

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

RIGHT NUMBER: 63-371

NAME AND ADDRESS: PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL ID 83606 83605

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 53.100 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: 06/01/1884

POINT OF DIVERSION:

T04N R01E S23 SENW Within ADA County
T04N R01W S24 SENW Within ADA County
T04N R02W S24 NENE Within CANYON CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	53.100 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 Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law <u>with the agreement of all entities having rights in the reservoir system</u> ; provided that any such <u>diversion</u> 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:

34204.61 ACRES TOTAL

Delivered to
S.O. on -
1-29-09

This right can be used to irrigate up to 34,204.61 acres within the boundary of the Pioneer 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.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Harvey, Becky

From: Warntjes, Anita
Sent: Friday, March 03, 2006 9:45 AM
To: Harvey, Becky
Subject: RE: CONFIDENTIAL: A63-166A&B and A63-167A&B - competing claims

Yes.

Here is the draft recommendation:

RIGHT NUMBER: 63-371

NAME AND ADDRESS: PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL ID 83605

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 53.100 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: 06/01/1884

POINT OF DIVERSION:

T04N R01E S23 SENW Within CANYON County
T04N R01W S24 SENW Within CANYON County
T04N R02W S24 NENE 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	53.100 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:

35350.5 ACRES TOTAL

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER

STATE LAW

This right when combined with Right Nos. 63-161BU, 63-166A, 63-167A, 63-179A, 63-224, 63-294, 63-295, 63-371, 63-2114, 63-2275, 63-2276, 63-2294, 63-2529, 63-2891, 63-5199, 63-5200, 63-5219, 63-5237, 63- 5255, 63-9109, 63-21706, 63-21713, 63-21714, 63-21731 and 63-21739 can be used to irrigate up to 24,555.8 acres within the boundary of the Pioneer 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.

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.

For irrigation of lands under canal system. Claimant is an irrigation district duly organized and existing under the laws of the State of Idaho. Claimant provides water delivery to privately owned lands within its service area.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

From: Harvey, Becky
Sent: Friday, March 03, 2006 9:43 AM
To: Warntjes, Anita
Subject: RE: CONFIDENTIAL: A63-166A&B and A63-167A&B - competing claims

Anita: Did Pioneer Irr Dist claim 63-371 in the SRBA? Thanks for the info. Becky

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

From: Warntjes, Anita
Sent: Friday, March 03, 2006 9:41 AM
To: Harvey, Becky
Subject: RE: CONFIDENTIAL: A63-166A&B and A63-167A&B - competing claims

63-166B & 63-167B POD's have been digitized to Franklin Ditch Company at T4N, R2W, Sec 24, NENENE. There is no recommendation for 63-166A or 63-167A.

Stewart Decree shows for Pioneer Irrigation Company:

63-371 -- 2655 inches or 53.1 cfs -- Right No. 90 in Boise River Water Dist Book
 63-224 -- 10000 inches or 200 cfs -- Right No. 117 "
 63-225 -- 2817 inches or 56.34 cfs -- Right No. 135 "

Stewart Decree shows POD for 63-371 as William Frost farm T4N, R1W, Sec 18 known as Caldwell Canal & also for 63-224 & 63-225 diverted at T4N, R1W, Sec 24 in Phyllis Canal.

I hope this helps you.

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

From: Harvey, Becky
Sent: Thursday, March 02, 2006 4:09 PM
To: Shurte, Jan; Favreau, Danielle; Warntjes, Anita
Cc: Tuthill, Dave; Spencer, Nick
Subject: CONFIDENTIAL: A63-166A&B and A63-167A&B - competing claims

Hello all:

Nick and I met today to discuss the competing claims and review the pertinent documents for the Franklin Ditch Company and Pioneer Irrigation District SRBA claims. There are a few bits of information which are missing.

1. In the agreement dated October 2, 1883, the 1,350 inches conveyed to Idaho & Oregon Land is identified as: "...a certain Water Right and irrigating ditch taking water out of Boise River or its sloughs, on the south side of the River, **on the farm of William Frost**, about **Seven or Eight miles above the town of Middleton** in Ada County..." Have you digitized this POD? Where is it located? Who claimed that POD and which SRBA claim number is it claimed under? For the Franklin Ditch Company decreed right nos. 63-166 (Right No. 34 in decree - 770 inches) & 63-167 (Right No. 77 in decree - 1380 inches), a point of diversion is identified on the William Frost farm in Section 18, Township 4 North, Range 1 West. As mentioned, both the Stewart Decree and the 1883 agreement reference the water right and ditches on the William Frost farm.
2. How much water was decreed in the Stewart Decree to Pioneer Irrigation District? Pioneer Irrigation was named as a party in the Stewart Decree. Did the Stewart decree identify POD's for Pioneer Irr District? If so, does it match the POD on what was known as the William Frost farm? In the claim files given to me by Dave, A63-166A&B and A63-167A&B, Pioneer Irr District does not claim any POD's in Section 18; however, the Franklin Ditch Company does have POD's claimed in Section 18.

I still have the claims files and will return them to the person who is going to further review these claims.

Thanks!
Becky

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