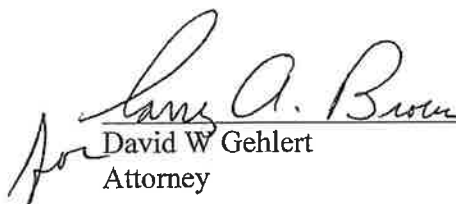


DEPARTMENT OF
WATER RESOURCES

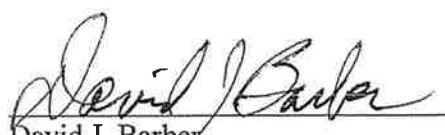
OBJECTOR(s):
USDI-BOR

 11/28/2007
Date
David W Gehlert
Attorney

OBJECTOR(s):
Boise Project Board of Control

 11-7-07
Date
Albert P Barker
Attorney

Respondent(s):
State of Idaho

 11/15/2007
Date
David J. Barber
Deputy Attorney General

IDWR Concurrence:

 10-12-07
Date
Jan Shurte
Adjudication Supervisor

 10-17-07
Date
Nicholas B Spender
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-31832

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

RIGHT NUMBER: 63-31832

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 49.510 CFS
10,266.000 AFY

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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION:

T03N R02E S5 NESENE Within ADA County

Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 53-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	03/01 11/15	0.170 CFS
AESTHETIC STORAGE	01/01 12/31	14.50 AFY
IRRIGATION STORAGE	01/01 12/31	14.50 AFY
IRRIGATION FROM STORAGE	03/01 11/15	14.50 AFY
IRRIGATION	03/01 11/15	49.340 CFS
		10,251.50 AFY

Delete
the 1
as it
is
incorrect.

Per JPM

Ted Bood

12-10-07

Diversion for irrigation and aesthetic 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. This period of use condition does not apply to Irrigation Storage and Aesthetic Storage.

APB
NBS
C2-X

The period of use for irrigation, irrigation from storage and aesthetic uses described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. Irrigation, irrigation from storage and aesthetic uses before 3/15 are subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE:

IRRIGATION STORAGE in ADA County

T04N R01E S14 NENW

AESTHETIC in ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE in ADA County

T04N R01E S14 NENW

IRRIGATION FROM STORAGE same as IRRIGATION STORAGE

2808.43 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY.

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

SF5 Right No. 63-31832

THIS RIGHT IS DESIGNATED AS NO 15 IN THE BOISE RIVER WATER
MASTER RECORDS AND THE STEWART DECREE.

Use of water under this right will be regulated by a watermaster with
responsibility for the distribution of water among appropriators within a
water district. At the time of this approval, this water right is within State
Water District No. 63.

Water is delivered through the Farmers Union and Boise Valley canals.

This right is a split from former right 63-147.

FWP

The right holder shall maintain a measuring device and lockable controlling
works of a type approved by the Department in a manner that will provide
the watermaster suitable control of the diversion.

The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.

[Handwritten signature]
NBS
C-2X
APB

N³ 2 1/2



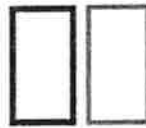
Boise Valley Irrigation Ditch Co

SRBA Recommendations: 63-147B, 63-2360, 63-31198, 63-31832, 63-31833

Service Area Boundary
GIS Place of Use Illustration

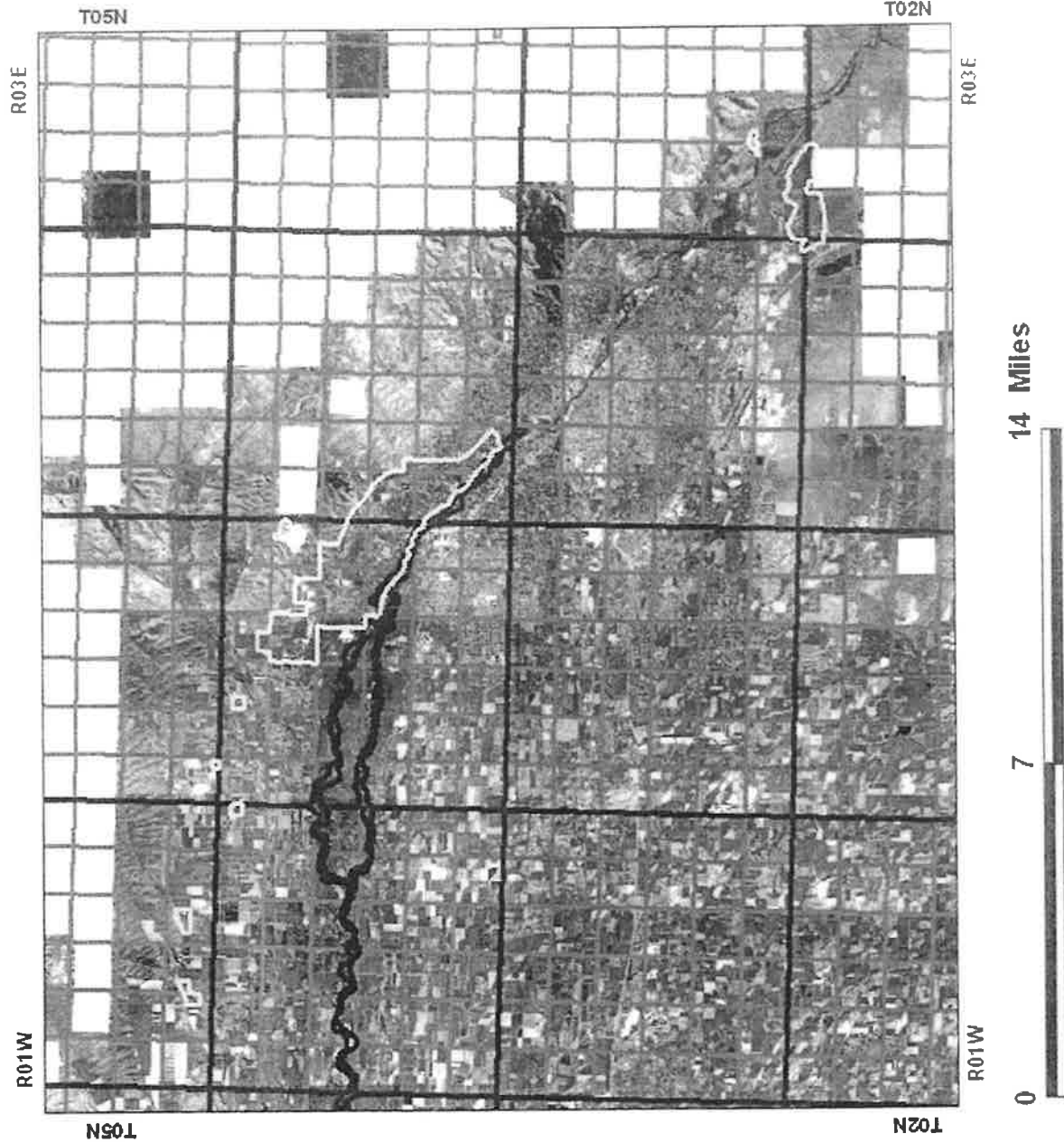
Legend

Service Area
Townships
PLS Sections



Ada County
IDWR Basin 63

Prepared by S. Egbert
On Friday, October 12, 2007
1987/88 Aerial Photography



CERTIFICATE OF MAILING

I certify that on Nov. 28, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

United States of America
US Dept of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

C Bryce Farris
455 S Third St
PO Box 2773
Boise, ID 83701-2773

Boise Valley Irrigation Ditch Co
8750 N Bogart Lane
Boise, ID 83714

Albert P Barker
1010 W Jefferson, Ste 102
PO Box 2139
Boise, ID 83701-2139

State of Idaho
Natural Resources Div
Attorney General's Office
PO Box 44449
Boise, ID 83711-4449

IDWR Repository
P.O. Box 83720
Boise, ID 83720


Signature of person mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-147B V2

WATER RIGHT NUMBER: 63-147B V2

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	RINGERT CLARK CHARTERED 455 S 3RD ST PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Current Owner	BOISE VALLEY IRRIGATION DITCH CO 8750 N BOGART LN BOISE, ID 83714 (208)853-5288

Priority Date: 06/01/1865

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	3.970 CFS	892.80 AF
	<u>Total Diversion:</u>	3.970 CFS	892.80 AF

Location of Point(s) of Diversion

BOISE RIVER	L7 (NW1/4NE1/4)	Sec. 4,	Twp 02N,	Rge 03E, B.M.
ADA County				

Place of UseConditions of Approval:

