

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

RIGHT NUMBER: 63-32523

NAME AND ADDRESS: CANYON COUNTY WATER CO LTD
C/O BETHA FOSTER
PO BOX 11
STAR ID 83669

SOURCE: LAWRENCE KENNEDY DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 26.500 CFS ~~13.0 CFS~~

This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.

PRIORITY DATE: 04/01/1923

POINT OF DIVERSION:

T04N R02W S10 SWNWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	<u>26.500 CFS</u> ~~13.0 CFS~~

PLACE OF USE:

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.

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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

This drainage water can be used to irrigate up to 1,916 acres within the boundaries of the Canyon County Water Co Ltd.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Shurte, Jan

From: Shurte, Jan
Sent: Tuesday, July 15, 2008 12:48 PM
To: 'Bryce Farris'
Subject: RE: Water Right 63-32523

Bryce,

Thank you for the memo. This will suffice for my calculations to support the claimed amount and change my recommendation. As you know I was using the Watts Check in Chapter 13 of the Boise River Water Distribution Book for 1980. There are a few scenarios that could hamper the outcome by using this chart. First, I do not know if the water master measures this check every year. As a matter of fact I have heard the water master state that he measures direct diversions from the Boise River and not the laterals, etc. Second, using one year is a shot in the dark. After our meeting with the ditch rider for the Drainage District No. 2, I feel he has enough experience over the years concerning the inner workings of the Canal Co and a first hand knowledge not available in the water distribution book. I will change the record, place this memo in it and get the SF5 circulating.

Thanks,
Jan

From: Bryce Farris [mailto:bryce@ringertlaw.com]
Sent: Tuesday, July 15, 2008 11:31 AM
To: Shurte, Jan
Subject: Water Right 63-32523

Jan:

This is to follow up our conversation regarding Canyon County Water Company's objection to the above-referenced water right. As discussed, this right is for "Watts 1" and the ditch company measured this right at two locations and both established a minimum of 40 cfs. The measurements at the Watts 1 check were as follows: 8 foot wide head gate, 2 foot opening at the high water mark and 20 feet in 8 seconds using the orange peel method for a conversion of 2 ½ feet per second through 16 feet or 40 cfs. The ditch company also measured the three ditches downstream of the Watts check and those measurements also established a minimum of 40 cfs.

As you will recall, the claim for water right no. 63-32523 is for 26.5 cfs because it is in addition to the 13.5 cfs the ditch company is provided via water right no. 63-32480 in the name of Drainage District No. 2. Thus, the total of the two rights at the Watts check account for the total 40 cfs. Please let me know if this addresses your questions and whether you intend to prepare a SF5 to change the quantity for water right no. 63-32523 as claimed.

Please let me know if you have any questions.
Thanks.

S. Bryce Farris
Ringert Law Chartered
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P.O. Box 2773
Boise, ID 83701
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bryce@ringertlaw.com

7/15/2008

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32523 V1

WATER RIGHT NUMBER: 63-32523 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CANYON COUNTY WATER CO LTD C/O BETHA FOSTER PO BOX 11 STAR, ID 83669 (208)455-1735
Attorney	RINGERT CLARK CHARTERED S BRYCE FARRIS 455 S 3RD ST PO BOX 2773 BOISE, ID 83701 (208)342-4591

Priority Date: 04/01/1923

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
LAWRENCE KENNEDY DRAIN	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	13.000 CFS	
<u>Total Diversion:</u>		13.000 CFS	

Location of Point(s) of Diversion

LAWRENCE KENNEDY DRAIN	SW1/4NW1/4SE1/4	Sec. 10, Twp 04N, Rge 02W, B.M.
CANYON County		

Place of Use

Conditions of Approval:

1. 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.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.
3. 135 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.
4. G16 This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
5. This drainage water can be used to irrigate up to 1,916 acres within the boundaries of the Canyon County Water Co Ltd.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32523 V1

Remarks:

Comments:

1. jshurte 12/9/2006 Quantity

Comment: Quantity recommended is 13 cfs. This would be the difference of the high flow shown in the 1980 Boise River Water Distribution Book for the Watts Check of 26.5 cfs in July. Right No. 63-32480 already covers a flow of 13.5 cfs from the Watts Check for the Canyon County Water Co, so this right must be limited to the difference between the two.

2. jshurte 12/9/2006 Priority Date

Comment: This priority date is after the date that license no. 63-2408 which is now recommended as 63-31937. 63-2406 was the original right supporting the 100 cfs of wastewater that the watermaster credits back up to several ditch company points of diversion. This wastewater comes from Drainage District No. 2. The licensed priority date was 3-12-1923, proof was not submitted and it was advanced. Thus, the claiming of beneficial use claim no. 63-31937 for the original 1923 priority date. 63-31937 is only recommended for 100 cfs per the watermaster book. This is acceptable to the drainage district no. 2. To insure the other 50 cfs does get filed upon they have filed a bu claim 63-32480 to cover it. This will not be listed as credited back to the points of diversion. This claim is being filed for wastewater in addition to both 63-31937 and 63-31480. The priority date is documented through affidavits in the claim file.

Water Supply Bank: