim and detecting changes to the boundary from the map attached to the SF-5 is not obvious. Prior to the additional language, the court would question what the purpose of an SF-5 was that seemingly made no changes to the elements, so this modified language on the front of the SF-5 was adopted as follows (or an equivalent):

"The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached, which removes federal public land managed by U.S.D.I., Bureau of Land Management from the digital boundary. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages."

Dana Hofstetter referred to some language at the Scheduling Conference this morning that would resolve the Ray Obendorf objections. For SF-5 preparation purposes, will this "language" be in the form of a remark placed under one of the elements of the water rights, or will this language be expressed in a separate settlement agreement?

Fred

ArcGIS files containing new digital boundary that does not include BLM land:

(See attached file: BoiseProjectBOC_11_16_09.shx)(See attached file: BoiseProjectBOC_11_16_09.dbf)(See attached file: BoiseProjectBOC_11_16_09.prj)(See attached file: BoiseProjectBOC_11_16_09.sbn)(See attached file: BoiseProjectBOC_11_16_09.sbx)(See attached file:

NESWNW (No irrigation, no authorization)

Lot 2 and Lot 3 (appears to be irrigation, but no authorization)

RE: T03N R03W S015

BLM land in S15 is described as follows:
E1/2NE (No irrigation, no authorization)

[attachment "BoiseProjectBOC_v2_.zip" deleted by Fredric Price/IDSO/ID/BLM/DOI]

[attachment "63-00136_etal_NewBoundary(Detail2).pdf" deleted by Fredric Price/IDSO/ID/BLM/DOI] [attachment "63-00136_etal_NewBoundary.pdf" deleted by Fredric Price/IDSO/ID/BLM/DOI] [attachment "63-00136_etal_NewBoundary(Detail1).pdf" deleted by Fredric Price/IDSO/ID/BLM/DOI]

Thanks,

Jake Simon
Water Rights Clerk
BLM/Idaho State Office (ID-933b)
Office: (208) 373-3816
Fax: (208) 373-3839
Jacob_Simon@blm.gov

BoiseProjectBOC_11_16_09.shp)
(See attached file: BoiseProjectBOC_11_16_09.shp.xml)

PDF Files Showing Each Boundary Modification:

Paine Farms Trespass:

T03N, R03W, S15, NESWNW
T03N, R03W, S15, Lot 2 (SWSW)
T03N, R03W, S15, Lot 3 (SWSW)
T03N, R03W, S15, Lot 4 (SESW)

Van Slyke Trespass:

T03N, R03W, S08, NENE
T03N, R03W, S08, SENE

(See attached file: 63-00136_BLM-Land_VanSlyke-Paine.pdf)

Trimming Issues to Exclude BLM Land Elsewhere:

T01N, R01W, S04, Lot 4 (NWNW)
T02N, R03E, S05, Lot 4 (NWNW)
T01N, R03W, S06, Lot 9 (NWNE)
T01N, R03W, S06, SENE

(See attached file: 11-16-09 blow ups.pdf)

----- Forwarded by Fredric Price/IDSO/ID/BLM/DOI on 11/16/2009 03:57 PM

Fredric
Price/IDSO/ID/BL
M/DOI

06/13/2008 04:32
PM

apb@idahowaters.com

david.negri@usdoj.gov,
andrea.courtney@idwr.idaho.gov,
raymond.williams@idwr.idaho.gov,
Sherman Beazer/ISO/ID/BLM/DOI@BLM

To

cc

Subject

Fw: Boise Project Board of Control

Mr. Barker,

RE: 63-00136, 63-00137B, 63-00200A, 63-00233K, Boise Project Board of Control

At the Initial Hearing set for 9:45 am on 06-05-08, David Negri (Dept. of Justice, 208-334-1936) discussed with you about resolving BLM's objection by adjusting the digital boundary to exclude BLM land. Attached is an adjusted boundary for your review. Hopefully,

the claimant has a GIS person who can work with ArcGIS files to whom you can forward this data.

Also attached are maps in .pdf format.