1. THIS RIGHT IS DESIGNATED AS NO 15 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS
2. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-161BN, 63-198AJ, 63-199B, 63-200B, 63-30181.
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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-147B V2

4. 155 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
5. S45 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; 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.
6. DURING THE PERIOD BEGINNING OCTOBER 16 AND ENDING NOVEMBER 15 IN ANY IRRIGATION SEASON, THERE WILL BE NO DIVERSION OF WATER FOR THIS RIGHT IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 240.0 CUBIC FEET PER SECOND.
7. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-147.
8. 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.
9. DURING THE PERIOD BEGINNING MARCH 16 AND ENDING APRIL 15 OF ANY IRRIGATION SEASON, THERE WILL BE NO WATER DIVERTED FOR THIS RIGHT IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 1,100 CUBIC FEET PER SECOND.
10. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF THE BOISE VALLEY IRRIGATION DITCH COMPANY
11. Transfer No. 5119 transferred 198.4 acres under this right to be used within the Simplot Sports Complex located in portions of Sec. 1, T2N, R2E; Sec. 5 & 6, T.2N, R3E; Sec. 36, T3N, R2E and Sec. 32, T.3N, R3E. These acres are within the digital boundary for the Boise Valley Irrigation Ditch Co.

Remarks:

Comments:

1. jshurte 10/12/2007 Objection Reivew

Comment: BLM objection resolved without a decrease in the number of total acres. See file.

2. jshurte 1/7/2008 Condition changes

Comment: Per a phone conversation with Special Master Ted Booth, SRBA Court, changes were made to the place of use remark concerning the 198.4 acres. It was moved from general to explanatory and different language used. This was due to the digital boundary remark appearing redundant. Also, from the two shoulder remarks the words FROM THE POINT OF DIVERSION DESCRIBED ABOVE have been omitted. The place of use remains the same - large pou for the digital boundary of this ditch co.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-147B V2

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-147B V1

WATER RIGHT NUMBER: 63-147B V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	RINGERT CLARK CHARTERED 455 S 3RD ST PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Current Owner	BOISE VALLEY IRRIGATION DITCH CO 8750 N BOGART LN BOISE, ID 83714 (208)853-5288

Priority Date: 06/01/1865

Basis: Decreed

Status: Closed

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	3.970 CFS	892.80 AF
	<u>Total Diversion:</u>	3.970 CFS	892.80 AF

Location of Point(s) of Diversion

BOISE RIVER	L7 (NW1/4NE1/4)	Sec. 4,	Twp 02N,	Rge 03E, B.M.
ADA County				

Place of Use

Conditions of Approval:

1. THE PLACE OF USE FOR THIS RIGHT IS 198.4 ACRES DESCRIBED IN TRANSFER 5119 AT THE SIMPLOT SPORTS COMPLEX LOCATED IN T02N, R02E, S1; T02N, R03E, S5, S6; T03N, R02E, S36; T03N, R03E, S31, S32.
2. 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.
3. DURING THE PERIOD BEGINNING MARCH 16 AND ENDING APRIL 15 OF ANY IRRIGATION SEASON, THERE WILL BE NO WATER DIVERTED FOR THIS RIGHT FROM THE POINT OF DIVERSION DESCRIBED ABOVE IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 1,100 CUBIC FEET PER SECOND.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF THE BOISE VALLEY IRRIGATION DITCH COMPANY
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-147B V1

6. 155 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. DURING THE PERIOD BEGINNING OCTOBER 16 AND ENDING NOVEMBER 15 IN ANY IRRIGATION SEASON, THERE WILL BE NO DIVERSION OF WATER FOR THIS RIGHT FROM THE POINT OF DIVERSION DESCRIBED ABOVE IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 240.0 CUBIC FEET PER SECOND.
8. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-147.
9. S45 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; 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.
10. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-161BN, 63-198AJ, 63-199B, 63-200B, 63-30181.
11. THIS RIGHT IS DESIGNATED AS NO 15 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

Remarks:

Comments:

SubCase:

SubCase Number: 63-147B
Class: 1
SF5 Filed Date: 11/13/2007
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: mschulte
Basis of Claim: Decreed
Date Filed: 4/19/2006 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-147B V1

SFS
Copy 1
10-12-07
Sent to
S.O.

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

) Subcase No. 63-147B
)
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the attached is an accurate digital depiction of the boundary for the Boise Valley Irrigation Ditch Co produced by IDWR.

CLAIMANT(s):

Boise Valley Irrigation Ditch Co

OBJECTOR(s):

USDI-BLM

C Bryce Farris

Date

Larry Brown

Date

Attorney for the US Dept of Justice

IDWR Concurrency:

Jan Shurte 10-12-07
Date
Adjudication Supervisor

Nicholas B Spencer
Deputy Attorney General
Attorney for IDWR

Date _____

CERTIFICATE OF MAILING

I certify that on _____, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

United States of America
US Dept of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

C Bryce Farris
455 S Third St
PO Box 2773
Boise, ID 83701-2773

Boise Valley Irrigation Ditch Co
8750 N Bogart Lane
Boise, ID 83714

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Signature of person mailing the form

RIGHT NUMBER: 63-147B

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION:

T02N R03E S4 NWNE Lot 7 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.970 CFS 892.80 AFY

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; 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.

DURING THE PERIOD BEGINNING OCTOBER 16 AND ENDING NOVEMBER 15 IN ANY IRRIGATION SEASON, THERE WILL BE NO DIVERSION OF WATER FOR THIS RIGHT FROM THE POINT OF DIVERSION DESCRIBED ABOVE IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 240.0 CUBIC FEET PER SECOND.

DURING THE PERIOD BEGINNING MARCH 16 AND ENDING APRIL 15 OF ANY IRRIGATION SEASON, THERE WILL BE NO WATER DIVERTED FOR THIS RIGHT FROM THE POINT OF DIVERSION DESCRIBED ABOVE IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 1,100 CUBIC FEET PER SECOND.

SF5 Right No. 63-147B

PLACE OF USE:

2808.43 ACRES TOTAL

THE PLACE OF USE FOR THIS RIGHT IS 198.4 ACRES DESCRIBED IN TRANSFER 5119 AT THE SIMPLOT SPORTS COMPLEX LOCATED IN T02N, R02E, S1; T02N, R03E, S5, S6; T03N, R02E, S36; T03N, R03E, S31, S32.

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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF THE BOISE VALLEY IRRIGATION DITCH COMPANY

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 15 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-161BN, 63-198AJ, 63-199B, 63-200B, 63-30181.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-147.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-147B V2

WATER RIGHT NUMBER: 63-147B V2

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	RINGERT CLARK CHARTERED 455 S 3RD ST PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Current Owner	BOISE VALLEY IRRIGATION DITCH CO 8750 N BOGART LN BOISE, ID 83714 (208)853-5288

Priority Date: 06/01/1865

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	3.970 CFS	892.80 AF
	<u>Total Diversion:</u>	3.970 CFS	892.80 AF

Location of Point(s) of Diversion

BOISE RIVER	L7 (NW1/4NE1/4)	Sec. 4, Twp 02N, Rge 03E, B.M.
ADA County		

Place of UseConditions of Approval:

1. THIS RIGHT IS DESIGNATED AS NO 15 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS
2. THE PLACE OF USE FOR THIS RIGHT IS 198.4 ACRES DESCRIBED IN TRANSFER 5119 AT THE SIMPLOT SPORTS COMPLEX LOCATED IN T02N, R02E, S1; T02N, R03E, S5, S6; T03N, R02E, S36; T03N, R03E, S31, S32.
3. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-161BN, 63-198AJ, 63-199B, 63-200B, 63-30181.
4. 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.

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5. 155 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
6. S45 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; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
7. DURING THE PERIOD BEGINNING OCTOBER 16 AND ENDING NOVEMBER 15 IN ANY IRRIGATION SEASON, THERE WILL BE NO DIVERSION OF WATER FOR THIS RIGHT FROM THE POINT OF DIVERSION DESCRIBED ABOVE IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 240.0 CUBIC FEET PER SECOND.
8. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-147.
9. 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.
10. DURING THE PERIOD BEGINNING MARCH 16 AND ENDING APRIL 15 OF ANY IRRIGATION SEASON, THERE WILL BE NO WATER DIVERTED FOR THIS RIGHT FROM THE POINT OF DIVERSION DESCRIBED ABOVE IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 1,100 CUBIC FEET PER SECOND.
11. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF THE BOISE VALLEY IRRIGATION DITCH COMPANY

Remarks:

Comments:

1. jshurte 10/12/2007 Objection Reivew

Comment: BLM objection resolved without a decrease in the number of total acres. See file.