Fred Price
Water Rights Specialist
BLM, Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709
(208) 373-3831

Name: Albert Penick Barker
Address: PO Box 2139, Boise, ID 83701
Firm: Barker, Rosholt & Simpson, LLP
Phone: (208) 336-0700 Ext:
Fax: (208) 344-6034
E-Mail Address: apb@idahowaters.com
Website Address:
ISB Membership Number: 2867
Admittance Date: 4/29/1982
Current Status: Active

----- Forwarded by Fredric Price/IDSO/ID/BLM/DOI on 06/13/2008 04:16 PM

Jacob
Simon/ISO/ID/BLM
/DOI

06/05/2008 02:39
PM

To
Fredric Price/IDSO/ID/BLM/DOI@BLM
cc
Subject
Boise Project Board of Control

Fred,

Attached is a "zipped" shapefile that excludes BLM land. Also attached are three .pdfs that show 1) an overview of the entire shape, 2) a blow up of T03N R03W S15, and 3) a blow up of T03N R04W S08.

RE: T03N R04W S08.

BLM land in S08 is described as follows:

STATUS CONFERENCE NOTES:

RIGHT NO. 137B, etc.

DATE: 10-13-09

Y 63-136

Continuing scheduling conference.
Albinder - David Pegu has been talking with BLM. Their position is that this should not be included in the digital boundary. Use (minig.) authorized by BLM & Game. There is an agreement between the two state & fed for wildlife attributes not minig. use. Need more time to look into whether it will authorize the use of minig. or not. They may be able to do a cooperative habitat minig. agreement. F&G issued for Shelter Belt - species covering shelter. Fed would need to meet with a wildlife person to see if the minig. use could be authorized & then applications processed. BLM legally may or may not be able to go through with. At another conference while they figure it out. Will invite Mr. Van Dylke to this one to see how he feels about BLM use of this property which is public land.

08/17/2006

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

RIGHT NUMBER: 63-136

NAME AND ADDRESS: BOISE PROJECT BOARD OF CONTROL
ATTN ALBERT BARKER
BARKER ROSHOLT
PO BOX 2139
BOISE ID 83702-2139

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 20.000 CFS

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: 09/01/1864

POINT OF DIVERSION:

T02N R03E S3 NWSW Lot 6 Within ADA County
T02N R03E S3 NWSW Lot 9 Within ADA County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	20.000 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; 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.		

PLACE OF USE:

195526 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of Use is 195,526 irrigated acres within the following irrigation district boundaries: Boise-Kuna Irrigation District, Nampa-Meridian Irrigation District, Wilder Irrigation District, New York Irrigation District, and the Big Bend Irrigation District.

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 is designated as No. 8 in the Stewart Decree and the Boise Water Distribution Report.

Diversions Through New York Canal

Basin	Sequence	Suffix	Priority	Date	Rate of Flow	Subtotal	Claimant	Status	Shape	Action Required
63	251		3/23/1900		219.1	219.1	BOR	Recommendation	BPBOC	Standard Condition POU remark
63	301		12/14/1903		1354.58	1573.68	BOR	Recommendation	BPBOC	Standard Condition POU remark and link to shape
63	302		6/16/1909		634	2207.68	BOR	Recommendation	BPBOC	Standard Condition POU remark and link to shape
63	373		4/1/1909		292.5	2500.18	BOR	Recommendation	BPBOC	Standard Condition POU remark and link to shape
63	2388		8/18/1924		300	2800.18	BOR	Recommendation	BPBOC	Standard Condition POU remark and link to shape
63	136		9/1/1864		20	2820.18	BPBOC	Recommendation	BPBOC	Standard Condition POU remark
63	137 B		6/1/1869		0.34	2820.52	BPBOC	Recommendation	BPBOC	Standard Condition POU remark
63	233 K		10/1/1887		1.2	2821.72	BPBOC	Recommendation	BPBOC	Standard Condition POU remark
63	200 A		8/20/1888		8.9	2830.62	BPBOC	Recommendation	BPBOC	Standard Condition POU remark
63	372		3/23/1900		58.86	2889.48	NY & BK	Recommendation	BPBOC	Standard Condition POU remark
63	26671		5/1/1866		8	2897.48	BK	Recommendation	NY & BK	
									?	

Note: 2897.48 cfs is consistent with the historic diversion at New York Canal as measured on May 5 & 6, 1939, of 2860 cfs, considering that some of these rights also provide flow for the Penitentiary Canal for which the max. diversion rate is [contact Lee Sisco]

BK = Boise Kuna ID

NY = New York ID

NM = Nampa Meridian ID

BPBOC = Boise Project Board of Control

BOR = Bureau of Reclamation

From Spatial Info. POD at head of NY canal

- 1: Recommendation POD 63-136
- 2: Recommendation POD 63-137B
- 3: Recommendation POD 63-161BQ
- 4: Recommendation POD 63-161BQ
- 5: Recommendation POD 63-161BT
- 6: Recommendation POD 63-161BX
- 7: Recommendation POD 63-161BY
- 8: Recommendation POD 63-161BY
- 9: Recommendation POD 63-200A
- 10: Recommendation POD 63-200C
- 11: Recommendation POD 63-233K
- 12: Recommendation POD 63-251
- 13: Recommendation POD 63-301
- 14: Recommendation POD 63-302
- 15: Recommendation POD 63-372
- 16: Recommendation POD 63-372
- 17: Recommendation POD 63-373
- 18: Recommendation POD 63-2388

From Spatial Info. POD at head of Penitentiary Canal

- Identify Results**
- 1: Recommendation POD 63-136
 - 2: Recommendation POD 63-137B
 - 3: Recommendation POD 63-200A
 - 4: Recommendation POD 63-233K

2nd Action	Notes
Add lot 9 to POD	
Add lot 9 to POD	
Add lot 9 to POD	
Add lot 9 to POD	
Add lot 9 & Lot 6 to POD	NY Canal measured at 2860 cfs May 5 & 6, 1939
Add lot 9 & Lot 6 to POD	Both sides of river - Penitentiary Canal
Add lot 9 & Lot 6 to POD	Both sides of river - Penitentiary Canal
Add lot 9 & Lot 6 to POD	Both sides of river - Penitentiary Canal
Add lot 9 & Lot 6 to POD	Both sides of river - Penitentiary Canal - Also 200C NM
	63-161 - Need Jan's Input

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

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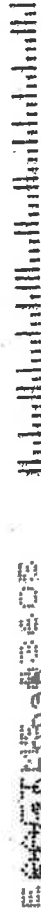
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Department of Water Resources

WILDER IRRIGATION DIST
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State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 7, 2005

Distribution: See Enclosed List

RE: Invitation to Water Rights Meeting

Dear Boise River Basin 63 Part 3 Water Delivery Organization Representative:

As you are aware, the Idaho Department of Water Resources (IDWR) is presently investigating water right claims in the Boise River Basin in preparation for submittal of Director's Report recommendations to the Snake River Basin Adjudication (SRBA) Court. Many of the recipients of the distribution list enclosed herewith attended a Counting Acres Workshop held on January 13, 2004, where we distributed maps and discussed the process of preparing these recommendations.

Thus far we have had good success in receiving input regarding water rights from many of the water delivery organizations in the Boise River Basin. We plan to issue our preliminary recommendations for water rights for Basin 63 Part 3 water delivery organizations this fall. In preparation for these recommendations we seek input from your organization. As a step toward assisting you with providing needed input, we will be conducting a **meeting to discuss the water rights of your organization at the Caldwell Elks Lodge #1448, 1015 N. Kimball Ave., Caldwell, on Wednesday, July 20, from 10:00 am until no later than noon.** Our intent is to answer questions relative to the water rights of your organization, to ensure that they will be correctly reported to the SRBA Court. This is important because the SRBA decree will supercede earlier decrees, licenses and beneficial use rights.

Please plan to bring the maps that we distributed to your organization last year, and any questions that you might have concerning this process. Our experience is that this type of advance planning results in a much smoother and more efficient process when we prepare the SRBA recommendations for your specific basin. IDWR personnel from the Western Regional Office and the State Office look forward to meeting your organizational representatives in this important matter.

Sincerely,

David R. Tuthill, Jr.

Administrator, Water Management Division

Enclosure: Distribution List