Water Supply Bank:

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WATER RIGHT NUMBER: 63-147B V2

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	RINGERT CLARK CHARTERED 455 S 3RD ST PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Current Owner	BOISE VALLEY IRRIGATION DITCH CO 8750 N BOGART LN BOISE, ID 83714 (208)853-5288

Priority Date: 06/01/1865

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	3.970 CFS	892.80 AF
	<u>Total Diversion:</u>	3.970 CFS	892.80 AF

Location of Point(s) of Diversion

BOISE RIVER	L7 (NW1/4NE1/4)	Sec. 4, Twp 02N, Rge 03E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T02N R02E S01 Lot 1 NENE	T02N R02E S01 SENE
T02N R03E S04 Lot 4 NWNW	T02N R03E S05 Lot 1 NENE
T02N R03E S05 Lot 2 NWNE	T02N R03E S05 Lot 3 NENW
T02N R03E S06 Lot 1 NENE	T02N R03E S06 Lot 2 NWNE
T02N R03E S06 SWNE	T02N R03E S06 SENE
T02N R03E S06 Lot 3 NENW	T02N R03E S06 Lot 4 NWNW
T02N R03E S06 Lot 5 SWNW	T02N R03E S06 SENW
T03N R02E S36 SWSE	T03N R02E S36 SESE
T03N R03E S28 NWSW	T03N R03E S28 SWSW
T03N R03E S28 Lot 2 SWSW	T03N R03E S28 Lot 1 SESW
T03N R03E S29 NESE	T03N R03E S29 SESE
T03N R03E S29 Lot 1 SESE	T03N R03E S31 NESW
T03N R03E S31 Lot 3 NWSW	T03N R03E S31 Lot 4 SWSW

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T03N R03E S31	SESW	T03N R03E S31	NESE
T03N R03E S31	NWSE	T03N R03E S31	SWSE
T03N R03E S31	SESE	T03N R03E S32	NESW
T03N R03E S32	NWSW	T03N R03E S32	SWSW
T03N R03E S32	SESW	T03N R03E S32	NWSE
T03N R03E S32	NWSE	T03N R03E S32	SWSE
T03N R03E S32	SWSE	T03N R03E S32	SESE
T03N R03E S32	SESE	T04N R01E S03	NESW
T04N R01E S03	SWSW	T04N R01E S03	SESW
T04N R01E S03	NWSE	T04N R01E S03	SWSE
T04N R01E S03	SESE	T04N R01E S04 Lot 4	NWNW
T04N R01E S04	SWNW	T04N R01E S04	SENW
T04N R01E S10	NENE	T04N R01E S10	NWNE
T04N R01E S10	SWNE	T04N R01E S10	SENE
T04N R01E S10	NENW	T04N R01E S10	NWNW
T04N R01E S10	SWNW	T04N R01E S10	SENW
T04N R01E S10	NESW	T04N R01E S10	NWSW
T04N R01E S10	SWSW	T04N R01E S10	SESW
T04N R01E S10	NESE	T04N R01E S10	NWSE
T04N R01E S10	SWSE	T04N R01E S10	SESE
T04N R01E S11	NESW	T04N R01E S11	SWSW
T04N R01E S11	SESW	T04N R01E S11	NWSE
T04N R01E S11	SWSE	T04N R01E S12	NENE
T04N R01E S12	NWNE	T04N R01E S12	SWNE
T04N R01E S12	SENE	T04N R01E S12	SENW
T04N R01E S12	NESW	T04N R01E S12	NESE
T04N R01E S12	NWSE	T04N R01E S13	SWNE
T04N R01E S13	SENE	T04N R01E S13	NENW
T04N R01E S13	NWNW	T04N R01E S13	SWNW
T04N R01E S13	SENW	T04N R01E S13	NESW
T04N R01E S13	NWSW	T04N R01E S13	SWSW
T04N R01E S13	SESW	T04N R01E S13	NESE
T04N R01E S13	NWSE	T04N R01E S13	SWSE
T04N R01E S13	SESE	T04N R01E S14	NENE
T04N R01E S14	NWNE	T04N R01E S14	SWNE
T04N R01E S14	SENE	T04N R01E S14	NENW

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T04N R01E S14	NWNW	T04N R01E S14	SWNW
T04N R01E S14	SENW	T04N R01E S14	NESW
T04N R01E S14	NWSW	T04N R01E S14	SWSW
T04N R01E S14	SESW	T04N R01E S14	NESE
T04N R01E S14	NWSE	T04N R01E S14	SWSE
T04N R01E S14	SESE	T04N R01E S15	NENE
T04N R01E S15	NWNE	T04N R01E S15	SWNE
T04N R01E S15	SENE	T04N R01E S15	NESE
T04N R01E S15 Lot 1	SESE	T04N R01E S23	NENE
T04N R01E S23 Lot 2	NWNE	T04N R01E S23 Lot 1	SENE
T04N R01E S23 Lot 3	NENW	T04N R01E S23 Lot 4	NWNW
T04N R01E S23 Lot 5	SWNW	T04N R01E S23 Lot 6	SENW
T04N R01E S23 Lot 7	NWSE	T04N R01E S24	NENE
T04N R01E S24	NWNE	T04N R01E S24	SWNE
T04N R01E S24	SENE	T04N R01E S24	NENW
T04N R01E S24	NWNW	T04N R01E S24	SWNW
T04N R01E S24	SENW	T04N R01E S24 Lot 3	NESW
T04N R01E S24 Lot 4	NWSW	T04N R01E S24	NESE
T04N R01E S24	NWSE	T04N R01E S24 Lot 2	SWSE
T04N R01E S24 Lot 1	SESE	T04N R01E S25 Lot 1	NESE
T04N R02E S18 Lot 3	NWSW	T04N R02E S18 Lot 4	SWSW
T04N R02E S18	SESW	T04N R02E S19	NENE
T04N R02E S19	NWNE	T04N R02E S19	SWNE
T04N R02E S19	SENE	T04N R02E S19	NENW
T04N R02E S19 Lot 1	NWNW	T04N R02E S19 Lot 2	SWNW
T04N R02E S19	SENW	T04N R02E S19	NESW
T04N R02E S19 Lot 3	NWSW	T04N R02E S19 Lot 4	SWSW
T04N R02E S19	SESW	T04N R02E S19	NESE
T04N R02E S19	NWSE	T04N R02E S19	SWSE
T04N R02E S19	SESE	T04N R02E S20	SWSW
T04N R02E S29	NWNW	T04N R02E S29	SWNW
T04N R02E S29	NWSW	T04N R02E S29	SWSW
T04N R02E S29	SESW	T04N R02E S30	NENE
T04N R02E S30	NWNE	T04N R02E S30	SWNE
T04N R02E S30	SENE	T04N R02E S30	NENW
T04N R02E S30 Lot 5	NWNW	T04N R02E S30 Lot 4	SWNW

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T04N R02E S30	SENW	T04N R02E S30 Lot 2	NESW
T04N R02E S30	NESE	T04N R02E S30	NWSE
T04N R02E S30 Lot 1	SWSE	T04N R02E S30	SESE
T04N R02E S31 Lot 1	NENE	T04N R02E S32	NWNE
T04N R02E S32	SWNE	T04N R02E S32	SENE
T04N R02E S32	NENW	T04N R02E S32	NWNW
T04N R02E S32 Lot 5	SWNW	T04N R02E S32 Lot 4	SENW
T04N R02E S32 Lot 3	NESW	T04N R02E S32	NESE
T04N R02E S32 Lot 2	NWSE	T04N R01W S01	SENE
T05N R01E S31	SESE	T05N R01W S32	SENE
T05N R01W S32	NESE	T05N R01W S33	SWNW
T05N R01W S33	NWSW	T05N R01W S34	NWNE
T05N R01W S34	SWNE	T05N R01W S34	SENE
T05N R01W S34	SENW	T05N R01W S34	NESW

Total Acres: 2808.43

Conditions of Approval:

1. THIS RIGHT IS DESIGNATED AS NO 15 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS
2. THE PLACE OF USE FOR THIS RIGHT IS 198.4 ACRES DESCRIBED IN TRANSFER 5119 AT THE SIMPLOT SPORTS COMPLEX LOCATED IN T02N, R02E, S1; T02N, R03E, S5, S6; T03N, R02E, S36; T03N, R03E, S31, S32.
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6. S45 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; 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.
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Remarks:

Comments:

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Water Supply Bank: