

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31833  
Date Received: 7/10/2002  
Receipt No: X777777  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BOISE VALLEY IRRIGATION DITCH CO Phone: (208)853-5288  
8750 N BOGART LN  
BOISE ID USA 83714

2. Date of Priority: 06/01/1865

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot |    |    | County | Type |
|----------|-------|---------|-----------------------|----|----|--------|------|
| 03N      | 03E   | 29      | SE                    | SE |    | ADA    |      |
| 03N      | 03E   | 28      | SW                    | SW | SW | ADA    |      |
| 03N      | 03E   | 28      | SW                    | SW | SW | ADA    |      |

5. Description of diverting works:

Shakespeare Festival diversion

Idaho Dept of Parks & Rec sump

Idaho Dept of Parks & Rec alternate river diversion

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 0.2    | 45         |

7. Total Quantity Appropriated is:  
0.2 C.F.S. and/or 45 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 03N      | 03E   | 28      | SW     | SW  | 2   | IRRIGATION    | 22.4  |
|          |       |         |        |     |     | Section Acres | 22.4  |
| 03N      | 03E   | 29      | SE     | SE  | 1   | IRRIGATION    | 8.1   |
|          |       |         |        |     |     | Section Acres | 8.1   |
|          |       |         |        |     |     | Total Acres   | 30.5  |

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31197.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This right does not grant any right-of-way or easement across the land of another.

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.

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 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 Anderson Ranch Reservoir, Arrowrock Reservoir, Lucky Peak Reservoir or Lake Lowell as decreed in SRBA Case No. 39576.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

The total instantaneous diversion of water from all points of diversion under Right 63-31833 shall not exceed 0.20 cfs, nor a total combined annual volume of 45.0 af.

This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.

The period of use for the irrigation 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. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

15. Basis of Claim: Decreed

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31197  
Date Received: 7/10/2002  
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**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BOISE VALLEY IRRIGATION DITCH CO Phone: (208)853-5288

8750 N BOGART LN  
BOISE ID USA 83714

2. Date of Priority: 06/01/1865

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 03N      | 02E   | 5       | NE SE NE              | ADA    |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose                 | From  | To    | C.F.S.      | (or) A.F.A |
|-------------------------|-------|-------|-------------|------------|
| IRRIGATION              | 03/01 | 11/15 | 49.54       | 10296.5    |
| IRRIGATION STORAGE      |       |       | 01/01 12/31 |            |
| 14.5                    |       |       |             |            |
| IRRIGATION FROM STORAGE |       |       | 03/01 11/15 |            |
| 14.5                    |       |       |             |            |
| AESTHETIC               | 03/01 | 11/15 | 0.17        |            |
| AESTHETIC STORAGE       |       |       | 01/01 12/31 |            |
| 14.5                    |       |       |             |            |

7. Total Quantity Appropriated is:  
49.71 C.F.S. and/or 10311 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township      Range Section      1/4 of 1/4 Lot      Use      Acres

11. Place of use in counties:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Place of use is within the area served by Boise Valley Irrigation Ditch Company including the addition of land in the NESW and NWSE, S11, T4N, R1E through approval of Transfer 70558.

The portion of Right 63-31197 used for conveyance losses is 5.94 cfs.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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.

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.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This right does not grant any right-of-way or easement across the land of another.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 70558**

This is to certify that: BOISE VALLEY IRRIGATION DITCH CO  
C/O STAN MATLOCK  
8633 BOGART LN  
BOISE ID 83703  
(208)853-0992

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| Right    | Origin/Basis       | Priority   | Rate      | Volume     | Acre Limit | Total Acres | Source      |
|----------|--------------------|------------|-----------|------------|------------|-------------|-------------|
| 63-2360  | AJC/License        | 07/19/1921 | 1.2 cfs   | N/A        |            | 45.0        | BOISE RIVER |
| 63-16767 | AJC/Beneficial Use | 09/10/1921 | 15.05 cfs | N/A        |            | 2,201.0     | WASTE WATER |
| 63-31197 | AJC/Decreed        | 06/01/1865 | 49.71 cfs | 10331.6 af |            | 2,295.9     | BOISE RIVER |

**Purpose of Transfer (Changes Proposed)**

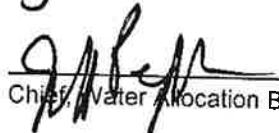
| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|---------|---------------|---------------|
| 63-2360        | NO    | NO  | YES | NO      | NO            | NO            |
| 63-16767       | NO    | NO  | YES | NO      | NO            | NO            |
| 63-31197       | NO    | NO  | YES | NO      | NO            | NO            |

**Summary of Water Rights After the Approved Change**

| Existing Right  | New No. (changed portion) | Transfer Rate    | Transfer Volume | Acre Limit | Total Acres | New No. (remaining portion)                       | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|-----------------|---------------------------|------------------|-----------------|------------|-------------|---------------------------------------------------|----------------|------------------|----------------------|-----------------------|
| 63-31197        | <b>63-31197</b>           | 49.71 cfs        | 10331.6 af      | N/A        | 2,295.9     |                                                   | N/A            | N/A              | N/A                  | N/A                   |
| 63-2360         | <b>63-2360</b>            | 1.20 cfs         | N/A             | 45.0       | 45.0        |                                                   | N/A            | N/A              | N/A                  | N/A                   |
| 63-16767        | <b>63-16767</b>           | 15.05 cfs        | N/A             | N/A        | 2,201.0     |                                                   | N/A            | N/A              | N/A                  | N/A                   |
| <b>COMBINED</b> |                           |                  |                 |            |             |                                                   | N/A            | N/A              | N/A                  | N/A                   |
| <b>TOTALS</b>   |                           | <b>60.96 cfs</b> | <b>N/A</b>      | <b>N/A</b> | <b>80.0</b> | <b>Additional Acres Included in Service Area.</b> |                |                  |                      |                       |

Detailed Water Right Description(s) attached

Dated this 7 day of August, 2003

  
For Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-2360**  
**As Modified by Transfer No. 70558**

In accordance with the approval of Transfer No. 70558, Water Right No. 63-2360 is now described as follows.

**Right Holder:** BOISE VALLEY IRRIGATION DITCH CO  
C/O STAN MATLOCK  
8633 BOGART LN  
BOISE ID 83703

**Priority Date:** July 19, 1921

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/01       | to 11/15  | 1.20 CFS              |               |
|                       |             |           | 1.20 CFS              |               |

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER                      NESENE                      Sec. 5   Twp 03N   Rge 02E   ADA County

**CONDITIONS OF APPROVAL**

1. Place of use is within the area served by Boise Valley Irrigation Ditch Company including the addition of land in the NESW and NWSE, S11, T4N, R1E through approval of Transfer 70558.
2. This right is limited to the irrigation of 45 acres within the place of use described above in a single irrigation season.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. 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.
5. 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.
6. This right does not grant any right-of-way or easement across the land of another.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

**WATER RIGHT NO. 63-2360**  
**As Modified by Transfer No. 70558**

**CONDITIONS OF APPROVAL**

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7 day of August, 2003

For  Chief Water Allocation Bureau

**WATER RIGHT NO. 63-16767**  
**As Modified by Transfer No. 70558**

In accordance with the approval of Transfer No. 70558, Water Right No. 63-16767 is now described as follows.

**Right Holder:** BOISE VALLEY IRRIGATION DITCH CO  
C/O STAN MATLOCK  
8633 BOGART LN  
BOISE ID 83703

**Priority Date:** September 10, 1921

**Source:** WASTE WATER

**Tributary:** BOISE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/01       | to 11/15  | 15.05 CFS             |               |
|                       |             |           | 15.05 CFS             |               |

**LOCATION OF POINT(S) OF DIVERSION:**

WASTE WATER                      NESENE                      Sec. 5 Twp 03N Rge 02E ADA County

**CONDITIONS OF APPROVAL**

1. Place of use is within the area served by Boise Valley Irrigation Ditch Company including the addition of land in the NESW and NWSE, S11, T4N, R1E through approval of Transfer 70558.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. 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.
4. 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.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

**WATER RIGHT NO. 63-16767**  
**As Modified by Transfer No. 70558**

**CONDITIONS OF APPROVAL**

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7 day of August, 20 03

For

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-31197**  
**As Modified by Transfer No. 70558**

In accordance with the approval of Transfer No. 70558, Water Right No. 63-31197 is now described as follows.

**Right Holder:** BOISE VALLEY IRRIGATION DITCH CO  
C/O STAN MATLOCK  
8633 BOGART LN  
BOISE ID 83703

**Priority Date:** June 01, 1865

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15 to    | 11/15     | 49.71 CFS             | 10,331.6 AF   |
|                       |             |           | 49.71 CFS             | 10,331.6 AF   |

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER                      NESENE                      Sec. 5 Twp 03N Rge 02E ADA County

**CONDITIONS OF APPROVAL**

1. Place of use is within the area served by Boise Valley Irrigation Ditch Company including the addition of land in the NESW and NWSE, S11, T4N, R1E through approval of Transfer 70558.
2. The portion of Right 63-31197 used for conveyance losses is 5.94 cfs.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. 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.
5. 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.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

**WATER RIGHT NO. 63-31197**  
**As Modified by Transfer No. 70558**

**CONDITIONS OF APPROVAL**

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7 day of August, 2003

  
\_\_\_\_\_  
For Chief Water Allocation Bureau

**{Internet}**

Page 1 of 10

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

Transfer No. 70558

PART ONE PAGE 1 & 2

AMENDED BY

SM 6-2-03

# APPLICATION FOR TRANSFER OF WATER RIGHT

COORDINATOR: Jim Moyer (Irrigation Design) **PART 1**  
712 E. Fairview Ave Meridian, ID 83642

888-6400

**Name of applicant** Boise Valley Irrigation Ditch Co. **Phone** 853-0992 853-5228

**Post Office address** 8750 N. Bogart Lane Boise, ID 83703

**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion      ☐ Add diversion point(s)      ☒ Change place of use  
☐ Change nature of use      ☐ Change period of use      ☐ Other \_\_\_\_\_

2. Describe the reason for the proposed changes The Division of Veterans Services, State of Idaho  
is developing the Veterans Cemetery above Dry Creek Cemetery and this creates the need  
to expand the boundary of BVID Co. and the head gate location known as Farmers Union #26.

**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

| 1. Right Number | Priority         | Amount<br>(cfs/ac-ft) | Nature<br>of Use  | Period of Use |                 |
|-----------------|------------------|-----------------------|-------------------|---------------|-----------------|
| <u>63-31197</u> | <u>6/1/1865</u>  | <u>49.71/10,331.6</u> | <u>Irrigation</u> | <u>3/15</u>   | <u>to 11/15</u> |
| <u>63-16767</u> | <u>9/10/1921</u> | <u>10.05</u>          | <u>Irrigation</u> | <u>3/15</u>   | <u>to 11/15</u> |
| <u>63-2360</u>  | <u>7/19/1921</u> | <u>1.20</u>           | <u>Irrigation</u> | <u>3/15</u>   | <u>to 11/15</u> |
|                 |                  |                       |                   |               | <u>to</u>       |

2. Total amount of water being transferred 60.96 cubic feet per second and/or 10,331.6 acre-feet per annum.

3. Source of water Boise River tributary to Snake River

**4. Point(s) of Diversion:**

[illegible]

5. **Lands irrigated or place of use:** BVID CURRENT BORDERS PLUS THE FOLLOWING NEW 80 ACRES.

[illegible]

\* NEW LANDS ADDED TO CANAL CO. BORDERS.  
SEE MAP FOR MODIFIED BORDERS.

**Total acres** 80 ADDITIONAL  
ACRES TO BORDERS

**PART 1**

*SM 6-2-03*

**6. General Information:**

a. **Description of diversion system** There is no change of the BVID Co. diversion. The headgate in the canal is a concrete box with a control gate (Waterman Canal Gate) to adjust water over a cipoletti weir to measure flow.

b. **Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?** Yes NO No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. **Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:**  
Formally irrigated farm land was sold to the school district and has become parking and pavement and buildings/ 26 shares of water is from this. The other 11 shares of water is part of 31 shares in the Dry Creek Cemetery which was abandoned on subdivided land previously owned by George Gillis.

**d. Remarks:**

See Supplemental Explanation. Attachment A.  
25 acres will be irrigated in veterans cemetery. 80 acres are included in the border change. Application was amended to include only the water rights in this single system. The remainder of the rights will be delivered through their own system.

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

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Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2**

Transfer No. \_\_\_\_\_  
Receipt No. \_\_\_\_\_

**Current Water Right No.** 63-16767

Priority Date: 09/10/1921  
Origin: Adjudication Claim  
Basis: Beneficial Use  
Status: Active

**Source:** WASTE WATER      **Tributary to:** BOISE RIVER

| <u>Beneficial Use</u> | <u>From To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 3/15 11/15     | 15.05 CFS             |               |                    |
| Total Diversion       |                | 15.05 CFS             |               |                    |

Source and Point(s) of Diversion:

WASTE WATER      NESENE      03N 02E      5      ADA

PLACE OF USE: IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 04N 01E 10  |      |      |      |      |      |      |      |      |      |      |      |      | 17.0 | 38.0 | 10.0 | 15.0 | 80.0   |
|             |      |      |      |      |      |      |      |      |      |      |      |      | L0   | L0   | L0   | L0   |        |
| 04N 01E 11  |      |      |      |      |      |      |      |      | 2.0  | 2.0  |      |      |      |      |      |      | 4.0    |
|             |      |      |      |      |      |      |      |      | L0   | L0   |      |      |      |      |      |      |        |
| 04N 01E 13  |      |      | 3.0  |      |      |      | 32.0 | 20.0 | 38.0 | 34.0 |      |      | 20.0 | 30.0 | 39.0 | 39.0 | 320.0  |
|             |      |      | L0   |      |      |      | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   |        |
| 04N 01E 14  | 3.0  | 20.0 | 37.0 | 38.0 | 32.0 | 33.0 | 36.0 | 36.0 | 31.0 | 33.0 | 34.0 | 37.0 | 37.0 | 38.0 | 35.0 | 38.0 | 518.0  |
|             | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   |        |
| 04N 01E 15  | 38.0 |      |      | 15.0 |      |      |      |      |      |      |      |      |      |      |      |      | 53.0   |
|             | L0   |      |      | L0   |      |      |      |      |      |      |      |      |      |      |      |      |        |
| 04N 01E 23  | 36.0 | 35.0 | 6.0  | 20.0 |      |      |      |      |      |      |      |      |      |      |      |      | 97.0   |
|             | L0   | L0   | L0   | L0   |      |      |      |      |      |      |      |      |      |      |      |      |        |
| 04N 01E 24  |      | 36.0 | 34.0 | 20.0 | 35.0 | 30.0 | 28.0 | 20.0 | 16.0 | 11.0 |      |      |      | 15.0 | 2.0  | 17.0 | 264.0  |
|             |      | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   |      |      |      | L0   | L0   | L0   |        |
| 04N 01E 25  | 6.0  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 6.0    |
|             | L0   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
| 04N 02E 18  |      |      |      |      |      |      |      |      |      | 28.0 |      |      |      |      |      |      | 28.0   |
|             |      |      |      |      |      |      |      |      |      | L0   |      |      |      |      |      |      |        |
| 04N 02E 19  |      |      | 20.0 | 8.0  | 15.0 | 20.0 | 36.0 | 36.0 | 31.0 | 40.0 | 25.0 | 27.0 | 20.0 | 25.0 | 35.0 | 35.0 | 373.0  |
|             |      |      | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   |        |
| 04N 02E 20  |      |      |      |      |      |      |      |      |      |      | 10.0 |      |      |      |      |      | 10.0   |
|             |      |      |      |      |      |      |      |      |      |      | L0   |      |      |      |      |      |        |
| 04N 02E 29  |      |      |      |      |      | 27.0 | 25.0 |      |      | 25.0 | 25.0 |      |      |      |      |      | 102.0  |
|             |      |      |      |      |      | L0   | L0   |      |      | L0   | L0   |      |      |      |      |      |        |
| 04N 02E 30  | 40.0 | 39.0 | 32.0 | 37.0 | 35.0 | 34.0 | 17.0 | 36.0 | 30.0 | 1.0  |      |      |      |      |      |      | 301.0  |
|             | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   | L0   |      |      |      |      |      |      |        |
| 04N 02E 32  |      |      |      |      |      | 17.0 |      | 28.0 |      |      |      |      |      |      |      |      | 45.0   |
|             |      |      |      |      |      | L0   |      | L0   |      |      |      |      |      |      |      |      |        |

Total Acres: 2201

Page 4 OF 10

IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2

Transfer No. \_\_\_\_\_  
Receipt No. \_\_\_\_\_

Current Water Right No. 63-16767

Conditions/Remarks:

1. THIS RIGHT IS ACTUALLY TAKEN FROM THE BOISE RIVER BY THE BOISE RIVER WATERMASTER AS A CREDIT FOR DEVELOPED WATER WHICH WAS MADE AVAILABLE BY THE VARIOUS DRAINAGE DITCHES OF DRAINAGE DISTRICT #2. THE CLAIM FILED HERE IS BASED ON THE SEPT. 10, 1921 APPLICATION, 63-2368, WHICH WAS APPARENTLY NOT FOLLOWED TO COMPLETION AFTER A COURT ORDER IN 1923 WHICH INSTRUCTED THE WATERMASTER TO DELIVER A CERTAIN AMOUNT OF WATER FROM THE BOISE RIVER. THE WATER IS TAKEN FROM THE RIVER THROUGH THE DIVERSION AT THE FARMERS UNION HEADGATE AND DELIVERED THROUGH THE DITCH TO THE VARIOUS ENTITIES HAVING LANDS UNDER THE OLD DRAINAGE DISTRICT ON A PROPORTIONATE BASIS. A LATER LICENSE, 63-2406, A COPY OF WHICH IS ATTACHED, WAS LICENSED FOR 150.0 CFS, FOR ALMOST THE IDENTICAL LAND LIST AS THAT GIVEN FOR THE 1921 APPROVED PERMIT. THE 1921 PERMIT WAS FOR 150.0 CFS AS WELL. THE AMOUNT CLAIMED FOR BOISE VALLEY IRRIGATION DITCH COMPANY'S SHARE IS BASED ON THE 10.03% OF 150.0 CFS SHOWN THE DISTRIBUTION SHEET (DISTRIBUTION OF DRAINAGE WATER TO VARIOUS CANALS), A COPY OF WHICH IS ATTACHED.

Documentation of Ownership of the Current Place of Use

N/A

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

N/A

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Formally irrigated farm land was sold to the school district and has become parking, pavement, and buildings. 26 shares of water is from this use. The other 11 shares of water is part of the 31 shares in the Dry Creek Cemetery which was abandoned on subdivided land previously owned by George Gillis.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Page 5 of 10

IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2

Transfer No. \_\_\_\_\_  
Receipt No. \_\_\_\_\_

Current Water Right No. 63-31197

Priority Date: 06/01/1865

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: BOISE RIVER

Tributary to: SNAKE RIVER

| Beneficial Use  | From  | To    | Diversion Rate | Volume       | Subuse Code |
|-----------------|-------|-------|----------------|--------------|-------------|
| IRRIGATION      | 03/15 | 11/15 | 49.71 CFS      | 10,331.6 AFA |             |
| Total Diversion |       |       | 49.71 CFS      | 10,331.6 AFA |             |

Source and Point(s) of Diversion:

BOISE RIVER NESENE 03N 02E 5 ADA

PLACE OF USE: IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 04N 01E 3   |      |      |      |      |      |      |      |      |      |      |      | 29.0 |      |      | 10.0 |      | 39.0   |
| 04N 01E 10  | 35.0 | 20.0 | 10.0 | 30.0 |      |      |      |      |      |      |      |      | 36.0 | 38.0 | 20.0 | 10.0 | 199.0  |
| 04N 01E 11  |      |      |      |      |      |      |      |      |      |      | 25.0 | 15.0 |      | 5.0  | 12.0 |      | 57.0   |
| 04N 01E 13  |      |      | 5.0  |      |      |      | 30.0 | 20.0 | 2.0  | 35.0 | 30.0 | 23.0 | 20.0 | 6.2  | 8.1  | 25.0 | 204.3  |
| 04N 01E 14  | 5.0  | 25.0 | 38.0 | 38.0 | 35.0 | 35.0 | 15.0 | 18.3 | 24.8 | 23.1 | 38.0 | 32.0 | 37.0 | 39.0 | 35.0 | 38.0 | 476.2  |
| 04N 01E 15  | 37.0 |      |      | 38.0 |      |      |      |      |      |      |      |      |      |      |      |      | 75.0   |
| 04N 01E 23  | 35.0 | 37.0 | 10.0 | 31.0 |      |      |      |      |      |      |      |      | 15.0 |      |      |      | 128.0  |
| 04N 01E 24  | 7.0  | 38.0 | 35.0 | 15.0 | 35.0 | 32.5 | 29.5 | 10.0 | 25.0 | 39.0 | 10.0 | 20.0 |      | 30.0 | 15.0 | 2.0  | 343.0  |
| 04N 01E 25  | 20.0 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 20.0   |
| 04N 01W 1   |      |      |      |      |      | 7.0  | 13.0 |      |      |      |      |      |      |      |      |      | 20.0   |
| 04N 02E 18  |      |      |      |      |      |      |      |      |      |      | 20.0 |      |      |      |      |      | 20.0   |
| 04N 02E 19  | 2.0  | 15.0 | 5.0  | 5.0  | 29.0 | 15.0 | 24.2 | 28.0 | 29.2 | 5.6  | 21.0 | 35.0 | 20.0 | 20.0 | 6.1  | 35.0 | 295.1  |
| 04N 02E 20  |      |      |      |      |      |      |      |      |      |      | 35.0 |      |      |      |      |      | 35.0   |
| 04N 02E 29  |      |      |      |      |      | 15.0 | 20.0 |      |      |      | 25.0 |      |      |      |      |      | 60.0   |
| 04N 02E 30  | 15.0 | 25.0 | 30.0 | 20.4 | 23.0 | 35.0 | 15.0 | 17.0 | 20.0 |      |      |      | 2.4  | 25.0 |      | 5.0  | 232.8  |
| 04N 02E 31  | 3.0  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 3.0    |
| 04N 02E 32  |      |      |      |      | 15.0 | 13.5 | 8.0  | 31.0 | 4.0  |      |      |      |      |      |      |      | 71.5   |
| 05N 01W 33  |      |      |      |      |      |      | 15.0 | 2.0  |      |      |      |      |      |      |      |      | 17.0   |

Total Acres: 2295.9

Page 10 OF 10

IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2

Transfer No. \_\_\_\_\_  
Receipt No. \_\_\_\_\_

Current Water Right No. 63-31197

Conditions/Remarks:

1. The portion of Right 63-31197 used for conveyance losses is 5.94 cfs.

Documentation of Ownership of the Current Place of Use

N/A

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

N/A

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Formally irrigated farm land was sold to the school district and has become parking, pavement, and buildings. 26 shares of water is from this. The other 11 shares of water is part of the 31 shares in the Dry Creek Cemetery which was abandoned on subdivided land previously owned by George Gillis.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2**

Transfer No. \_\_\_\_\_  
Receipt No. \_\_\_\_\_

**Current Water Right No.** 63-2360

Priority Date: 07/19/1921

Origin: Adjudication Claim

Basis: License

Status: Active

**Source:** BOISE RIVER

**Tributary to:** SNAKE RIVER

| <u>Beneficial Use</u> | <u>From To</u>  | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 3/15 11/15      | 1.20 CFS              |               |                    |
|                       | Total Diversion | 1.20 CFS              |               |                    |

Source and Point(s) of Diversion:

BOISE RIVER                      NESENE              03N 02E              5      ADA

PLACE OF USE: IRRIGATION

| Twp Rge Sec | NE |    |            |    | NW |    |            |    | SW |    |    |    | SE |    |            |    | Totals |
|-------------|----|----|------------|----|----|----|------------|----|----|----|----|----|----|----|------------|----|--------|
|             | NE | NW | SW         | SE | NE | NW | SW         | SE | NE | NW | SW | SE | NE | NW | SW         | SE |        |
| 04N 02E 30  |    |    | 10.0<br>LO |    |    |    | 10.0<br>LO |    |    |    |    |    |    |    | 25.0<br>LO |    | 45.0   |

Total Acres: 45

Conditions/Remarks:

- LANDS DESCRIBED AS PLACES OF USE ARE LANDS LICENSED UNDER ECHEV-ERRIA LICENSE AND LIE UNDER THE BVIDCO DITCH. WATER FOR THIS RT. IS DELIVERED BY AGREEMENT THROUGH THE FARMER'S UNION DITCH TO THE BVIDCO CONTROL GATE IN T04N,R02E,SEC.32,NWSWNE, FOR DISTRIBUTION THROUGH THE BOISE VALLEY IRRIGATION DITCH COMPANY DITCH. TRANSFER # 243 FOR THIS RT. TO FARMER'S UNION DIVERSION WAS EXECUTED ON JUNE 30, 1958.

Page

8 OF 10

IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2

Transfer No. \_\_\_\_\_

Receipt No. \_\_\_\_\_

Current Water Right No. 63-2360

Documentation of Ownership of the Current Place of Use

N/A

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

N/A

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

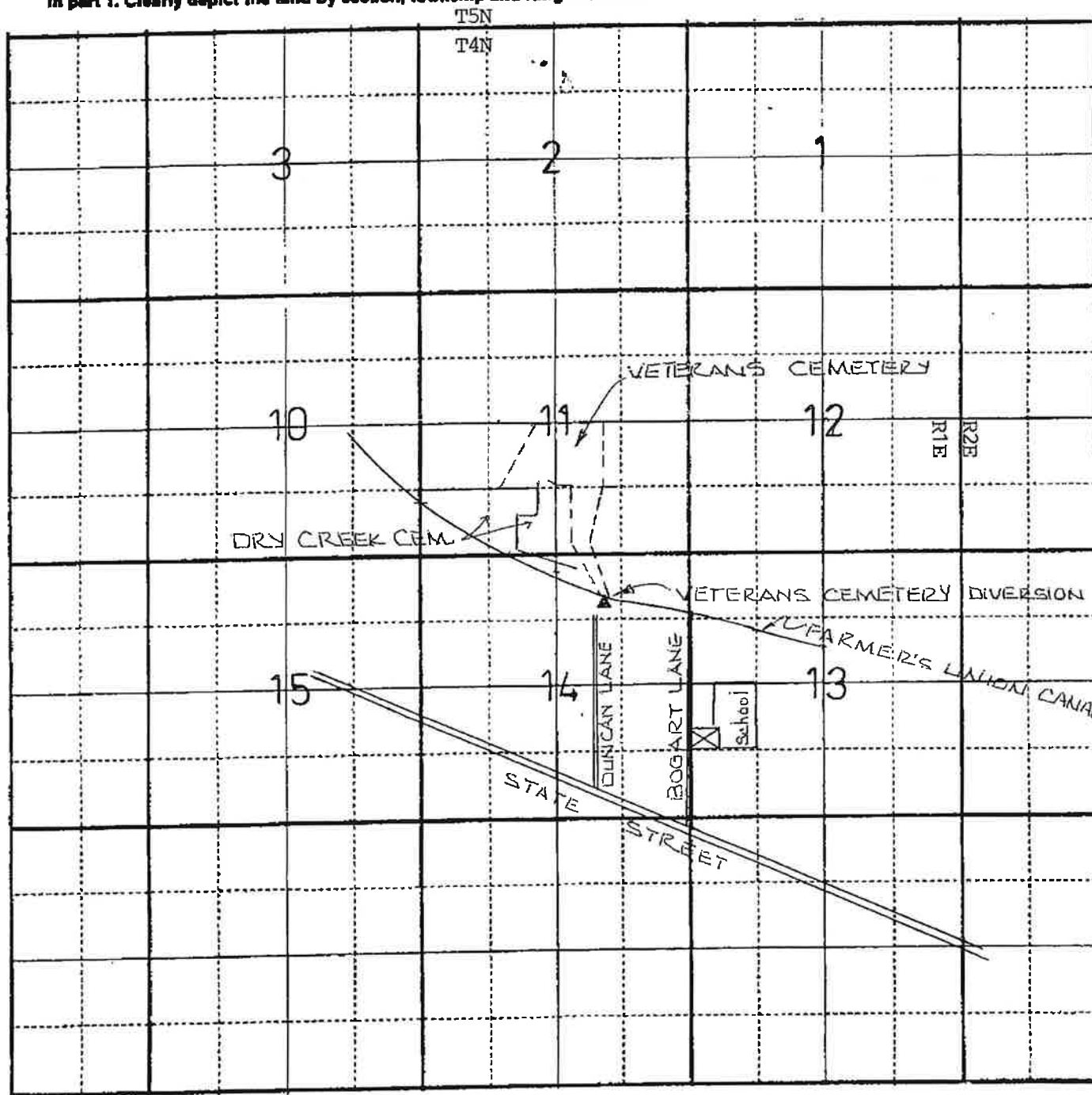
Formally irrigated farm land was sold to the school district and has become parking, pavement, and buildings. 26 shares of water is from this. The other 11 shares of water is part of the 31 shares in the Dry Creek Cemetery which was abandoned on subdivided land previously owned by George Gillis.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

**PART 3****B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to _____      |
|   |                   |                       |                 | to _____      |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Stanley Matlock-President

Pauley Pierce-Office Manager

Jim Monczynski-Board Member

Steve Birsingbine-Board Member

Subscribed and sworn to before me this

Jan. \_\_\_\_\_

day of \_\_\_\_\_

22

, 19 2003

(Signature of Applicant)

(Title)

NOTARY

PUBLIC

My commission expires

11/3/08

(Notary Public)

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by

KL

Date

11/24/03

Protest filed by

Prelim. check by

Fee

\$250.00

Receipted by

Date

Published in

Copies of protest forwarded by

Pub. dates

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on

Recommended for ☐ approval ☐ denial

rec'd.

by

Copy of transfer sent to lien holder

See Purchase order see OAN FOR DETAILS.

DAN 1-27-02

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR WATER TRANSFER

Part I

Item 6c. General Information

The land within the 80-acre expanded boundary of BVID Co. is not all irrigated. There are 25 acres of landscape irrigation planned for the development. See Veterans Cemetery Site Plan. As depicted, the setting of the cemetery will have areas of natural vegetation bordering the developed gravesites, roadways, ceremonial facilities and parking areas. The grave sites will be within a developed and landscaped area of trees and lawn. The ceremonial facilities will be landscaped with trees and shrubs. The parking lots will also be landscaped. These landscaped areas as proposed will have automatic irrigation systems.

The State of Idaho has obtained thirty-seven shares of water from Boise Valley Irrigation Ditch Company to provide water for the above-described landscaped areas. Twenty-six shares of the thirty-seven shares originated from land developed by the Boise School District in Section 13. That previously irrigated land is now under parking lots and buildings occupied by the school built in 1997. See pictures of the existing school and the date of founding on the sign. The remaining eleven shares were conveyed to the State of Idaho with the land that was purchased by the State of Idaho from Dry Creek Cemetery in Section 11. See the copies of the share certificates.

As described above, all of the water obtained for the Veterans Cemetery project has become available from agricultural land that was previously cultivated and irrigated but became developed into a school site and subdivision respectively.

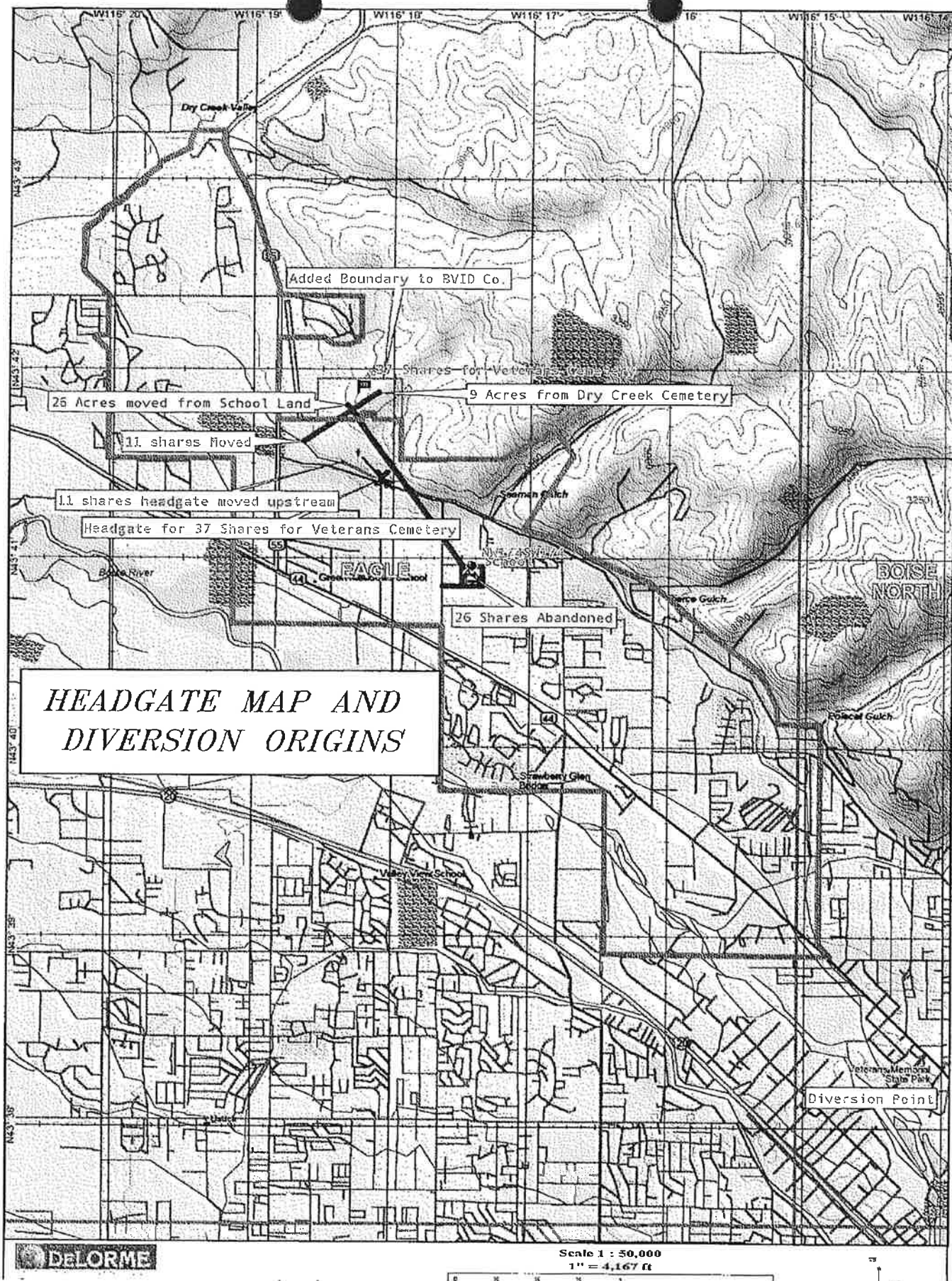
It should be noted that the eleven shares of water, appurtenant to the land obtained from Dry Creek Cemetery, is moving its head gate less than a fourth of a mile upstream on the Farmers Union Canal. These eleven shares will be taken with the twenty-six shares of water at the new diversion point.

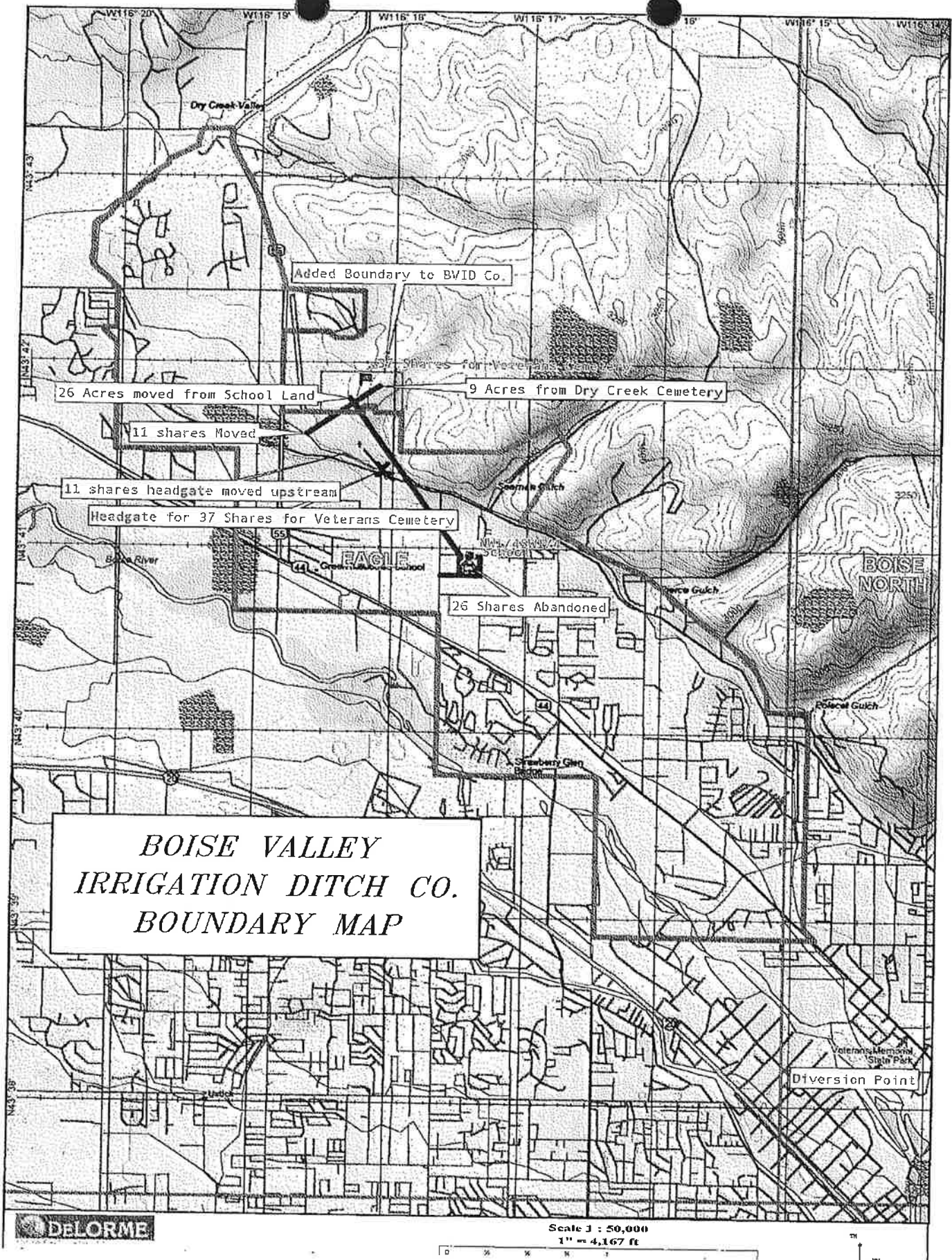
**The southern boundary of the proposed Veterans Cemetery is adjacent to the northern boundary of the Boise Valley Irrigation Ditch Company. It is therefore necessary to request a boundary change for the BVID Co. to encompass the Veterans Cemetery.**

Although the rights have a large diversion rate, we are only irrigating 25 acres and moving 0.74 cfs of these rights. Dan Nelson with the IDWR informed us that we would need only to pay a fee of \$250.00 for the amount of water moved.

VetCemWater.

ATTACHMENT A.





# Legend

| Symbol | Description              |
|--------|--------------------------|
|        | NATURAL / ASHD LANDSCAPE |
|        | FUTURE TRAIL             |
|        | CONTOURS - 5' INTERVAL   |
|        | PURIAL AREAS             |
|        | • GARDEN SITES           |
|        | • LAWN CRYPITS           |
|        | • 5' x 10' GRAVES        |
|        | • COLLEMBER              |

## Master Plan 2002

### IDAHO VETERANS CEMETERY

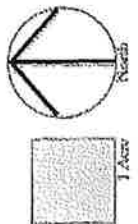
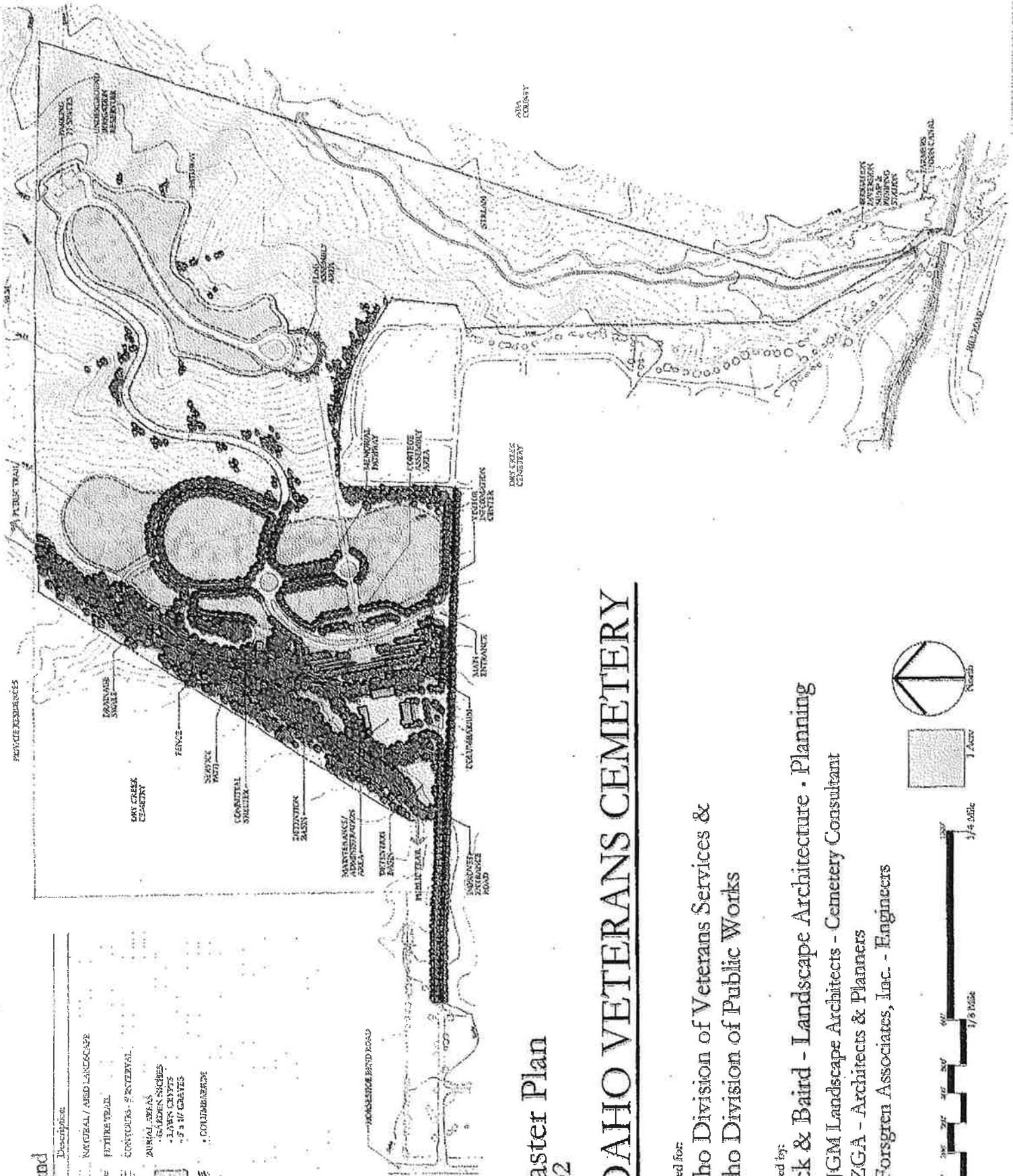
Prepared for:

Idaho Division of Veterans Services &  
Idaho Division of Public Works

Prepared by:

Beck & Baird - Landscape Architecture - Planning  
• JGM Landscape Architects - Cemetery Consultant  
• ZGA - Architects & Planners  
• Forsgren Associates, Inc. - Engineers

ATTACHMENT D



INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

No. 03412

Shares

# Boise Valley Irrigation Ditch Co.

REINCORPORATED MARCH 17, 1933  
CAPITAL STOCK \$30,000.00



State of Idaho, Division of Natural Resources is the owner of  
Eleven Shares of the Capital Stock of

Boise Valley Irrigation Ditch Co.

transferable only on the books of the Corporation by the holder hereof in  
person or by attorney in person or under power of attorney properly endorsed.

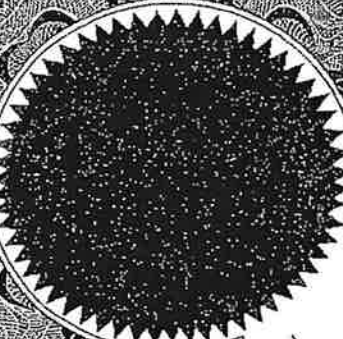
IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed  
by its duly authorized officer, and its Corporate Seal to be hereunto affixed  
this 24 day of June 1933

*Wm. H. Hume*

SECRETARY

*Wm. H. Hume*

PRESIDENT



SHARES

10.00

PAID UP

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

No. 03100

26 Shares

# Boise Valley Irrigation Ditch Co.

REINCORPORATED MARCH 17, 1933  
CAPITAL STOCK \$30,000.00



*State of Idaho, Division of Natural Resources the owner of*  
*Twenty Six Shares 26* Shares of the Capital Stock of

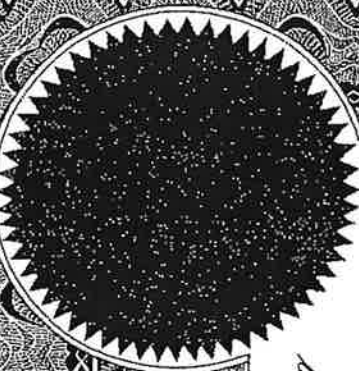
Boise Valley Irrigation Ditch Co.

transferable only in the books of the Corporation by the holder hereof in person or by attorney upon a warrant of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed,  
by its duly authorized officer, and its corporate seal to be hereunto affixed,  
this 29 day of April 1939.

SECRETARY

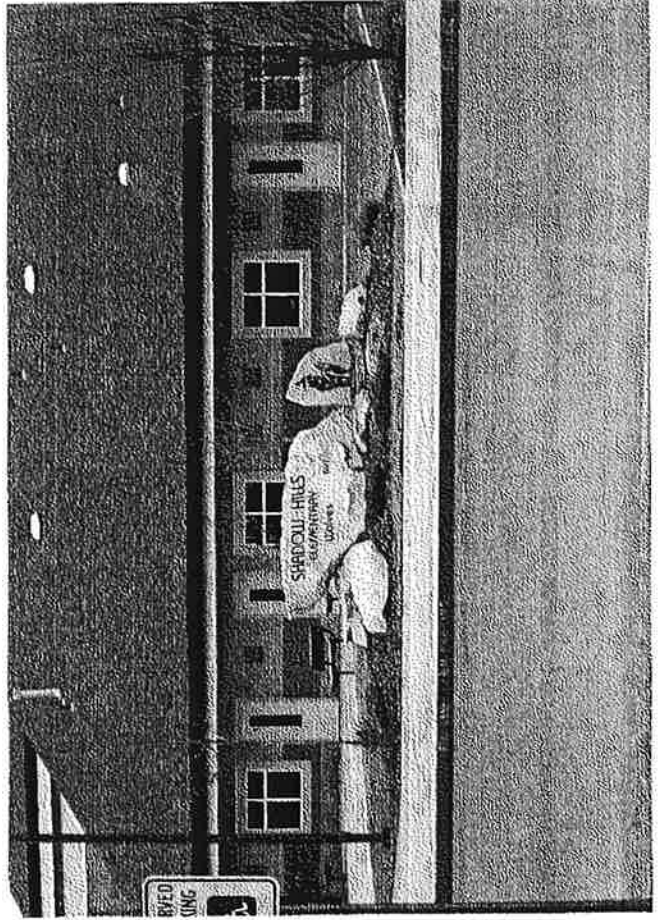
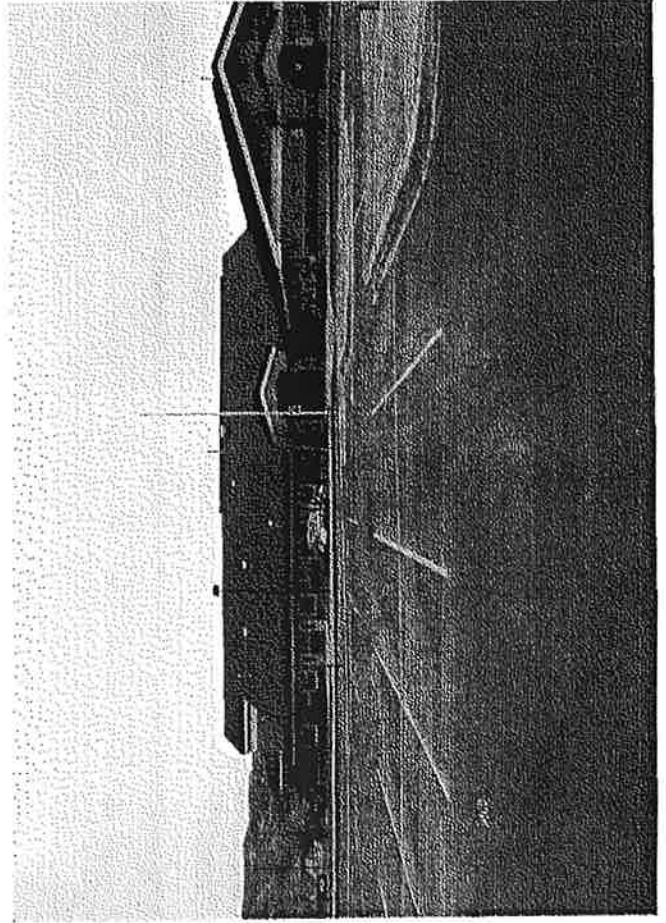
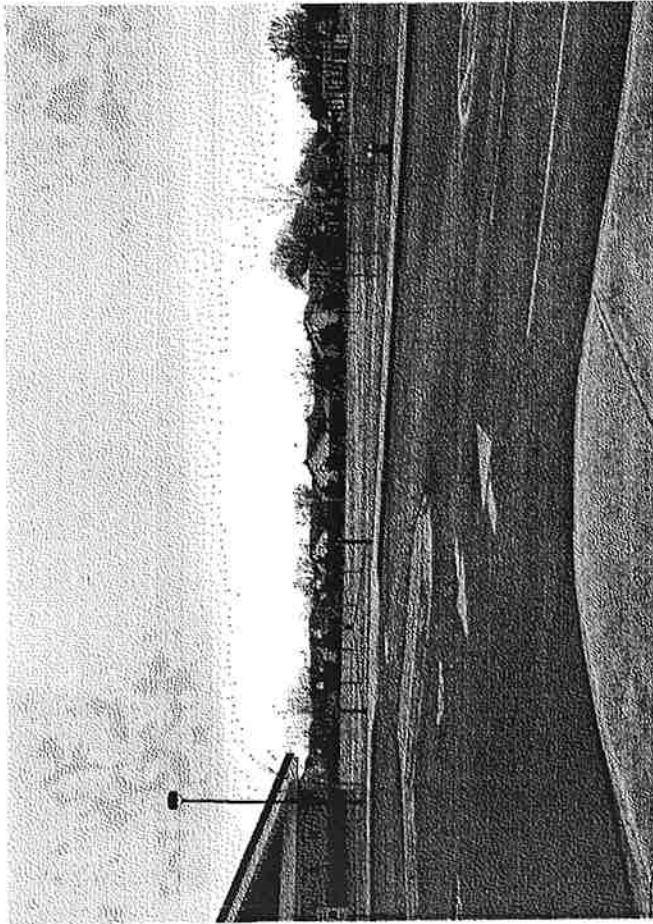
PRESIDENT



SHARES

1000

PAID



Attachment 6.

## Adjudication Claim Report 63-31197

| <u>Owner Type</u> | <u>Name and Address</u>                                                                      |
|-------------------|----------------------------------------------------------------------------------------------|
| Current Owner     | BOISE VALLEY IRRIGATION DITCH CO<br>8750 N BOGART LN<br>BOISE, ID 83703<br>(208)853-5288     |
| Attorney          | RINGERT CLARK<br>CHARLES L HONSINGER<br>PO BOX 2773<br>BOISE, ID 83701-2773<br>(208)342-4591 |

Status: Active

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION              | 03/15 to 11/15          | 49.540 CFS            | 10,296.50 AF         |
| DIVERSION TO STORAGE    | 03/15 to 11/15          | 0.540 CFS             |                      |
| AESTHETIC               | 03/15 to 11/15          | 0.170 CFS             | 14.50 AF             |
| AESTHETIC STORAGE       | 01/01 to 12/31          |                       | 14.50 AF             |
| IRRIGATION STORAGE      | 01/01 to 12/31          |                       | 14.50 AF             |
| IRRIGATION FROM STORAGE | 03/15 to 11/15          |                       | 14.50 AF             |
|                         | <b>Total Diversion:</b> | <b>49.710 CFS</b>     | <b>10,311.00 AF</b>  |

BOISE RIVER NE1/4SE1/4NE1/4 Sec. 5, Twp 03N, Rge 02E, B.M.  
ADA County

## IRRIGATION

| Twp | Rge | Sec | NE          |             |             |             | NW |             |             |            | SW          |             |             |             | SE          |             |             |    |        |
|-----|-----|-----|-------------|-------------|-------------|-------------|----|-------------|-------------|------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|----|--------|
|     |     |     | NE          | NW          | SW          | SE          | NE | NW          | SW          | SE         | NE          | NW          | SW          | SE          | NE          | NW          | SW          | SE | Totals |
| 04N | 01E | 3   |             |             |             |             |    |             |             |            |             |             |             | 29.0<br>L 0 |             |             | 10.0<br>L 0 |    | 39.0   |
| 04N | 01E | 10  | 35.0<br>L 0 | 20.0<br>L 0 | 10.0<br>L 0 | 30.0<br>L 0 |    |             |             |            |             |             |             | 36.0<br>L 0 | 38.0<br>L 0 | 20.0<br>L 0 | 10.0<br>L 0 |    | 199.0  |
| 04N | 01E | 11  |             |             |             |             |    |             |             |            |             | 25.0<br>L 0 | 15.0<br>L 0 |             | 5.0<br>L 0  | 12.0<br>L 0 |             |    | 57.0   |
| 04N | 01E | 13  |             |             | 5.0<br>L 0  |             |    | 30.0<br>L 0 | 20.0<br>L 0 | 2.0<br>L 0 | 35.0<br>L 0 | 30.0<br>L 0 | 23.0<br>L 0 | 20.0<br>L 0 | 6.2<br>L 0  | 8.1<br>L 0  | 25.0<br>L 0 |    | 204.3  |

## Adjudication Claim Report 63-31197

AESTHETIC

## AESTHETIC STORAGE

[illegible]

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31197

## IRRIGATION STORAGE

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 01E | 14  |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |        |

## IRRIGATION FROM STORAGE

| Twp | Rge | Sec | NE          |             |             |             | NW          |             |             |             | SW          |             |             |             | SE          |             |             |             | Totals |
|-----|-----|-----|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------|
|     |     |     | NE          | NW          | SW          | SE          | NE          | NW          | SW          | SE          | NE          | NW          | SW          | SE          | NE          | NW          | SW          | SE          |        |
| 04N | 01E | 3   |             |             |             |             |             |             |             |             |             |             |             | 29.0<br>L 0 |             |             | 10.0<br>L 0 |             | 39.0   |
| 04N | 01E | 10  | 35.0<br>L 0 | 20.0<br>L 0 | 10.0<br>L 0 | 30.0<br>L 0 |             |             |             |             |             |             |             | 36.0<br>L 0 | 38.0<br>L 0 | 20.0<br>L 0 | 10.0<br>L 0 |             | 199.0  |
| 04N | 01E | 11  |             |             |             |             |             |             |             |             | 25.0<br>L 0 | 15.0<br>L 0 |             |             | 5.0<br>L 0  | 12.0<br>L 0 |             |             | 57.0   |
| 04N | 01E | 13  |             | 5.0<br>L 0  |             |             | 30.0<br>L 0 | 20.0<br>L 0 | 2.0<br>L 0  | 35.0<br>L 0 | 30.0<br>L 0 | 23.0<br>L 0 | 20.0<br>L 0 | 6.2<br>L 0  | 8.1<br>L 0  | 25.0<br>L 0 |             |             | 204.3  |
| 04N | 01E | 14  | 5.0<br>L 0  | 25.0<br>L 0 | 38.0<br>L 0 | 38.0<br>L 0 | 35.0<br>L 0 | 35.0<br>L 0 | 15.0<br>L 0 | 18.3<br>L 0 | 24.8<br>L 0 | 23.7<br>L 0 | 38.0<br>L 0 | 32.0<br>L 0 | 37.0<br>L 0 | 39.0<br>L 0 | 35.0<br>L 0 | 38.0<br>L 0 | 476.8  |
| 04N | 01E | 15  | 37.0<br>L 0 |             |             | 38.0<br>L 0 |             |             |             |             |             |             |             |             |             |             |             |             | 75.0   |
| 04N | 01E | 23  | 35.0<br>L 0 | 37.0<br>L 0 | 10.0<br>L 0 | 35.0<br>L 0 |             |             |             |             |             |             |             | 15.0<br>L 0 |             |             |             |             | 132.0  |
| 04N | 01E | 24  | 7.0<br>L 0  | 38.0<br>L 0 | 35.0<br>L 0 | 15.0<br>L 0 | 35.0<br>L 0 | 32.5<br>L 0 | 35.0<br>L 0 | 10.0<br>L 0 | 25.0<br>L 0 | 39.0<br>L 0 | 10.0<br>L 0 | 20.0<br>L 0 |             | 30.0<br>L 0 | 15.0<br>L 0 | 15.0<br>L 0 | 361.5  |
| 04N | 01E | 25  | 20.0<br>L 0 |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             | 20.0   |
| 04N | 01W | 1   |             |             |             |             | 7.0<br>L 0  | 13.0<br>L 0 |             |             |             |             |             |             |             |             |             |             | 20.0   |
| 04N | 02E | 18  |             |             |             |             |             |             |             |             | 20.0<br>L 0 |             |             |             |             |             |             |             | 20.0   |
| 04N | 02E | 19  | 2.0<br>L 0  | 15.0<br>L 0 | 5.0<br>L 0  | 5.0<br>L 0  | 29.0<br>L 0 | 15.0<br>L 0 | 30.0<br>L 0 | 28.0<br>L 0 | 30.0<br>L 0 | 8.6<br>L 0  | 21.0<br>L 0 | 35.0<br>L 0 | 20.0<br>L 0 | 20.0<br>L 0 | 6.1<br>L 0  | 35.0<br>L 0 | 304.7  |
| 04N | 02E | 20  |             |             |             |             |             |             |             |             |             | 35.0<br>L 0 |             |             |             |             |             |             | 35.0   |
| 04N | 02E | 29  |             |             |             |             | 15.0<br>L 0 | 20.0<br>L 0 |             |             |             | 25.0<br>L 0 |             |             |             |             |             |             | 60.0   |
| 04N | 02E | 30  | 15.0<br>L 0 | 25.0<br>L 0 | 30.0<br>L 0 | 20.4<br>L 0 | 30.0<br>L 0 | 35.0<br>L 0 | 15.0<br>L 0 | 25.0<br>L 0 | 20.0<br>L 0 |             |             | 2.4<br>L 0  | 25.0<br>L 0 |             | 5.0<br>L 0  |             | 247.8  |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 63-31197

|            |              |                                                   |                         |  |  |      |
|------------|--------------|---------------------------------------------------|-------------------------|--|--|------|
| 04N 02E 31 | 3.0<br>  L 0 |                                                   |                         |  |  | 3.0  |
| 04N 02E 32 |              | 15.0 13.5 8.0 31.0  4.0<br>  L 0 L 0 L 0 L 0  L 0 |                         |  |  | 71.5 |
| 05N 01W 33 |              |                                                   | 15.0  2.0<br>  L 0  L 0 |  |  | 17.0 |

Total Acres: 2343.6

DIVERSION TO STORAGE same as IRRIGATION FROM STORAGEConditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
2. R43 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.
3. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:

1. Explanatory The portion of Right 63-31197 used for conveyance losses is 5.94 cfs.
2. General Approval of Transfer 66743 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
3. General Approval of Transfer 66743 is not a confirmation of the validity of this water right and does not preclude the opportunity for review in the ongoing Snake River Basin Adjudication.

Comments:

1. pskaggs 9/17/2001 1:54:24 PM Transferred Right  
Comment: This is now an approved transfer, transfer number = 66743

Dates and Other Information:

Claim Received Date:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 State or Federal:  
 Owner Name Connector:  
 Water District Number: 63  
 Generic Max Rate Per Acre: 0.02  
 Generic Max Volume Per Acre: 4.5  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

**WATER RIGHT NO. 63-31197**  
**As Modified by Transfer No. 66743**

In accordance with the approval of Transfer No. 66743, Water Right No. 63-31197 is now described as follows.

**Right Holder:** BOISE VALLEY IRRIGATION DITCH CO  
 6051 ROE ST  
 BOISE ID 83703

**Priority Date:** 06/01/1865

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <u>BENEFICIAL USE</u>   | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u>      |
|-------------------------|-------------|-----------|-----------------------|--------------------|
| IRRIGATION              | 03/15 to    | 11/15     | 49.54 CFS             | 10,296.5 AF        |
| AESTHETIC               | 03/15 to    | 11/15     | 0.17 CFS              | 14.5 AF            |
| DIVERSION TO STORAGE    | 03/15 to    | 11/15     | 0.54 CFS              |                    |
| AESTHETIC STORAGE       | 01/01 to    | 12/31     |                       | 14.5 AF            |
| IRRIGATION STORAGE      | 01/01 to    | 12/31     |                       | 14.5 AF            |
| IRRIGATION FROM STORAGE | 03/15 to    | 11/15     |                       | 14.5 AF            |
|                         |             |           | <u>49.71 CFS</u>      | <u>10,311.0 AF</u> |

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER

NESENE Sec. 5 Twp 03N Rge 02E ADA County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 04N 01E 3   |      |      |      |      |      |      |      |      |      |      |      | 29.0 |      |      | 10.0 |      | 39.0   |
| 04N 01E 10  | 35.0 | 20.0 | 10.0 | 30.0 |      |      |      |      |      |      |      |      | 36.0 | 38.0 | 20.0 | 10.0 | 199.0  |
| 04N 01E 11  |      |      |      |      |      |      |      |      |      |      | 25.0 | 15.0 |      | 5.0  | 12.0 |      | 57.0   |
| 04N 01E 13  |      |      | 5.0  |      |      |      | 30.0 | 20.0 | 2.0  | 35.0 | 30.0 | 23.0 | 20.0 | 6.2  | 8.1  | 25.0 | 204.3  |
| 04N 01E 14  | 5.0  | 25.0 | 38.0 | 38.0 | 27.2 | 35.0 | 15.0 | 18.3 | 24.8 | 23.1 | 38.0 | 32.0 | 37.0 | 39.0 | 35.0 | 38.0 | 468.4  |
| 04N 01E 15  | 37.0 |      |      | 38.0 |      |      |      |      |      |      |      |      |      |      |      |      | 75.0   |
| 04N 01E 23  | 35.0 | 37.0 | 10.0 | 31.0 |      |      |      |      |      |      |      |      | 15.0 |      |      |      | 128.0  |
| 04N 01E 24  | 7.0  | 38.0 | 35.0 | 15.0 | 35.0 | 32.5 | 29.5 | 10.0 | 25.0 | 39.0 | 10.0 | 20.0 |      | 30.0 | 15.0 | 2.0  | 343.0  |
| 04N 01E 25  | 20.0 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 20.0   |
| 04N 01W 1   |      |      |      |      |      | 7.0  | 13.0 |      |      |      |      |      |      |      |      |      | 20.0   |
| 04N 02E 18  |      |      |      |      |      |      |      |      |      |      | 20.0 |      |      |      |      |      | 20.0   |
| 04N 02E 19  | 2.0  | 15.0 | 5.0  | 5.0  | 29.0 | 15.0 | 24.2 | 28.0 | 29.2 | 5.6  | 21.0 | 35.0 | 20.0 | 20.0 | 6.1  | 35.0 | 295.1  |
| 04N 02E 20  |      |      |      |      |      |      |      |      |      |      | 35.0 |      |      |      |      |      | 35.0   |

**WATER RIGHT NO. 63-31197**  
**As Modified by Transfer No. 66743**

**PLACE OF USE: IRRIGATION**

|                     |      |      |      |      |      |      |      |      |      |      |  |     |      |     |       |
|---------------------|------|------|------|------|------|------|------|------|------|------|--|-----|------|-----|-------|
| 04N 02E 29          |      |      |      |      |      | 15.0 | 20.0 |      |      | 25.0 |  |     |      |     | 60.0  |
| 04N 02E 30          | 15.0 | 25.0 | 30.0 | 20.4 | 23.0 | 35.0 | 15.0 | 17.0 | 20.0 |      |  | 2.4 | 25.0 | 5.0 | 232.8 |
| 04N 02E 31          | 3.0  |      |      |      |      |      |      |      |      |      |  |     |      |     | 3.0   |
| 04N 02E 32          |      |      |      |      | 15.0 | 13.5 | 8.0  | 31.0 | 4.0  |      |  |     |      |     | 71.5  |
| 05N 01W 33          |      |      |      |      |      |      |      | 15.0 | 2.0  |      |  |     |      |     | 17.0  |
| Total Acres: 2288.1 |      |      |      |      |      |      |      |      |      |      |  |     |      |     |       |

**PLACE OF USE: AESTHETIC**

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N 01E 14  |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE: AESTHETIC STORAGE**

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N 01E 14  |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE: IRRIGATION STORAGE**

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N 01E 14  |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE: IRRIGATION FROM STORAGE**

| Twp Rge Sec | NE |    |    |    | NW   |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|------|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE   | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N 01E 14  |    |    |    |    | 17.2 |    |    |    |    |    |    |    |    |    |    |    | 17.2   |

Total Acres: 17.2

**WATER RIGHT NO. 63-31197**  
**As Modified by Transfer No. 66743**

**CONDITIONS OF APPROVAL**

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
2. 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.
3. The portion of Right 63-31197 used for conveyance losses is 5.94 cfs.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. Approval of Transfer 66743 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of Transfer 66743 is not a confirmation of the validity of this water right and does not preclude the opportunity for review in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17<sup>th</sup> day of Sept, 2001

  
Chief, Water Allocation Bureau

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 66743

RECEIVED

SEP 18 2001

WATER RESOURCES  
WESTERN REGION

This is to certify that: BOISE VALLEY IRRIGATION DITCH CO  
6051 ROE ST  
BOISE ID 83703  
(208)853-5288

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acres</u> | <u>Total</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|---------------|
| 63-31197     | AJC/Decreed         | 06/01/1865      | 49.71 cfs   | 10331.6 af    |              | 2,295.9      | BOISE RIVER   |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-31197              | NO           | NO         | NO         | NO             | YES                  | YES                  |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-31197              | 63-31197                         | 49.71 cfs            | 10311af                | 2,288.1           | 2,288.1            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>TOTALS</b>         |                                  | <b>49.71 cfs</b>     | <b>10311af</b>         | <b>2,288.1</b>    | <b>2,288.1</b>     |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this

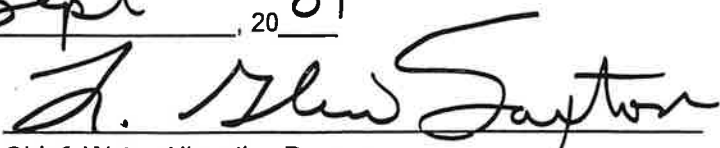
17<sup>th</sup>

day of

Sept

20

01

  
Chief, Water Allocation Bureau

Page 1 of 6STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 5322  
66743

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant Boise Valley Irrigation Ditch Co. Phone 342-7136  
Post Office address 4822 W. Alamosa Boise, ID 83703

## A. PURPOSE OF TRANSFER

☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use☒ Change nature of use ☒ Change period of use ☐ Other \_\_\_\_\_describe the reason for the proposed changes To provide more efficient way to use  
companion water at proposed city sportsplex site. Will include  
construction of a pond to be filled by shares of companion water  
associated with this land. Redwood # of acres will be irrigated.  
Water will be delivered during irrigation season.

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

| 1. Right Number | Priority        | Amount<br>(cfs/ac-ft)     | Nature<br>of Use | Period of Use |
|-----------------|-----------------|---------------------------|------------------|---------------|
| <u>63-0147A</u> | <u>6/1/1865</u> | <u>See attachment "B"</u> |                  |               |
|                 |                 |                           |                  |               |
|                 |                 |                           |                  |               |
|                 |                 | <u>537</u>                |                  |               |
|                 |                 | <u>485</u>                |                  |               |

2. Total amount of water being transferred 485 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.3. Source of water Boise River tributary to Snake River4. Point(s) of Diversion: No change in P/O

| Lot | ¼         | ¼         | ¼         | Sec.      | Twp.      | Rge.      | County     | Local name for diversion               |
|-----|-----------|-----------|-----------|-----------|-----------|-----------|------------|----------------------------------------|
|     | <u>NE</u> | <u>SE</u> | <u>NW</u> | <u>32</u> | <u>4N</u> | <u>2E</u> | <u>Ada</u> | <u>Boise Valley diversion dam</u>      |
|     |           |           |           |           |           |           |            | <u>&amp; headgate on Farmers Union</u> |
|     |           |           |           |           |           |           |            | <u>Canal - see attachment</u>          |
|     |           |           |           |           |           |           |            | <u>"C"</u>                             |

## 5. Lands irrigated or place of use:

| Twp.      | Rge.      | Sec.      | NE ¼ |      |      |      | NW ¼                                     |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals      |
|-----------|-----------|-----------|------|------|------|------|------------------------------------------|------|------|------|------|------|------|------|------|------|------|------|-------------|
|           |           |           | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼                                     | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |             |
| <u>4N</u> | <u>1E</u> | <u>14</u> |      |      |      |      | <u>17.2</u>                              |      |      |      |      |      |      |      |      |      |      |      | <u>17.2</u> |
|           |           |           |      |      |      |      | <u>J</u>                                 |      |      |      |      |      |      |      |      |      |      |      |             |
|           |           |           |      |      |      |      | <u>No change in place of use</u>         |      |      |      |      |      |      |      |      |      |      |      |             |
|           |           |           |      |      |      |      | <u>but will irrigate from 25 to 17.2</u> |      |      |      |      |      |      |      |      |      |      |      |             |
|           |           |           |      |      |      |      | <u>reduce</u>                            |      |      |      |      |      |      |      |      |      |      |      |             |
|           |           |           |      |      |      |      | <u>acres as shown here.</u>              |      |      |      |      |      |      |      |      |      |      |      |             |

Total acres 17.2

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

**1. Right evidenced by:**

- a. Decree No. \_\_\_\_\_ Decreed to Boise Valley Irrigation Dist Co.  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

**2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:**

☐ Tax Notice

☒ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water Boise Water tributary to Snake River

4. Date or priority 6/1/1885

**5. Water is used for the following purpose:**

amount 54.58 for irrigation purposes from 3/15 to 11/15  
(cfs/ac-ft) 50.61 for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft) 50.61

6. Total amount of water under right 54.58 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

**7. Point(s) of Diversion:**

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion                                                        |
|-----|-----|-----|-----|------|------|------|--------|---------------------------------------------------------------------------------|
|     | NE  | SE  | NW  | 32   | 4N   | 2E   | Ada    | Boise Valley diversion dam & headgate on Fanness Union Canal - see attachment C |
|     |     |     |     |      |      |      |        |                                                                                 |
|     |     |     |     |      |      |      |        |                                                                                 |

**8. Lands irrigated or place of use:**

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals. |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |

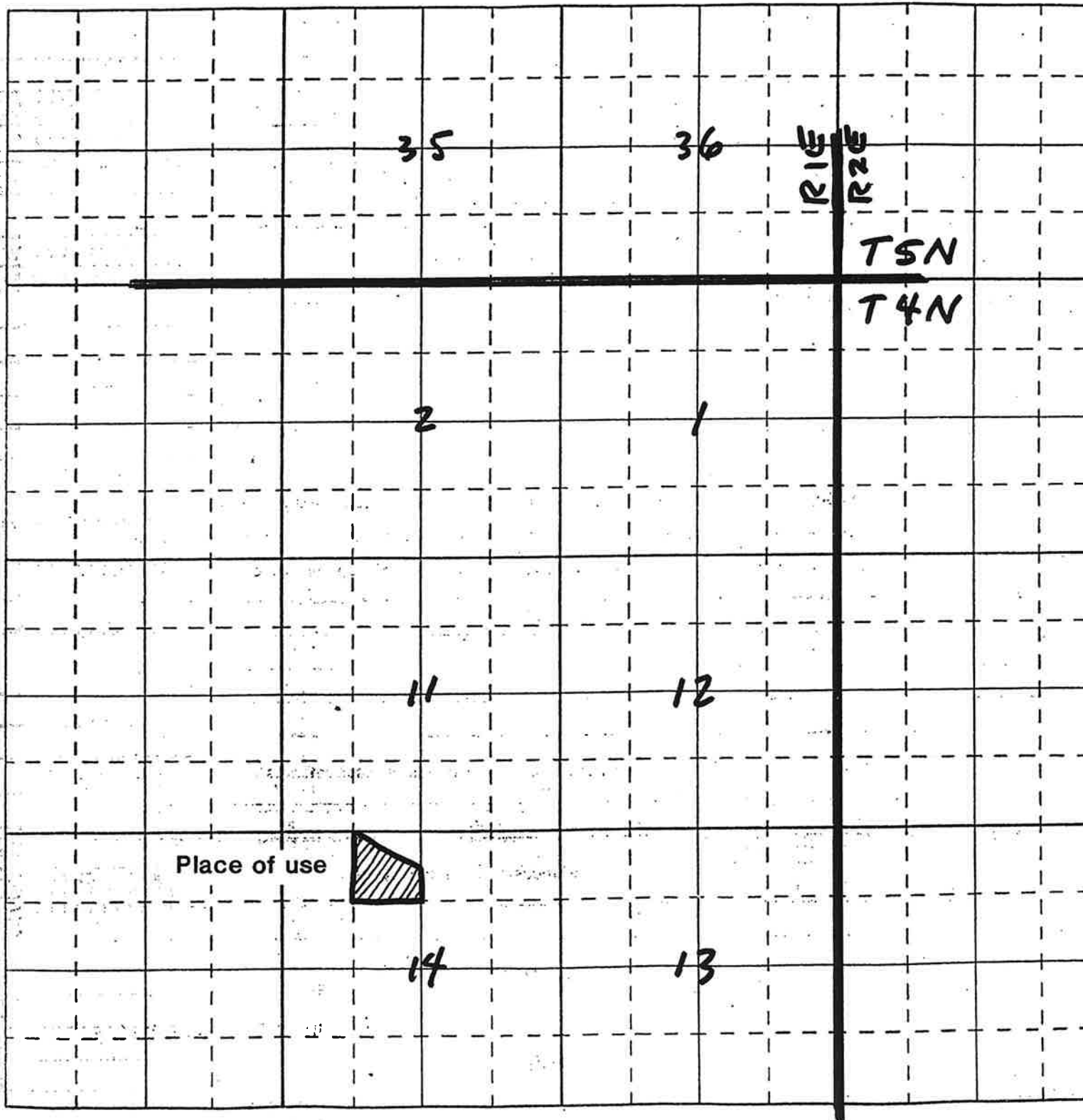
For irrigation of lands  
within Boise Valley boundaries.

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

346 24-2

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**WATER RIGHT PROFILE REPORT**

DATE: 09/01/98  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS                                                                            | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME     |
|---------------|-------------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|-------------------------|
| C             | BOISE VALLEY IRRIGATION DITCH CO<br>4822 ALAMOSA<br>BOISE ID 83703-4332<br>(208) 342-7136 | 06/01/1865       | IRRIGATION | 03/15 11/15           | 50.610 CFS        | 10546.20 AFA            |
|               |                                                                                           |                  |            |                       | TOTAL DIVERSION:  | 50.610 CFS 10546.20 AFA |

**Stage: DECREED**

**ADA County**

Point of Diversion Name(s):

|      |      |     |       | Name                | Rate | Number |
|------|------|-----|-------|---------------------|------|--------|
| T03N | R02E | S05 | SE NE | FARMERS UNION CANAL |      |        |

Place of use Legal Description for: IRRIGATION

|             |     |     |      |     |      |     |      |     |      |     |     | NE   |     |      |     | NW   |     |      |     | SW  |      |     |      | SE  |      |     |      |    |     |      |     |      |     |      |     |      |       |       |      |
|-------------|-----|-----|------|-----|------|-----|------|-----|------|-----|-----|------|-----|------|-----|------|-----|------|-----|-----|------|-----|------|-----|------|-----|------|----|-----|------|-----|------|-----|------|-----|------|-------|-------|------|
|             |     |     | NENE |     | NWNE |     | SWNE |     | SENE |     | :   | NENW |     | NWNW |     | SWNW |     | SENW |     | :   | NESW |     | NWSW |     | SWSW |     | SESW |    | :   | NESE |     | NWSE |     | SWSE |     | SESE |       | :     |      |
| T           | R   | S   | :    | Lt  | Ac   | Lt  | Ac   | Lt  | Ac   | Lt  | Ac  | :    | Lt  | Ac   | Lt  | Ac   | Lt  | Ac   | Lt  | Ac  | :    | Lt  | Ac   | Lt  | Ac   | Lt  | Ac   | :  | Lt  | Ac   | Lt  | Ac   | Lt  | Ac   | Lt  | Ac   | :     | SUM   |      |
| ---         | --- | --- | :    | --- | ---  | --- | ---  | --- | ---  | --- | --- | :    | --- | ---  | --- | ---  | --- | ---  | --- | --- | :    | --- | ---  | --- | ---  | --- | ---  | :  | --- | ---  | --- | ---  | --- | ---  | --- | ---  | ---   | :     | ---  |
| 04N         | 01E | 3   | :    |     |      |     |      |     |      |     |     | :    |     |      |     |      |     |      |     |     | :    |     |      |     |      |     |      | :  |     |      |     |      |     |      |     |      |       | :     | 39.0 |
| 04N         | 01E | 10  | :    | 35  |      | 20  |      | 10  |      | 30  |     | :    |     |      |     |      |     |      |     |     | :    |     |      |     |      |     |      | :  | 36  | 38   | 20  |      | 10  |      |     |      | :     | 199.0 |      |
| 04N         | 01E | 11  | :    |     |      |     |      |     |      |     |     | :    |     |      |     |      |     |      |     |     | :    |     |      |     | 25   | 15  |      | :  |     | 05   | 12  |      |     |      |     |      | :     | 57.0  |      |
| 04N         | 01E | 13  | :    |     |      |     |      | 05  |      |     |     | :    |     |      |     | 30   |     | 20   |     |     | :    | 02  | 35   | 30  | 23   |     | :    | 20 | 06  | 08   |     | 25   |     |      |     | :    | 204.3 |       |      |
| 04N         | 01E | 14  | :    | 05  |      | 25  |      | 38  |      | 38  |     | :    | 35  | 35   |     | 15   |     | 18   |     |     | :    | 24  | 23   | 38  | 32   |     | :    | 37 | 39  | 35   |     | 38   |     |      |     | :    | 476.8 |       |      |
| 04N         | 01E | 15  | :    | 37  |      |     |      |     |      | 38  |     | :    |     |      |     |      |     |      |     |     | :    |     |      |     |      |     | :    |    |     |      |     |      |     |      |     |      | :     | 75.0  |      |
| 04N         | 01E | 23  | :    | 35  |      | 37  |      | 10  |      | 35  |     | :    |     |      |     |      |     |      |     |     | :    |     |      |     |      |     | :    | 15 |     |      |     |      |     |      |     |      | :     | 132.0 |      |
| 04N         | 01E | 24  | :    | 07  |      | 38  |      | 35  |      | 15  |     | :    | 35  | 32   |     | 35   |     | 10   |     |     | :    | 25  | 39   | 10  | 20   |     | :    |    | 30  | 15   |     | 15   |     |      |     | :    | 361.5 |       |      |
| 04N         | 01E | 25  | :    | 20  |      |     |      |     |      |     |     | :    |     |      |     |      |     |      |     |     | :    |     |      |     |      |     | :    |    |     |      |     |      |     |      |     |      | :     | 20.0  |      |
| 04N         | 02E | 18  | :    |     |      |     |      |     |      |     |     | :    |     |      |     |      |     |      |     |     | :    |     |      |     | 20   |     | :    |    |     |      |     |      |     |      |     |      | :     | 20.0  |      |
| 04N         | 02E | 19  | :    | 02  |      | 15  |      | 05  |      | 05  |     | :    | 29  | 15   |     | 30   |     | 28   |     |     | :    | 30  | 08   | 21  | 35   |     | :    | 20 | 20  | 06   |     | 35   |     |      |     | :    | 304.7 |       |      |
| 04N         | 02E | 20  | :    |     |      |     |      |     |      |     |     | :    |     |      |     |      |     |      |     |     | :    |     |      |     | 35   |     | :    |    |     |      |     |      |     |      |     |      | :     | 35.0  |      |
| 04N         | 02E | 29  | :    |     |      |     |      |     |      |     |     | :    |     |      | 15  |      | 20  |      |     |     | :    |     |      |     | 25   |     | :    |    |     |      |     |      |     |      |     |      | :     | 60.0  |      |
| 04N         | 02E | 30  | :    | 15  |      | 25  |      | 30  |      | 20  |     | :    | 30  | 35   |     | 15   |     | 25   |     |     | :    | 20  |      |     |      |     | :    | 02 | 25  |      |     | 05   |     |      |     | :    | 247.8 |       |      |
| 04N         | 02E | 31  | :    | 03  |      |     |      |     |      |     |     | :    |     |      |     |      |     |      |     |     | :    |     |      |     |      |     | :    |    |     |      |     |      |     |      |     |      | :     | 3.0   |      |
| 04N         | 02E | 32  | :    |     |      |     |      |     |      |     |     | :    | 15  | 13   |     | 08   |     | 31   |     |     | :    | 04  |      |     |      |     | :    |    |     |      |     |      |     |      |     | :    | 71.5  |       |      |
| 04N         | 01W | 1   | :    |     |      |     |      |     |      |     |     | :    |     |      | 07  |      | 13  |      |     |     | :    |     |      |     |      |     | :    |    |     |      |     |      |     |      |     |      | :     | 20.0  |      |
| 05N         | 01W | 33  | :    |     |      |     |      |     |      |     |     | :    |     |      |     |      |     | 15   |     |     | :    | 02  |      |     |      |     | :    |    |     |      |     |      |     |      |     |      | :     | 17.0  |      |
| TOTAL ACRES |     |     |      |     |      |     |      |     |      |     |     |      |     |      |     |      |     |      |     |     |      |     |      |     |      |     |      |    |     |      |     |      |     |      |     |      |       |       |      |
| 2343.6      |     |     |      |     |      |     |      |     |      |     |     |      |     |      |     |      |     |      |     |     |      |     |      |     |      |     |      |    |     |      |     |      |     |      |     |      |       |       |      |

**Pou County: ADA**

**Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):**

|          |           |          |           |          |          |           |          |          |          |
|----------|-----------|----------|-----------|----------|----------|-----------|----------|----------|----------|
| 63-00135 | 63-00139  | 63-00140 | 63-00141  | 63-00142 | 63-00143 | 63-00170B | 63-00176 | 63-00210 | 63-00211 |
| 63-00212 | 63-00214B | 63-00215 | 63-00216B | 63-00217 | 63-00218 | 63-00219  | 63-00221 | 63-00250 | 63-02387 |
| 63-02892 | 63-02895  | 63-07805 | 63-08186  |          |          |           |          |          |          |

**Other Water Rights Listing Overlapping Place(s) of use:**

63-00161J 63-00164D 63-00165E 63-00165F 63-00165H 63-02047 63-02058 63-02360 63-02406 63-02683

Other Water Rights Listing Overlapping Place(s) of use:

|          |          |          |          |          |          |          |          |          |          |
|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 63-02834 | 63-02870 | 63-03177 | 63-03290 | 63-03463 | 63-03480 | 63-03568 | 63-03579 | 63-04026 | 63-04031 |
| 63-04149 | 63-04151 | 63-04162 | 63-04232 | 63-04265 | 63-04346 | 63-04347 | 63-04348 | 63-04592 | 63-04605 |
| 63-04651 | 63-04743 | 63-04808 | 63-04824 | 63-04829 | 63-05346 | 63-05347 | 63-07012 | 63-07216 | 63-07279 |
| 63-07362 | 63-07399 | 63-07464 | 63-07605 | 63-07609 | 63-07739 | 63-07838 | 63-07972 | 63-07985 | 63-07986 |
| 63-08099 | 63-08584 | 63-09021 | 63-09145 | 63-09211 | 63-09248 | 63-09690 | 63-09895 | 63-10056 | 63-10119 |
| 63-10123 | 63-10296 | 63-10326 | 63-10359 | 63-10394 | 63-10599 | 63-10736 | 63-10758 | 63-10847 | 63-10878 |
| 63-10899 | 63-10938 | 63-11075 | 63-11105 | 63-11387 | 63-11413 | 63-11487 | 63-11509 | 63-11810 | 63-12261 |
| 63-12344 |          |          |          |          |          |          |          |          |          |

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the  
- watermaster of State Water District No. 63.
- R43 - 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.
- R32 - This right when combined with all other rights shall provide no  
- more than .02 cfs per acre nor more than 4.5 afa per acre for  
- irrigation of the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or  
- easement for use of a delivery system owned by person(s) other  
- than the right owner.
- T07 - The right holder shall accomplish the change authorized by this  
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this  
- transfer is cause for the Director to rescind approval of the  
- transfer.
- T09 - Approval of this transfer does not preclude the opportunity for  
- review of the validity of the water right(s) in the ongoing  
- Snake River Basin Adjudication.

Dates: App. Received: Priority Date: 06/01/1865  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: 63 Field Exam Fee:

Comments: Date: 07/11/1994 User-ID: CHODGES Subject: TRANSFER NO. 4381  
Transfer filed 6/8/94 to modify place of use and nature of use  
of 15 acres irrigation per sale and transfer of Boise Valley  
Irrigation Ditch Co. shares.  
Following review of the proposed change, approval represents  
transfer of acres within the BVID Co. system.

Date: 01/23/1998 User-ID: PSKAGGS Subject: TRANSFER 5119  
Transfer 5119 changes the point of diversion & place of use under  
a portion of Right 63-00147, splitting the right into Parts A & B.



A Pioneer Company

**PIONEER TITLE COMPANY**  
 OF ADA COUNTY

821 West State Street / Boise, Idaho 83702-5836 / Telephone (208) 336-6700

 AD ORDER  
 J. D. BLOCH  
 BOISE ID

PIONEER TITLE

94 DEC 15 PM 1 18

FEE \$18.00

RECO.

9.00

RECEIVED OF

D Hall

**WARRANTY DEED**

(CORPORATE FORM)

PATTEN DAIRY FARMS, INC.

organized and existing under the laws of the State of Idaho, with its principal office at 8850 HIGHWAY 55 BOISE, ID 83703

grantor, hereby CONVEYS or GRANTS and WARRANTS TO THE CITY OF BOISE, A MUNICIPAL CORPORATION, of County of ADA, State of Idaho,

of 150 N. CAPITOL, BOISE, ID 83702  
TEN DOLLARS AND NO/100grantee  
for the sum of

DOLLARS,

the following described tract(s) of land in ADA County, State of Idaho:  
THE THE ATTACHED EXHIBIT "A" WHICH BY THIS REFERENCE IS INCORPORATED HEREIN.

REVIEWED AND APPROVED BY:

H. BRENT COLES, MAYOR

Location of above described property APPROX. 25 ACRES IN NE 1/4, NW 1/4, S 14, T 4 N, R 1 E  
House No. Street

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 15 day of December, A.D. 19 94

PATTEN DAIRY FARMS, INC.

(CORPORATE NAME)

By:

JOHN W. PATTEN

PRESIDENT

Attest:

SECRETARY

STATE OF IDAHO, County of ADA, ss.

On this 15 day of December, in the year of 1994, before me JANET L. BLOCH

personally appeared JOHN W. PATTEN, PRESIDENT, a notary public, personally known or identified to me to be the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Notary Public:

Residing at: BOISE, IDAHO

My Commission Expires: MARCH 17, 1999

EXHIBIT "A"

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP, MONUMENTING THE WEST QUARTER CORNER OF SAID SECTION 14,  
THENCE ALONG THE WESTERLY LINE OF SAID SECTION 14, SAID LINE ALSO BEING THE CENTERLINE OF IDAHO STATE HIGHWAY 55, NORTH 00 DEGREE 37' 40" EAST A DISTANCE OF 1321.57 FEET TO A SET PK NAIL AND WASHER MONUMENTING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 14,  
THENCE LEAVING SAID WESTERLY LINE AND ALONG THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER SOUTH 88 DEGREES 51' 28" EAST A DISTANCE OF 70.33 FEET (FORMERLY 70.00 FEET) TO A FOUND BRASS CAP ON THE EASTERLY RIGHT OF WAY OF THE SAID STATE HIGHWAY,  
THENCE LEAVING SAID EASTERLY LINE AND CONTINUING ALONG SAID SOUTHERLY LINE SOUTH 88 DEGREES 51' 26" EAST A DISTANCE OF 0.31 FEET TO A FOUND 1/2" STEEL PIN MONUMENTING THE NORTHWEST CORNER OF RANDALL ACRES SUBDIVISION NO. 8, A RECORDED SUBDIVISION OF ADA COUNTY,  
THENCE CONTINUING ALONG SAID SOUTHERLY LINE AND ALONG THE NORTHERLY LINE OF SAID SUBDIVISION SOUTH 88 DEGREES 51' 26" EAST A DISTANCE OF 1249.93 FEET TO A SET 5/8 STEEL PIN W/CAP, MONUMENTING THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 14,  
THENCE CONTINUING ALONG SAID NORTHERLY LINE AND ALONG THE SOUTHERLY LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SOUTH 88 DEGREES 51' 26" EAST A DISTANCE OF 191.20 FEET TO A SET 5/8 INCH STEEL PIN W/CAP SAID STEEL PIN BEING THE REAL POINT OF BEGINNING.  
THENCE LEAVING SAID SOUTHERLY LINE AND SAID NORTHERLY LINE,  
NORTH 00 DEGREE 35' 08" EAST A DISTANCE OF 1143.40 FEET TO A SET 5/8" STEEL PIN W/ CAP ON THE (UN-RECORDED) SOUTHERLY RIGHT OF WAY OF HILL ROAD,  
THENCE ALONG SAID RIGHT OF WAY, THE FOLLOWING COURSES:  
THENCE SOUTH 81 DEGREES 09' 12" EAST A DISTANCE OF 118.48 FEET TO A SET 5/8" STEEL PIN W/CAP,  
THENCE A DISTANCE OF 131.93 FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 450.00 FEET, A CENTRAL ANGLE OF 16' 47" 52", TANGENTS OF 66.44 FEET, A CHORD BEARING  
SOUTH 72 DEGREES 45' 16" EAST, A CHORD DISTANCE OF 131.46 FEET TO A SET 5/8" STEEL PIN W/CAP,  
THENCE SOUTH 64 DEGREES 21' 20" EAST A DISTANCE OF 108.49 FEET TO A SET 5/8" STEEL PIN W/CAP,  
THENCE A DISTANCE OF 123.88 FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 747.00 FEET, A CENTRAL ANGLE OF 09' 30' 07", TANGENT OF 62.08 FEET, A CHORD BEARING SOUTH 69 DEGREES 06' 23" EAST, A CHORD DISTANCE OF 123.74 FEET TO A SET 5/8 STEEL PIN W/CAP,  
THENCE SOUTH 73 DEGREES 51' 27" EAST A DISTANCE OF 118.02 FEET TO A SET 5/8" STEEL PIN W/CAP,

LEGAL CONTINUED

P131555

THENCE A DISTANCE OF 175.52 FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1055.00 FEET, A CENTRAL ANGLE OF 09' 31' 55", TANGENTS OF 87.96 FEET, A CHORD BEARING, SOUTH 69 DEGREES 05' 29" EAST A CHORD DISTANCE OF 175.31 FEET TO A SET 5/8" STEEL PIN W/CAP,  
THENCE SOUTH 64 DEGREES 19' 31" EAST A DISTANCE OF 381.82 FEET TO A SET 5/8" STEEL PIN W/CAP,  
THENCE SOUTH 66 DEGREES 04' 16" EAST A DISTANCE OF 51.59 FEET TO A SET 5/8" STEEL PIN W/CAP ON THE EASTERLY LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14,  
THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY AND ALONG SAID EASTERLY LINE SOUTH 00 DEGREE 32' 36" WEST A DISTANCE OF 735.89 FEET TO A FOUND 5/8" STEEL PIN W/CAP, MONUMENTING THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SAID PIN ALSO MONUMENTING THE NORTHEAST CORNER OF SAID RANDALL ACRES SUBDIVISION NO. 8,  
THENCE LEAVING SAID EASTERLY LINE AND ALONG THE NORTHERLY LINE OF SAID RANDALL ACRES AND ALONG THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER, NORTH 88 DEGREES 51' 26" WEST A DISTANCE OF 1129.37 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

63-0147

Part 1, B1:

| <u>Amount</u> | <u>Nature of Use</u>    | <u>Period of Use</u> |
|---------------|-------------------------|----------------------|
| .537 cfs      | Diversion to Storage    | 3/15 to 11/15        |
| 14.5 AF       | Irrigation Storage      | 1/1 to 12/31         |
| 14.5 AF       | Irrigation from Storage | 3/15 to 11/15        |
| .37 cfs       | Irrigation              | "                    |
| .167 cfs      | Aesthetic               | "                    |
| 14.5 AF       | Aesthetic Storage       | 1/1 to 12/31         |

The .537 cfs irrigation water for the 25 acres currently in use will be re-configured to allow a small pond and to allow continual irrigation of 17.2 acres.

No increase in consumption use: pond will be on land now irrigated and evaporative losses outside of irrigation season are insignificant.

No deliveries beyond the amount historically provided to the acres will occur.

Total water used after transfer = .537 cfs, which includes 14.5 AF of storage on-site.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 Inches equal 1 mile. Draw plan in ink.

Attachment 'C' 2 pag

43

57

223375

# 223200 '95

# Project Site

1143.40

#21

#212700 '95

87935

HILL ROAD

# 212600

#212503

|    |     | 11/12/26  |     | 11/20/27  |     |
|----|-----|-----------|-----|-----------|-----|
|    |     | 1941-1942 |     | 1942-1943 |     |
| 1  | 140 | 140       | 140 | 140       | 140 |
| 2  | 140 | 140       | 140 | 140       | 140 |
| 3  | 140 | 140       | 140 | 140       | 140 |
| 4  | 140 | 140       | 140 | 140       | 140 |
| 5  | 140 | 140       | 140 | 140       | 140 |
| 6  | 140 | 140       | 140 | 140       | 140 |
| 7  | 140 | 140       | 140 | 140       | 140 |
| 8  | 140 | 140       | 140 | 140       | 140 |
| 9  | 140 | 140       | 140 | 140       | 140 |
| 10 | 140 | 140       | 140 | 140       | 140 |
| 11 | 140 | 140       | 140 | 140       | 140 |
| 12 | 140 | 140       | 140 | 140       | 140 |
| 13 | 140 | 140       | 140 | 140       | 140 |
| 14 | 140 | 140       | 140 | 140       | 140 |
| 15 | 140 | 140       | 140 | 140       | 140 |
| 16 | 140 | 140       | 140 | 140       | 140 |
| 17 | 140 | 140       | 140 | 140       | 140 |
| 18 | 140 | 140       | 140 | 140       | 140 |
| 19 | 140 | 140       | 140 | 140       | 140 |
| 20 | 140 | 140       | 140 | 140       | 140 |
| 21 | 140 | 140       | 140 | 140       | 140 |
| 22 | 140 | 140       | 140 | 140       | 140 |
| 23 | 140 | 140       | 140 | 140       | 140 |

**WATER RIGHT NO. 63-31197**  
**As Modified by Transfer No. 67107**

In accordance with the approval of Transfer No. 67107, Water Right No. 63-31197 is now described as follows.

**Right Holder:** BOISE VALLEY IRRIGATION DITCH CO  
6051 ROE ST  
BOISE ID 83703

**Priority Date:** 06/01/1865

Source: BOISE RIVER

**Tributary:** SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 49.71 CFS             | 10,331.6 AF   |
|                       |             |           | 49.71 CFS             | 10,331.6 AF   |

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER NESENE Sec. 5 Twp 03N Rge 02E ADA County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 04N | 01E | 3   |      |      |      |      |      |      |      |      |      |      |      | 29.0 |      |      | 10.0 |      | 39.0   |
| 04N | 01E | 10  | 35.0 | 20.0 | 10.0 | 30.0 |      |      |      |      |      |      |      |      | 36.0 | 38.0 | 20.0 | 10.0 | 199.0  |
| 04N | 01E | 11  |      |      |      |      |      |      |      |      |      | 25.0 | 15.0 |      | 5.0  | 12.0 |      |      | 57.0   |
| 04N | 01E | 13  |      |      | 5.0  |      |      | 30.0 | 20.0 | 2.0  | 35.0 | 30.0 | 23.0 | 20.0 | 6.2  | 8.1  | 25.0 |      | 204.3  |
| 04N | 01E | 14  | 5.0  | 25.0 | 38.0 | 38.0 | 35.0 | 35.0 | 15.0 | 18.3 | 24.8 | 23.1 | 38.0 | 32.0 | 37.0 | 39.0 | 35.0 | 38.0 | 476.2  |
| 04N | 01E | 15  | 37.0 |      |      | 38.0 |      |      |      |      |      |      |      |      |      |      |      |      | 75.0   |
| 04N | 01E | 23  | 35.0 | 37.0 | 10.0 | 31.0 |      |      |      |      |      |      |      |      | 15.0 |      |      |      | 128.0  |
| 04N | 01E | 24  | 7.0  | 38.0 | 35.0 | 15.0 | 35.0 | 32.5 | 29.5 | 10.0 | 25.0 | 39.0 | 10.0 | 20.0 |      | 30.0 | 15.0 | 2.0  | 343.0  |
| 04N | 01E | 25  | 20.0 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 20.0   |
| 04N | 01W | 1   |      |      |      |      | 7.0  | 13.0 |      |      |      |      |      |      |      |      |      |      | 20.0   |
| 04N | 02E | 18  |      |      |      |      |      |      |      |      |      | 20.0 |      |      |      |      |      |      | 20.0   |
| 04N | 02E | 19  | 2.0  | 15.0 | 5.0  | 5.0  | 29.0 | 15.0 | 24.2 | 28.0 | 29.2 | 5.6  | 21.0 | 35.0 | 20.0 | 20.0 | 6.1  | 35.0 | 295.1  |
| 04N | 02E | 20  |      |      |      |      |      |      |      |      |      |      | 35.0 |      |      |      |      |      | 35.0   |
| 04N | 02E | 29  |      |      |      |      | 15.0 | 20.0 |      |      |      |      | 25.0 |      |      |      |      |      | 60.0   |
| 04N | 02E | 30  | 15.0 | 25.0 | 30.0 | 20.4 | 23.0 | 35.0 | 15.0 | 17.0 | 20.0 |      |      |      | 2.4  | 25.0 |      | 5.0  | 232.8  |
| 04N | 02E | 31  | 3.0  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 3.0    |
| 04N | 02E | 32  |      |      |      |      | 15.0 | 13.5 | 8.0  | 31.0 | 4.0  |      |      |      |      |      |      |      | 71.5   |
| 05N | 01W | 33  |      |      |      |      |      |      | 15.0 |      | 2.0  |      |      |      |      |      |      |      | 17.0   |

Total Acres: 2295.9

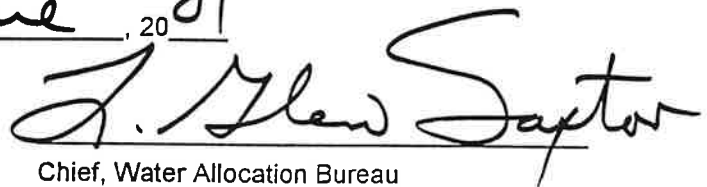
**WATER RIGHT NO. 63-31197**  
**As Modified by Transfer No. 67107**

**CONDITIONS OF APPROVAL**

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. The portion of Right 63-31197 used for conveyance losses is 5.94 cfs.
5. Approval of Transfer 67107 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 1<sup>st</sup> day of June, 2001

  
Chief, Water Allocation Bureau

western

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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JUN 12 2001

WATER RESOURCES  
WESTERN REGION

\*AMENDED\*

## TRANSFER OF WATER RIGHT

\*AMENDED\*

TRANSFER NO. 67107

This is to certify that: BOISE VALLEY IRRIGATION DITCH CO  
6051 ROE ST  
BOISE ID 83703

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

| Right   | Origin/Basis | Priority   | Rate      | Volume      | Acres   | Total   | Source      |
|---------|--------------|------------|-----------|-------------|---------|---------|-------------|
| 63-147C | AJC/Decreed  | 06/01/1865 | 49.82 cfs | 10,356.3 af | 2,301.4 | 2,301.4 | BOISE RIVER |

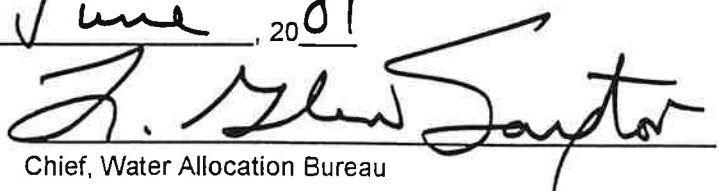
Purpose of Transfer (Changes Proposed)

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|---------|---------------|---------------|
| 63-147C        | YES   | YES | YES | NO      | NO            | NO            |

Summary of Water Rights After the Approved Change

| Existing Right | New No. (changed portion) | Transfer Rate | Transfer Volume | Acre Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|----------------|---------------------------|---------------|-----------------|------------|-------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 63-147C        | 63-31198                  | 0.11 cfs      | 24.7 af         | 5.5        | 30.9        | 63-31197                    | 49.71 cfs      | 10,331.6 af      | 2,295.9              | 2,295.9               |
| TOTALS         |                           | 0.11 cfs      | 24.7 af         | 5.5        | 30.9        |                             | N/A            | N/A              | N/A                  | N/A                   |

Detailed Water Right Description(s) attached

Dated this 1<sup>st</sup> day of June, 2001


Chief, Water Allocation Bureau

**Right Holder:** BOISE VALLEY IRRIGATION DITCH CO  
6051 ROE ST  
BOISE ID 83703

**Tributary:** SNAKE RIVER

BOISE RIVER NESENE Sec. 5 Twp 03N Rge 02E ADA County

[illegible]

**WATER RIGHT NO. 63-31197**  
**As Modified by Transfer No. 67107**

**CONDITIONS OF APPROVAL**

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. The portion of Right 63-31197 used for conveyance losses is 5.94 cfs.
5. Approval of Transfer 67107 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 10<sup>th</sup> day of April, 2001



Chief, Water Allocation Bureau

Western

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APR 11 2001

WATER RESOURCES  
WESTERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT  
TRANSFER NO. 67107

This is to certify that: BOISE VALLEY IRRIGATION DITCH CO  
6051 ROE ST  
BOISE ID 83703

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

Summary of Water Rights Before the Proposed Change

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acres</u> | <u>Total</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|---------------|
| 63-147C      | AJC/                | 06/01/1865      | 49.82 cfs   | 9872.1 af     |              | 2,193.8      | BOISE RIVER   |

Purpose of Transfer (Changes Proposed)

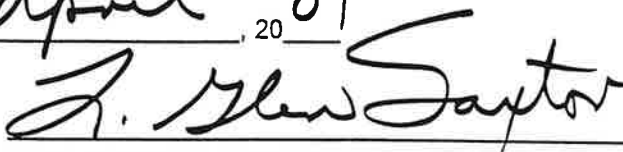
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-147C               | YES          | YES        | YES        | NO             | NO                   | NO                   |

Summary of Water Rights After the Approved Change

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-147C               | 63-31198                         | 0.11 cfs             | 24.7 af                | 5.5               | 30.9               | 63-31197                           | 49.71 cfs             | 9847.4 af               | 2,188.3                     | 2,188.3                      |
| <b>TOTALS</b>         |                                  | <b>0.11 cfs</b>      | <b>24.7 af</b>         | <b>5.5</b>        | <b>30.9</b>        |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 10<sup>th</sup> day of April, 2001

  
Chief, Water Allocation Bureau

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

RECEIVED

APR 11 2000

WATER RESOURCES  
WESTERN REGIONName of applicant BOISE VALLEY IRRIGATION DITCH COMPANYPhone 208-939-0490Post Office Address 4822 Alamosa Lane, Boise, Idaho 83703

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes Applicant proposes to transfer water rights appurtenant to 5.5 acres irrigated within Boise Valley Irrigation Ditch Company ("BVIDC") service area to lands controlled by the Idaho Shakespeare Festival ("ISF"). ISF proposes to use water under this right to irrigate 5.5 acres within a 30.9-acre permissible place of use outside the currently authorized place of use for Right No. 63-00147A. BVIDC therefore proposes to transfer 0.11 cfs from those lands within its service area that will no longer be irrigated to the ISF lands for irrigation purposes. Right No. 63-00147A has an authorized diversion rate of 50.610 cfs.

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- 1.
- | Right Number                 | Priority        | Amount<br>(cfs/ac-ft)            | Nature<br>of Use  | Period of Use                |
|------------------------------|-----------------|----------------------------------|-------------------|------------------------------|
| <u>63-00147A</u><br><u>F</u> | <u>6/1/1865</u> | <u>50.610 cfs</u><br><u>0.11</u> | <u>Irrigation</u> | <u>03/15</u> To <u>11/15</u> |
2. Total amount of water being transferred .11 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Boise River tributary to Snake River
4. Point(s) of Diversion:

| Lot      | 1/4           | 1/4           | 1/4           | Sec.      | Twp.      | Rge.      | County     | Local name for diversion                                   |
|----------|---------------|---------------|---------------|-----------|-----------|-----------|------------|------------------------------------------------------------|
|          |               | <del>SE</del> | <del>NE</del> | <u>5</u>  | <u>3N</u> | <u>2E</u> | <u>ADA</u> | <u>Farmers Union Canal</u>                                 |
| <u>1</u> | <del>NE</del> | <u>SE</u>     | <u>SE</u>     | <u>29</u> | <u>3N</u> | <u>3E</u> | <u>ADA</u> | <u>Shakespeare Festival (River)</u>                        |
| <u>2</u> | <u>NW</u>     | <u>SW</u>     | <u>SW</u>     | <u>28</u> | <u>1</u>  | <u>1</u>  | <u>1</u>   | <u>Idaho Dept. of Parks &amp; Rec. Sump</u>                |
| <u>2</u> | <del>NW</del> | <u>SW</u>     | <u>SW</u>     | <u>28</u> | <u>1</u>  | <u>1</u>  | <u>1</u>   | <u>Idaho Dept. of Parks &amp; Rec. Alternate Diversion</u> |

SW(River)

5. Lands irrigated or place of use: See Narrative, Exhibit A.

| Twp.      | Rge.      | Sec.      | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |              |        | SE 1/4 |        |              |        | Totals      |
|-----------|-----------|-----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------------|--------|--------|--------|--------------|--------|-------------|
|           |           |           | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4       | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4       | SE 1/4 |             |
| <u>3N</u> | <u>3E</u> | <u>28</u> |        |        |        |        |        |        |        |        |        |        | <u>22.8</u>  |        |        |        |              |        | <u>22.8</u> |
|           |           | <u>29</u> |        |        |        |        |        |        |        |        |        |        | <u>1</u>     |        |        |        | <u>7.1</u>   |        | <u>8.1</u>  |
|           |           |           |        |        |        |        |        |        |        |        |        |        | <u>(4.2)</u> |        |        |        | <u>(4.1)</u> |        |             |
|           |           |           |        |        |        |        |        |        |        |        |        |        |              |        |        |        |              |        |             |

Limited to irrigation of 5.5 acres w/in PPU → Total acres 30.9SEE ATTORNEYS' LETTERS  
dated 4/10/2000 →

AMENDED



PART 1

6. General Information:

- a. Description of diversion system See Narrative, Attachment A hereto.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
See Narrative, Exhibit A hereto
- d. Remarks:  
Water right 63-00147 will continue to be held by the Applicant BVIDC. The Shakespeare diversion and place of use represent an addition to the BVIDC system. IDPR diversion from sump intercepts shallow groundwater directly tributary to Boise River via 17' deep pump. Alternate IDPR diversion proposed to be direct from Boise Riv

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_  
And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

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Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.  
\_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

( Attach one copy for each right)

*See pages 4-5*

**A. DESCRIPTION OF RIGHT AS RECORDED**

**1. Right evidenced by:**

- a. Decree No. 63-00147A Decreed to BVIDC  
in case of Farmers Co-Op Ditch Company, LTD. vs. Riverside Irrigation District  
dated January 18, 1906 in Canyon County
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5119 which produced this right. (Note: Another transfer, No.: 5322, is pending)

**2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below: See Exhibit B hereto**

☐ Tax Notice ☒ Warranty Deed ☐ Other \_\_\_\_\_

**3. Source of water Boise River tributary to Snake River**

**4. Date or priority 6/1/1865**

**5. Water is used for the following purpose:**

amount 50.610 cfs for irrigation purpose from 03/15 to 11/15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

**6. Total amount of water under right 50.610 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.**

**7. Point(s) of Diversion:**

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|----|----|------|------|------|--------|--------------------------|
|     |   | SE | NE | 5    | 3N   | 2E   | ADA    | Farmers Union Canal      |
|     |   |    |    |      |      |      |        |                          |
|     |   |    |    |      |      |      |        |                          |

**8. Lands irrigated or place of use: BVIDC Service Area. See Water Right Proof Reading Report, Exhibit C hereto.**

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

**9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_**

13 4 of 8  
WR5809NP  
No. 63-00147A

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 03/28/01  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                   | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | BOISE VALLEY IRRIGATION DITCH CO | 06/01/1865       | IRRIGATION | 03/15 11/15           | 50.610 CFS        | 10546.20 AFA        |
| TOTAL DIVERSION: |                                  |                  |            |                       | 50.610 CFS        | 10546.20 AFA        |

Water Source: BOISE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T03N R02E S05 SENE ADA County

Point of Diversion Name(s):

|               | Name                      | Rate | Number |
|---------------|---------------------------|------|--------|
| T03N R02E S05 | SE NE FARMERS UNION CANAL |      |        |

Place of use Legal Description for: IRRIGATION

| NE  |     |    |   |      |    |      |    |      |    |      |    |      |    |      |    | NW   |    |      |    |      |    |      |    | SW   |    |      |    |      |    |      |    | SE   |    |      |             |       |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|-----|-----|----|---|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|-------------|-------|--------|-------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
|     |     |    |   | NENE |    | NWNE |    | SWNE |    | SENE |    | NENW |    | NWNW |    | SWNW |    | SENW |    | NESW |    | NWSW |    | SWSW |    | SESW |    | NESE |    | NWSE |    | SWSE |    | SESE |             |       |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| T   | R   | S  | : | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | :    | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | :  | Lt   | Ac | Lt   | Ac | Lt   | Ac | :    | Lt | Ac   | Lt | Ac   | Lt | Ac   | :           | SUM   |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 01E | 3  | : |      |    |      |    |      |    |      |    | :    |    |      |    |      |    |      |    |      | :  |      |    |      |    |      |    | :    |    |      |    |      |    |      | :           | 39.0  |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 01E | 10 | : | 35   |    | 20   |    | 10   |    | 30   |    | :    |    |      |    |      |    |      |    |      | :  | 36   |    | 38   |    | 20   |    | 10   | :  |      |    |      |    |      | :           | 199.0 |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 01E | 11 | : |      |    |      |    |      |    |      |    | :    |    |      |    |      |    |      |    |      | :  |      |    | 25   |    | 15   | :  |      |    | 05   |    | 12   |    |      | :           | 57.0  |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 01E | 13 | : |      |    |      |    | 05   |    |      |    | :    |    |      |    | 30   |    | 20   |    |      | :  | 02   |    | 35   |    | 30   |    | 23   | :  | 20   |    | 06   |    | 08   |             | 25    | :      | 204.3 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 01E | 14 | : | 05   |    | 25   |    | 38   |    | 38   |    | :    | 35 |      | 35 |      | 15 |      | 18 |      | :  | 24   |    | 23   |    | 38   |    | 32   | :  | 37   |    | 39   |    | 35   |             | 38    | :      | 476.8 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 01E | 15 | : | 37   |    |      |    |      |    | 38   |    | :    |    |      |    |      |    |      |    |      | :  |      |    |      |    |      |    | :    |    |      |    |      |    |      | :           | 75.0  |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 01E | 23 | : | 35   |    | 37   |    | 10   |    | 35   |    | :    |    |      |    |      |    |      |    |      | :  |      |    |      |    |      |    | :    | 15 |      |    |      |    |      | :           | 132.0 |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 01E | 24 | : | 07   |    | 38   |    | 35   |    | 15   |    | :    | 35 |      | 32 |      | 35 |      | 10 |      | :  | 25   |    | 39   |    | 10   |    | 20   | :  |      |    | 30   |    | 15   |             | 15    | :      | 361.5 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 01E | 25 | : | 20   |    |      |    |      |    |      |    | :    |    |      |    |      |    |      |    |      | :  |      |    |      |    |      |    | :    |    |      |    |      |    |      | :           | 20.0  |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 02E | 18 | : |      |    |      |    |      |    |      |    | :    |    |      |    |      |    |      |    |      | :  |      |    | 20   |    |      |    | :    |    |      |    |      |    |      | :           | 20.0  |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 02E | 19 | : | 02   |    | 15   |    | 05   |    | 05   |    | :    | 29 |      | 15 |      | 30 |      | 28 |      | :  | 30   |    | 08   |    | 21   |    | 35   | :  | 20   |    | 20   |    | 06   |             | 35    | :      | 304.7 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 02E | 20 | : |      |    |      |    |      |    |      |    | :    |    |      |    |      |    |      |    |      | :  |      |    | 35   |    |      |    | :    |    |      |    |      |    |      | :           | 35.0  |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 02E | 29 | : |      |    |      |    |      |    |      |    | :    |    |      | 15 |      | 20 |      |    |      | :  |      |    | 25   |    |      |    | :    |    |      |    |      |    |      | :           | 60.0  |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 02E | 30 | : | 15   |    | 25   |    | 30   |    | 20   |    | :    | 30 |      | 35 |      | 15 |      | 25 |      | :  | 20   |    |      |    |      |    | :    | 02 |      | 25 |      |    | 05   | :           | 247.8 |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 02E | 31 | : | 03   |    |      |    |      |    |      |    | :    |    |      |    |      |    |      |    |      | :  |      |    |      |    |      |    | :    |    |      |    |      |    |      | :           | 3.0   |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 02E | 32 | : |      |    |      |    |      |    |      |    | :    | 15 |      | 13 |      | 08 |      | 31 |      | :  | 04   |    |      |    |      |    | :    |    |      |    |      |    |      | :           | 71.5  |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 04N | 01W | 1  | : |      |    |      |    |      |    |      |    | :    |    |      | 07 |      | 13 |      |    |      | :  |      |    |      |    |      |    | :    |    |      |    |      |    |      | :           | 20.0  |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 05N | 01W | 33 | : |      |    |      |    |      |    |      |    | :    |    |      |    |      |    | 15   |    | :    | 02 |      |    |      |    |      |    | :    |    |      |    |      |    |      | :           | 17.0  |        |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |     |    |   |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      | TOTAL ACRES |       | 2343.6 |       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

Pou County: ADA

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
- R43 - 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.
- R32 - This right when combined with all other rights shall provide no

pg. 5 of 8

WR5809NP  
No. 63-00147A

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 03/28/0  
PAGE:

Conditions of Approval:

- more than .02 cfs per acre nor more than 4.5 afa per acre for
- irrigation of the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or
- easement for use of a delivery system owned by person(s) other
- than the right owner.
- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.
- T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

Dates: App. Received: Priority Date: 06/01/1865  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: 63 Field Exam Fee:

Comments: Date: 07/11/1994 User-ID: CHODGES Subject: TRANSFER NO. 4381  
Transfer filed 6/8/94 to modify place of use and nature of use  
of 15 acres irrigation per sale and transfer of Boise Valley  
Irrigation Ditch Co. shares.  
Following review of the proposed change, approval represents  
transfer of acres within the BVID Co. system.

Date: 01/23/1998 User-ID: PSKAGGS Subject: TRANSFER 5119  
Transfer 5119 changes the point of diversion & place of use under  
a portion of Right 63-00147, splitting the right into Parts A & B.

Audit: 01/23/98 PSKAGGS 01/23/98 PSKAGGS 12/10/99 KTOWNSEN

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2**

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
 No \_\_\_\_\_ If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

*(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount .11 cfs for irrigation purpose from 3/15 to 11/15  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion: See Narrative, Exhibit A hereto.

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use: See Narrative, Exhibit A hereto.

| Twp.        | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|-------------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|             |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4N          | 1E   | 24   |        |        |        |        |        |        | 5.5    |        |        |        |        |        |        |        |        |        | 5.5    |
|             |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|             |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| Total acres |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 5.5    |

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*

1. amount 50.50 cfs for irrigation purpose from 3/15 to 11/15  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

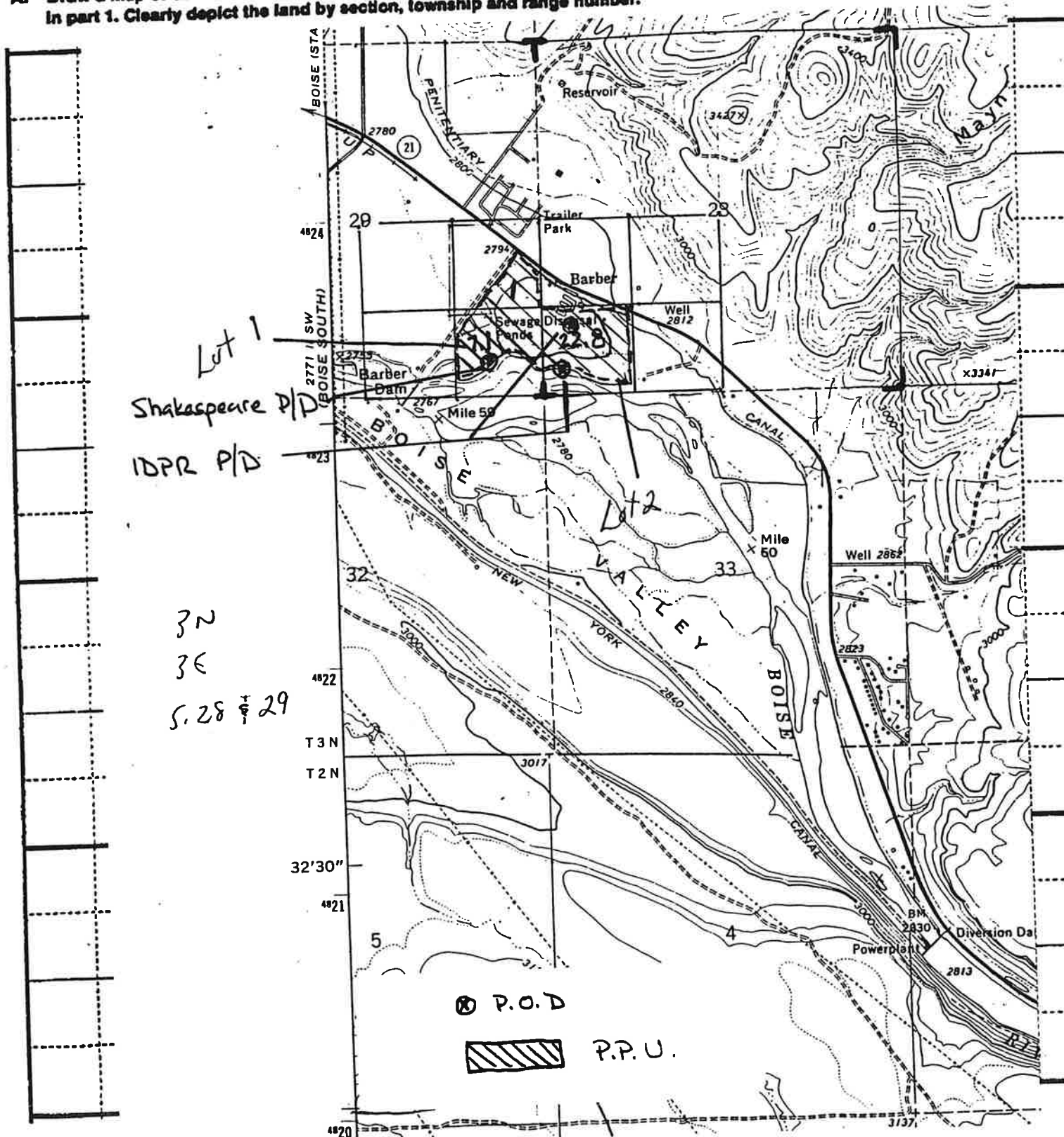
| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | SE  | NE  | 5    | 3N   | 2E   |        | Farmers Union Canal      |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use: Place of use unaffected by proposed transfer for 63-00147A is as described in the Water Right Proof Reading Report, Exhibit C hereto, except that 5.5 acres of the original 35 acres in the SW 1/4, NW 1/4 Section 24 no longer will be irrigated. The SW 1/4, NW 1/4 of Section 24 as it will exist after the transfer is set forth below.

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4N   | 1E   | 24   |        |        |        |        |        |        | 29.5   |        |        |        |        |        |        |        |        |        | 29.5   |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 2228.10 acres of existing right

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

| 1. | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/years | Period of Use |
|----|-------------------|-----------------------|------------------|---------------|
|    | _____             | _____                 | _____            | to _____      |
|    | _____             | _____                 | _____            | to _____      |

2. Quantity and quality of return flows and location of discharge:

\_\_\_\_\_

3. Describe effects on other water uses resulting from the proposed change:

\_\_\_\_\_

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Basin Valley Irrig Ditch Co 1-13-2000  
Dee Gibbons President  
 (Signature of Applicant)

Subscribed and sworn to before me this 13 day of January, 2000

Donna Matlock  
 (Notary Public)

My commission expires 3-2-01

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 4 attachments (A-0)  
 Received by SL Date 1/27/2000 Protest by \_\_\_\_\_  
 Prelim. check by SL Fee \$100  
 Receipted by SL Date 1/27/2000 W026088  
 Published in Id. Stateman 4-20-00 Copies of protest forwarded by \_\_\_\_\_  
 Pub. dates 4-20 & 27-00 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
 Watermaster recommendation request on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to line holder \_\_\_\_\_

AMENDED VERSION Rec'd 4/11/00 (substitute some pages for original). -SL  
 original discarded since amended prior to

## EXHIBIT A

### NARRATIVE IN SUPPORT OF WATER RIGHT TRANSFER

NOTE: THURMAN MILL TRANSFER WILL NOT BE SOUGHT. DISREGARD REFERENCES RELATING TO THURMAN MILL SHARES, WATER AND ACRES  
Water Right Number 63-00147A

Applicant: Boise Valley Irrigation Ditch Company

### OVERVIEW OF PROPOSED TRANSFER

Boise Valley Irrigation Ditch Company ("BVIDC") files this transfer application in conjunction with BVIDC shareholder Steven Gregory's conveyance of 0.11 cfs of BVIDC's natural flow right no. 63-00147A, which is represented by 5.5 shares BVIDC stock, to the Idaho Shakespeare Festival ("Shakespeare Festival"). The shares and the water right they represent currently are appurtenant to 5.5 acres developed by Mr. Gregory within BVIDC's existing service area (the "Gregory Property"). The Gregory Property will no longer require the BVIDC water. The Gregory Property is described as:

SW¼ NW¼ Section 24, Township 04 North, Range 01 East, Boise Meridian, Ada County, Idaho.

The Shakespeare Festival has proposed two transfers which, if approved, will enable irrigation of up to 14.5 acres within a 30.9-acre permissible place of use ("ppu") at the surrounding Shakespeare Festival site. This transfer would enable the irrigation of up to 5.5 acres of land within the 30.9-acre ppu with up to 0.11 cfs of water that currently is appurtenant to the Gregory Property. A second transfer would enable the irrigation of another 9 acres in the 30.9-acre ppu with up to 0.18 cfs of water under Right No. 63-30130, belonging to Thurman Mill Ditch Company, Ltd. Lands to be irrigated with the transferred water are owned and/or managed by the Shakespeare Festival, the Department of Parks and Recreation, or the Idaho Foundation for Parks and Lands, Inc.

The 30.9-acre ppu surrounding the Shakespeare Festival site to which all or a portion of the 0.11 cfs would become appurtenant is described as:

- Lands owned and/or operated by the Shakespeare Festival:

2.56 acres within the SW1/4 of Section 28 and the SE1/4 of Section 29, all in T.3N, R.3E, B.M., Ada County, Idaho. This acreage is more precisely depicted on Exhibit A to the Memorandum of Understanding, attached hereto as Exhibit E.

7.81 acres within the SW1/4 of Section 28 and the SE1/4 of Section 29, all in T.3N, R.3E, B.M., Ada County, Idaho. This acreage is more precisely depicted on Exhibit B to the Memorandum of Understanding, attached hereto as Exhibit E.

Total acres 11.37 of the 30.9 ppu

T. 5687

● Lands owned by the Idaho Department of Parks and Recreation:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 3N   | 2E   | 28   |      |      |      |      |      |      |      |      |      | 2.9  | 7.0  |      |      |      |      |      | 9.9    |
|      |      | 29   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 0.1  | 0.1    |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 10 of the 30.9-acre ppu

● Lands owned by the Idaho Foundation for Parks and Lands, Inc.:

2.33 acres within the SW1/4 of Section 28 and the SE1/4 of Section 29, all in T.3N, R.3E, B.M., Ada County, Idaho. This acreage is more precisely depicted on Exhibit C-1 to the Memorandum of Understanding, attached hereto as Exhibit E.

7.20 acres within the SW1/4 of Section 28 in T.3N, R.3E, B.M., Ada County, Idaho. This acreage is more precisely depicted on Exhibit C-2 to the Memorandum of Understanding, attached hereto as Exhibit E.

Total acres 9.53 of the 30.9-acre ppu

The Shakespeare Festival holds an interest in or cooperates in the use or management of the above lands as set forth in the Use Permit and Memorandum of Understanding between the above-named parties, copies of which are attached as Exhibit D and Exhibit E. Under the two proposed transfer applications, the first 10 inches of water transferred for use within the 30.9-acre ppu will be used on the 10 acres owned and/or operated by the Shakespeare Festival, with any remaining transferred water to be used on up to 4.5 acres within the lands owned by the Department of Parks and Recreation and the Idaho Foundation for Parks and Lands.

In sum, the proposed transfer would change the point of diversion and place of use of 0.11 cfs of BVIDC's natural flow right, represented by 5.5 shares of BVIDC stock, from the Gregory Property to the surrounding Shakespeare Festival site. After the transfer, right no. 63-00147A would reflect that 0.11 cfs of water could be used to irrigate 5.5 acres within the surrounding Shakespeare Festival site's 30.9-acre ppu. The point of diversion and place of use for the balance of right 63-00147A will remain the same except that irrigated acres within the Gregory Property would be decreased by 5.5 acres. The proposed transfer would not increase diversion rates, total irrigated acres, or consumptive use under right no. 63-00147A. The balance of the acres within the 30.9-acre ppu would be irrigated with Thurman Mill Ditch Company, Ltd water rights transferred under a contemporaneous Transfer Application.

*Profile* DESCRIPTION OF EXISTING RIGHT

*pgs 4-5*  
The Water Right Proof Reading Report (attachment C) shows the current status of right no. 63-00147A. Currently recorded information about this right includes:

| <u>Right No.</u> | <u>Priority</u> | <u>Cfs</u> | <u>Acres</u> | <u>Purpose</u> | <u>Period</u> |
|------------------|-----------------|------------|--------------|----------------|---------------|
| 63-00147A        | 06/01/1865      | 50.610     | 2343.6       | Irrigation     | 03/15 - 11/15 |

The existing point of diversion is:

| <u>Twn</u> | <u>Rng</u> | <u>Section</u> | <u>Tract</u> | <u>County</u> | <u>Description</u>  |
|------------|------------|----------------|--------------|---------------|---------------------|
| 03N        | 02E        | 5              | SE NE        | (1) Ada       | Farmers Union Canal |

The Water Right Profile Report describes the existing place of use for the portion of the right that is the subject of this proposed transfer as:

| <u>Twn</u> | <u>Rng</u> | <u>Section</u> | <u>Tract</u> | <u>Lot</u> | <u>Acres</u> | <u>Code</u> | <u>Description</u> | <u>County</u> |
|------------|------------|----------------|--------------|------------|--------------|-------------|--------------------|---------------|
| 04N        | 01E        | 24             | SW NW        |            | 35.0         | 01          | Irrigation         | (1) Ada       |

Transfer no. 5119 produced the right as it now exists. That transfer was approved on February 4, 1998. Another transfer, No. 5322, currently is pending.

#### SUMMARY OF PROPOSED CHANGES

The transfer would have the following results:

1. Maintain right no. 63-00147A's 06/01/1865 priority date.
2. Maintain right no. 63-00147A's 50.610 cfs diversion rate.
3. Maintain right no. 63-00147A's total irrigated acres at 2343.6 acres.
4. Change the place of use for 0.11 cfs of right no. 63-00147A as follows:
  - a. Eliminate irrigation of 5.5 acres of land within the Gregory Property (i.e. SW 1/4 NW 1/4 S24, T4N, R1E B.M.); and
  - b. Substitute irrigation of 5.5 acres within the surrounding Shakespeare Festival site's 30.9-acre ppu.
5. Add 3 potential diversion points for 0.11 cfs of water at the surrounding Shakespeare Festival site, all within T3N, R3E B.M., in the form of: a 12" intake and outlet pipe diverting from the Boise River in the SW1/4 SW1/4 SW1/4 S28; a pump diverting water from a shallow (less than 18') sump located in NW1/4 SW1/4 SW1/4 S28 and a point of diversion from the Boise River in the ~~NE~~ SE1/4 SE1/4 S29 in the form of a 24" culvert with a 17' deep perforated base that uses a 1 horsepower pump to pump water to a holding pond for subsequent irrigation use.

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-147C

WATER RIGHT NUMBER: 63-147C

|                   |                                                                                          |
|-------------------|------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                  |
| Current Owner     | BOISE VALLEY IRRIGATION DITCH CO<br>8750 N BOGART LN<br>BOISE, ID 83703<br>(208)853-5288 |

Priority Date: 06/01/1865

Basis: Decreed

Status: Parent

|               |                  |
|---------------|------------------|
| <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            | 3/15 to 11/15           | 50.610 CFS            | 10,546.20 AF         |
|                       | <u>Total Diversion:</u> | 50.610 CFS            | 10,546.20 AF         |

Location of Point(s) of Diversion

|             |            |                                    |
|-------------|------------|------------------------------------|
| BOISE RIVER | SE1/4NE1/4 | Sec. 5,   Twp 03N,   Rge 02E, B.M. |
| ADA County  |            |                                    |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 04N | 01E | 3   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 39.0   |
| 04N | 01E | 10  | 35.0 | 20.0 | 10.0 | 30.0 |      |      |      |      |      |      |      |      | 36.0 | 38.0 | 20.0 | 10.0 | 199.0  |
| 04N | 01E | 11  |      |      |      |      |      |      |      |      | 25.0 | 15.0 |      |      | 5.0  | 12.0 |      |      | 57.0   |
| 04N | 01E | 13  |      |      | 5.0  |      | 30.0 | 20.0 | 2.0  | 35.0 | 30.0 | 23.0 | 20.0 | 6.2  | 8.1  | 25.0 |      |      | 204.3  |
| 04N | 01E | 14  | 5.0  | 25.0 | 38.0 | 38.0 | 35.0 | 35.0 | 15.0 | 18.3 | 24.8 | 23.7 | 38.0 | 32.0 | 37.0 | 39.0 | 35.0 | 38.0 | 476.8  |
| 04N | 01E | 15  | 37.0 |      |      | 38.0 |      |      |      |      |      |      |      |      |      |      |      |      | 75.0   |
| 04N | 01E | 23  | 35.0 | 37.0 | 10.0 | 35.0 |      |      |      |      |      |      |      | 15.0 |      |      |      |      | 132.0  |
| 04N | 01E | 24  | 7.0  | 38.0 | 35.0 | 15.0 | 35.0 | 32.5 | 35.0 | 10.0 | 25.0 | 39.0 | 10.0 | 20.0 |      | 30.0 | 15.0 | 15.0 | 361.5  |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 63-147C

|            |      |      |      |      |      |      |      |      |      |     |      |      |      |      |     |      |  |       |
|------------|------|------|------|------|------|------|------|------|------|-----|------|------|------|------|-----|------|--|-------|
| 04N 01E 25 | 20.0 |      |      |      |      |      |      |      |      |     |      |      |      |      |     |      |  | 20.0  |
|            | L 0  |      |      |      |      |      |      |      |      |     |      |      |      |      |     |      |  |       |
| 04N 01W 1  |      |      |      |      | 7.0  | 13.0 |      |      |      |     |      |      |      |      |     |      |  | 20.0  |
|            |      |      |      |      | L 0  | L 0  |      |      |      |     |      |      |      |      |     |      |  |       |
| 04N 02E 18 |      |      |      |      |      |      |      |      |      |     | 20.0 |      |      |      |     |      |  | 20.0  |
|            |      |      |      |      |      |      |      |      |      |     | L 0  |      |      |      |     |      |  |       |
| 04N 02E 19 | 2.0  | 15.0 | 5.0  | 5.0  | 29.0 | 15.0 | 30.0 | 28.0 | 30.0 | 8.6 | 21.0 | 35.0 | 20.0 | 20.0 | 6.1 | 35.0 |  | 304.7 |
|            | L 0  | L 0  | L 0  | L 0  | L 0  | L 0  | L 0  | L 0  | L 0  | L 0 | L 0  | L 0  | L 0  | L 0  | L 0 | L 0  |  |       |
| 04N 02E 20 |      |      |      |      |      |      |      |      |      |     | 35.0 |      |      |      |     |      |  | 35.0  |
|            |      |      |      |      |      |      |      |      |      |     | L 0  |      |      |      |     |      |  |       |
| 04N 02E 29 |      |      |      |      |      | 15.0 | 20.0 |      |      |     | 25.0 |      |      |      |     |      |  | 60.0  |
|            |      |      |      |      |      | L 0  | L 0  |      |      |     | L 0  |      |      |      |     |      |  |       |
| 04N 02E 30 | 15.0 | 25.0 | 30.0 | 20.4 | 30.0 | 35.0 | 15.0 | 25.0 | 20.0 |     |      |      | 2.4  | 25.0 |     | 5.0  |  | 247.8 |
|            | L 0  | L 0  | L 0  | L 0  | L 0  | L 0  | L 0  | L 0  | L 0  |     |      |      | L 0  | L 0  |     | L 0  |  |       |
| 04N 02E 31 | 3.0  |      |      |      |      |      |      |      |      |     |      |      |      |      |     |      |  | 3.0   |
|            | L 0  |      |      |      |      |      |      |      |      |     |      |      |      |      |     |      |  |       |
| 04N 02E 32 |      |      |      |      | 15.0 | 13.5 | 8.0  | 31.0 | 4.0  |     |      |      |      |      |     |      |  | 71.5  |
|            |      |      |      |      | L 0  | L 0  | L 0  | L 0  | L 0  |     |      |      |      |      |     |      |  |       |
| 05N 01W 33 |      |      |      |      |      |      |      | 15.0 | 2.0  |     |      |      |      |      |     |      |  | 17.0  |
|            |      |      |      |      |      |      |      | L 0  | L 0  |     |      |      |      |      |     |      |  |       |

Total Acres: 2343.6

Conditions of Approval:Remarks:

1. TRANS. 3200.  
RT. DECREEED FROM AUBREY CR. BUT DELIVERED FROM LOVING CR.  
Trans. 67107 split right into 63-31197 and 63-31198.

Comments:

1. CHODGES 7/11/1994 TRANSFER NO. 4381  
Comment: Transfer filed 6/8/94 to modify place of use and nature of use of 15 acres irrigation per sale and transfer of Boise Valley Irrigation Ditch Co. shares. Following review of the proposed change, approval represents transfer of acres within the BVID Co. system.
2. PSKAGGS 1/23/1998 TRANSFER 5119  
Comment: Transfer 5119 changes the point of diversion & place of use under a portion of Right 63-00147, splitting the right into Parts A & B.
3. STAYLOR 11/16/1999 TRANSFER NO. 5599  
Comment: This transfer was filed to add a point of diversion and change the place of use and to split the water right.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-147C

Dates and Other Information:

Claim Received Date: 7/5/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

**WATER RIGHT NO. 63-147C**  
**As Modified by Transfer No. 67019**

In accordance with the approval of Transfer No. 67019, Water Right No. 63-147C is now described as follows.

**Right Holder:** BOISE VALLEY IRRIGATION DITCH CO  
6051 ROE ST  
BOISE ID 83703

**Priority Date:** 06/01/1865

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 11/15     | 49.82 CFS             | 10,356.3 AF   |
|                       |             |           | 49.82 CFS             | 10,356.3 AF   |

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER                      NESENE Sec. 5 Twp 03N Rge 02E ADA County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 04N 01E 3   |      |      |      |      |      |      |      |      | 29.0 |      |      |      |      |      | 10.0 |      | 39.0   |
| 04N 01E 10  | 35.0 | 20.0 | 10.0 | 30.0 |      |      |      |      |      |      |      |      | 36.0 | 38.0 | 20.0 | 10.0 | 199.0  |
| 04N 01E 11  |      |      |      |      |      |      |      |      | 25.0 | 15.0 |      |      | 5.0  | 12.0 |      |      | 57.0   |
| 04N 01E 13  |      |      | 5.0  |      |      |      | 30.0 | 20.0 | 2.0  | 35.0 | 30.0 | 23.0 | 20.0 | 6.2  | 8.1  | 25.0 | 204.3  |
| 04N 01E 14  | 5.0  | 25.0 | 38.0 | 38.0 | 35.0 | 35.0 | 15.0 | 18.3 | 24.8 | 23.1 | 38.0 | 32.0 | 37.0 | 39.0 | 35.0 | 38.0 | 476.2  |
| 04N 01E 15  | 37.0 |      |      | 38.0 |      |      |      |      |      |      |      |      |      |      |      |      | 75.0   |
| 04N 01E 23  | 35.0 | 37.0 | 10.0 | 31.0 |      |      |      |      |      |      |      |      | 15.0 |      |      |      | 128.0  |
| 04N 01E 24  | 7.0  | 38.0 | 35.0 | 15.0 | 35.0 | 32.5 | 35.0 | 10.0 | 25.0 | 39.0 | 10.0 | 20.0 |      | 30.0 | 15.0 | 2.0  | 348.5  |
| 04N 01E 25  | 20.0 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 20.0   |
| 04N 01W 1   |      |      |      |      |      | 7.0  | 13.0 |      |      |      |      |      |      |      |      |      | 20.0   |
| 04N 02E 18  |      |      |      |      |      |      |      |      |      | 20.0 |      |      |      |      |      |      | 20.0   |
| 04N 02E 19  | 2.0  | 15.0 | 5.0  | 5.0  | 29.0 | 15.0 | 24.2 | 28.0 | 29.2 | 5.6  | 21.0 | 35.0 | 20.0 | 20.0 | 6.1  | 35.0 | 295.1  |
| 04N 02E 20  |      |      |      |      |      |      |      |      |      |      | 35.0 |      |      |      |      |      | 35.0   |
| 04N 02E 29  |      |      |      |      |      | 15.0 | 20.0 |      |      |      | 25.0 |      |      |      |      |      | 60.0   |
| 04N 02E 30  | 15.0 | 25.0 | 30.0 | 20.4 | 23.0 | 35.0 | 15.0 | 17.0 | 20.0 |      |      |      | 2.4  | 25.0 |      | 5.0  | 232.8  |
| 04N 02E 31  | 3.0  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 3.0    |
| 04N 02E 32  |      |      |      |      | 15.0 | 13.5 | 8.0  | 31.0 | 4.0  |      |      |      |      |      |      |      | 71.5   |
| 05N 01W 33  |      |      |      |      |      |      | 15.0 |      | 2.0  |      |      |      |      |      |      |      | 17.0   |

Total Acres: 2301.4

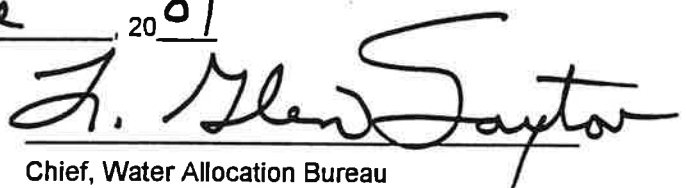
**WATER RIGHT NO. 63-147C**  
**As Modified by Transfer No. 67019**

**CONDITIONS OF APPROVAL**

1. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. The portion of Right 63-147C used for conveyance losses is 5.94 cfs.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
6. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 1<sup>st</sup> day of June, 2001

  
Chief, Water Allocation Bureau

RECEIVED

JUN 12 2001

WATER RESOURCES  
WESTERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

\*AMENDED\*

## TRANSFER OF WATER RIGHT

\*AMENDED\*

TRANSFER NO. 67019

This is to certify that: BOISE VALLEY IRRIGATION DITCH CO  
6051 ROE ST  
BOISE ID 83703

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

| Right   | Origin/Basis | Priority   | Rate      | Volume      | Acres   | Total   | Source      |
|---------|--------------|------------|-----------|-------------|---------|---------|-------------|
| 63-147A | AJC/Decreed  | 06/01/1865 | 50.61 cfs | 10,546.2 af | 2,343.6 | 2,343.6 | BOISE RIVER |

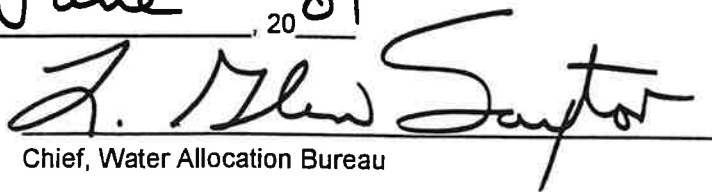
Purpose of Transfer (Changes Proposed)

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|---------|---------------|---------------|
| 63-147A        | YES   | YES | YES | NO      | NO            | NO            |

Summary of Water Rights After the Approved Change

| Existing Right | New No. (changed portion) | Transfer Rate | Transfer Volume | Acre Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|----------------|---------------------------|---------------|-----------------|------------|-------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 63-147A        | 63-147D                   | 0.79 cfs      | 190 af          | 42.2       | N/A         | 63-147C                     | 49.82 cfs      | 10,356.3 af      | N/A                  | 2,301.4               |
| TOTALS         |                           | 0.79 cfs      | 190 af          | 42.2       | N/A         |                             | N/A            | N/A              | N/A                  | N/A                   |

Detailed Water Right Description(s) attached

Dated this 1<sup>st</sup> day of June, 2001
  
Chief, Water Allocation Bureau

Western

RECEIVED

FEB 14 2001

WATER RESOURCES  
WESTERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT  
TRANSFER NO. 67019

This is to certify that: BOISE VALLEY IRRIGATION DITCH CO  
6051 ROE ST  
BOISE ID 83703

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

Summary of Water Rights Before the Proposed Change

| Right   | Origin/Basis | Priority   | Rate      | Volume | Acres   | Total   | Source      |
|---------|--------------|------------|-----------|--------|---------|---------|-------------|
| 63-147A | AJC/Decreed  | 06/01/1865 | 50.62 cfs |        | 2,542.0 | 2,542.0 | BOISE RIVER |

Purpose of Transfer (Changes Proposed)

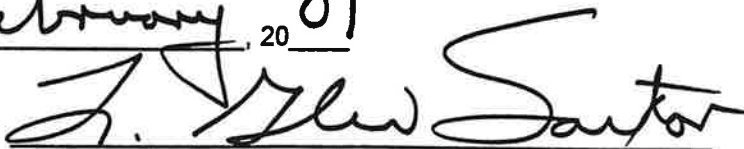
| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|---------|---------------|---------------|
| 63-147A        | YES   | YES | YES | NO      | NO            | NO            |

Summary of Water Rights After the Approved Change

| Existing Right | New No. (changed portion) | Transfer Rate | Transfer Volume | Acre Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|----------------|---------------------------|---------------|-----------------|------------|-------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 63-147A        | 63-147D                   | 0.79 cfs      | 190 af          | 42.2       | N/A         | 63-147C                     | 49.82 cfs      | 9872.1 af        | N/A                  | 2,193.8               |
| TOTALS         |                           | 0.79 cfs      | 190 af          | 42.2       | N/A         |                             | N/A            | N/A              | N/A                  | N/A                   |

Detailed Water Right Description(s) attached

Dated this 12<sup>th</sup> day of February, 2001

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-147C**  
**As Modified by Transfer No. 67019**

In accordance with the approval of Transfer No. 67019, Water Right No. 63-147C is now described as follows.

**Right Holder:** BOISE VALLEY IRRIGATION DITCH CO  
6051 ROE ST  
BOISE ID 83703

**Priority Date:** 06/01/1865

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 49.82 CFS             | 9,872.1 AF    |
|                       |             |           | 49.82 CFS             | 9,872.1 AF    |

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER                      NESENE Sec. 5 Twp 03N Rge 02E ADA County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 04N 01E 3   |      |      |      |      |      |      |      |      |      |      |      | 25.0 |      |      | 8.0  |      | 33.0   |
| 04N 01E 10  | 35.0 | 20.0 | 10.0 | 30.0 |      |      |      |      |      |      |      |      | 2.0  | 15.0 | 20.0 | 10.0 | 142.0  |
| 04N 01E 11  |      |      |      |      |      |      |      |      |      |      | 25.0 | 15.0 |      | 5.0  | 12.0 |      | 57.0   |
| 04N 01E 13  |      |      | 5.0  |      |      |      | 30.0 | 20.0 | 25.0 | 35.0 | 35.0 | 20.0 | 20.0 | 20.0 | 39.0 | 20.0 | 269.0  |
| 04N 01E 14  | 5.0  | 25.0 | 38.0 | 38.0 | 35.0 | 35.0 | 15.0 | 20.0 | 25.0 | 24.4 | 38.0 | 32.0 | 37.0 | 39.0 | 35.0 | 38.0 | 479.4  |
| 04N 01E 15  | 37.0 |      |      | 38.0 |      |      |      |      |      |      |      |      |      |      |      |      | 75.0   |
| 04N 01E 23  | 35.0 | 37.0 | 6.0  | 23.0 |      |      |      |      |      |      |      |      | 15.0 |      |      |      | 116.0  |
| 04N 01E 24  | 15.0 | 28.0 | 35.0 | 15.0 | 32.0 | 35.0 | 25.0 | 10.0 | 25.0 | 20.0 | 10.0 | 15.0 | 5.0  | 30.0 | 15.0 | 2.0  | 317.0  |
| 04N 01E 25  | 20.0 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 20.0   |
| 04N 01W 1   |      |      |      |      |      | 7.0  | 13.0 |      |      |      |      |      |      |      |      |      | 20.0   |
| 04N 02E 18  |      |      |      |      |      |      |      |      |      |      | 20.0 |      |      |      |      |      | 20.0   |
| 04N 02E 19  | 2.0  | 15.0 | 5.0  | 5.0  | 25.0 | 15.0 | 24.2 | 32.0 | 29.2 | 22.0 | 15.0 | 32.0 | 20.0 | 20.0 | 20.0 | 20.0 | 301.4  |
| 04N 02E 20  |      |      |      |      |      |      |      |      |      |      | 15.0 |      |      |      |      |      | 15.0   |
| 04N 02E 29  |      |      |      |      |      | 15.0 | 15.0 |      |      | 15.0 | 10.0 |      |      |      |      |      | 55.0   |
| 04N 02E 30  | 15.0 | 20.0 | 27.0 | 15.0 | 23.0 | 32.0 | 15.0 | 17.0 | 20.0 |      |      |      | 10.0 | 25.0 |      | 5.0  | 224.0  |
| 04N 02E 31  | 3.0  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 3.0    |
| 04N 02E 32  |      |      |      |      | 10.0 | 15.0 |      | 4.0  | 1.0  |      |      |      |      |      |      |      | 30.0   |
| 05N 01W 33  |      |      |      |      |      |      |      | 15.0 | 2.0  |      |      |      |      |      |      |      | 17.0   |

Total Acres: 2193.8

**WATER RIGHT NO. 63-147C**  
**As Modified by Transfer No. 67019**

**CONDITIONS OF APPROVAL**

1. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. The portion of Right 63-147C used for conveyance losses is 5.94 cfs.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
6. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 12<sup>th</sup> day of February, 2001

  
Chief, Water Allocation Bureau

5599  
67019

RECEIVED

OCT 08 1999

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

AMENDED

RECEIVED

WATER RESOURCES  
WESTERN REGIONName of applicant BOISE VALLEY IRRIGATION DITCH COMPANYPhone 208-939-0490Post Office Address 4822 Alamosa Lane, Boise, Idaho 83703

MAY 10 2000

## A. PURPOSE OF TRANSFER

WATER RESOURCES  
WESTERN REGION

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_

2. Describe the reason for the proposed changes Boise Valley Irrigation Ditch Company ("BVIDC") and United Water Idaho ("UWID") recently entered into a share purchase agreement wherein BVIDC agreed to sell UWID shares in BVIDC thereby entitling UWID to divert 0.79 cfs from BVIDC's 50.61 cfs water right identified as water right 63-00147A. UWID proposes to use water under this right to provide irrigation water to customers residing throughout UWID's service area. UWID's service area encompasses land not included within the currently authorized place of use for Right No. 63-00147A. BVIDC therefore proposes to transfer 0.79 cfs from lands within its service area that will no longer be irrigated to be used for irrigation of lands throughout UWID's service area.

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

See Narrative, Exhibit A. Rather than amending the place of use for the entire existing right, BVIDC proposes to split the existing right into two separate water rights. The D portion would amend the existing place of use to UWID's service area.

- |    | Right Number | Priority | Amount<br>(cfs/ac-ft) | Nature<br>of Use | Period of Use  |
|----|--------------|----------|-----------------------|------------------|----------------|
| 1. | 63-00147D    | 6/1/1865 | 0.79 cfs              | Irrigation       | 03/15 To 11/15 |
2. Total amount of water being transferred .79 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Boise River tributary to Snake River
4. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County | Local name for diversion     |
|-----|---|----|----|------|------|------|--------|------------------------------|
| 7   |   | SE | NE | 14   | 3N   | 2E   | ADA    | Marden Water Treatment Plant |
|     |   |    |    |      |      |      |        |                              |

5. Lands irrigated or place of use: UWID's service area.

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres: N/A

\* changes approved by: Daniel V. Steenson  
initials DVS  
date 5-5-00

**6. General Information:**

- a. Description of diversion system 36 inch pipe in the river and 3 Ranney Collectors.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
                     Yes       X       No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Described the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
See Narrative, Exhibit A hereto
- d. Remarks:

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 2**

( Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. 63-00147A Decreed to BVIDC  
in case of Farmers Co-Op Ditch Company, LTD. vs. Riverside Irrigation District  
dated January 18, 1906 in Canyon County
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5119 which produced this right. (Note: Another transfer, No.: 5322, is pending)

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below:

- ☐ Tax Notice      ☐ Warranty Deed      ☒ Other Treasury share certificates reissued in one certificate to UWID (Exhibit D)

3. Source of water Boise River tributary to Snake River

4. Date or priority 6/1/1865

5. Water is used for the following purpose:

amount 50.610 cfs for irrigation purpose from 03/15 to 11/15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 50.610 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|----|----|------|------|------|--------|--------------------------|
|     |   | SE | NE | 5    | 3N   | 2E   | ADA    | Farmers Union Canal      |
|     |   |    |    |      |      |      |        |                          |
|     |   |    |    |      |      |      |        |                          |

8. Lands irrigated or place of use: BVIDC Service Area. See Water Right Proof Reading Report, Exhibit B hereto.

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 2**

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
No \_\_\_\_\_ If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.79 cfs for irrigation purpose from 3/15 to 11/15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)
2. Point(s) of Diversion: See Narrative, Exhibit A hereto. The new point of diversion to be added by the proposed transfer is described below.

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion     |
|-----|-----|-----|-----|------|------|------|--------|------------------------------|
|     |     | SE  | NE  | 14   | 3N   | 2E   | ADA    | Marden Water Treatment Plant |
|     |     |     |     |      |      |      |        |                              |

← This entry should be same as item  
C.2 below - OK since intent is clear  
-82 11/10/

3. Lands irrigated or place of use: See Narrative, Exhibit A hereto. The place of use will be UWID's service area.

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 49.82 cfs for irrigation purpose from 3/15 to 11/15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)
2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | SE  | NE  | 5    | 3N   | 2E   |        | Farmers Union Canal      |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use: Place of use as described in the Water Right Profile Report, Exhibit B hereto, unaffected by proposed transfer except that 42.2 acres will no longer be irrigated. The place of use description below shows the changes to the existing place of use description in the Water Right Profile Report.

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4N   | 1E   | 14   |        |        |        |        |        |        |        |        |        | 22     |        |        |        |        |        |        | 476.1  |
| 4N   | 1E   | 23   |        |        |        | 31     |        |        |        |        |        |        |        |        |        |        |        |        | 71     |
| 4N   | 1E   | 24   |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 2      | 359.5  |
| 4N   | 2E   | 19   |        |        |        |        |        |        | 24     |        | 29     | 5      |        |        |        |        |        |        | 295.1  |
| 4N   | 2E   | 30   |        |        |        |        | 23     |        |        | 17     |        |        |        |        |        |        |        |        | 232.8  |

Balance for Ditch Co. is in

Total acres 2301.8 acres of existing right will be unaffected by the proposed transfer

## PART 3

## B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount Hours/days/years Period of Use  
 (cfs/ac-ft) \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Baise Valley Irrig Ditch Co  
Arford D. Gibbons President  
 (Signature of Applicant)

Subscribed and sworn to before me this 7 day of October, 19 99.

Donna Matlock  
 (Notary Public)

My commission expires 3-20-01

## FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 3 attachments

Received by Kh Date 10/8/99

Prelim. check by KL Fee \$100.00

Received by KL Date 10/8/99

Published in Idaho Statesman

Pub. dates 11-18+25-99

Watermaster recommendation request on \_\_\_\_\_

Exhibit A = pgs. 6-8  
 " B-D = 3 Attachments

Protest by

W025806

Copies of protest forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_

by \_\_\_\_\_

Copy of transfer sent to line holder \_\_\_\_\_

NOTE For map of "new" pld, see Reviewer's 7/31/99 memo.  
 This map was omitted from transfer appl. in  
 review & I have since it's already in dept records.

**EXHIBIT A****NARRATIVE IN SUPPORT OF WATER RIGHT TRANSFER**

Water Right Number 63-00147A

Applicant: Boise Valley Irrigation Ditch Company

**OVERVIEW OF PROPOSED TRANSFER**

BVIDC files this transfer application in conjunction with BVIDC's conveyance of 42.22 shares of BVIDC stock to UWID. The shares and the water rights they represent were purchased as shares reacquired by BVIDC from shareholders who recently discontinued irrigation with BVIDC water. The shares represent historical use for irrigation of 42.22 acres originally developed and irrigated by shareholders of BVIDC within BVIDC's existing service area. Exhibit C identifies the certificate numbers and the corresponding places of use for the purchased shares. Before being reacquired by BVIDC, these shares authorized delivery of water to the lands identified below:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |
| 4N   | 1E   | 14   |      |      |      |      |      |      |      |      |      | .66  |      |      |      |      |      |      |
| 4N   | 1E   | 23   |      |      |      | 4    |      |      |      |      |      |      |      |      |      |      |      |      |
| 4N   | 1E   | 24   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 13   |
| 4N   | 2E   | 19   |      |      |      |      |      |      | 5.8  |      | .76  | 3    |      |      |      |      |      |      |
| 4N   | 2E   | 30   |      |      |      |      | 7    |      |      | 8    |      |      |      |      |      |      |      |      |

*Actual reduction in acres per Q&Q ↗ - R 11/16/99*

Each share of BVIDC stock entitles the holder to divert up to 0.94 miner's inch under water right 63-00147A. This transfer would enable UWID to deliver 39.69 miners inches, or 0.79 cfs, of water to meet increased customer demand during the irrigation season. Water diverted pursuant to this transfer will be commingled with water diverted under other UWID water rights owned by UWID at the Marden Water Treatment Plant and delivered to UWID customers through UWID's municipal water system. UWID will be able to demonstrate through demand and production data that the 0.79 cfs proposed to be transferred will be used to meet the irrigation demand of its customers.

The place of use will be within the boundaries of UWID's service area. Only the 0.79 cfs represented by shares purchased by UWID will be authorized for delivery in UWID's certificated service area. The proposed transfer would therefore split water right 63-00147A into a water right for 0.79 cfs for irrigation in UWID's service area and a separate water right identical to the current water right 63-00147A except that the quantity element would be reduced by 0.79 cfs and the place of use within BVIDC's remaining service area would be reduced by 42.22 acres.

**DESCRIPTION OF EXISTING RIGHT**

The Water Right Proof Reading Report (Exhibit B) shows the current status of right no. 63-00147A. Currently recorded information about this right includes:

*Dec 6-8 = Exhibit A T. 5599*

| <u>Right No.</u> | <u>Priority</u> | <u>Cfs</u> | <u>Acres</u> | <u>Purpose</u> | <u>Period</u> |
|------------------|-----------------|------------|--------------|----------------|---------------|
| 63-00147A        | 06/01/1865      | 50.610     | 2343.6       | Irrigation     | 03/15 - 11/15 |

The existing point of diversion is:

| <u>Twn</u> | <u>Rng</u> | <u>Section</u> | <u>Tract</u> | <u>County</u> | <u>Description</u>  |
|------------|------------|----------------|--------------|---------------|---------------------|
| 03N        | 02E        | 5              | SE NE        | (1) Ada       | Farmers Union Canal |

The Water Right Profile Report describes the existing place of use for the portion of the right that is the subject of this proposed transfer as:

| <u>Twn</u> | <u>Rng</u> | <u>Section</u> | <u>Tract</u>    | <u>Acres</u> | <u>Description</u> | <u>County</u> |
|------------|------------|----------------|-----------------|--------------|--------------------|---------------|
|            |            |                | <i>NWSW</i> *   |              |                    |               |
| 04N        | 01E        | 14             | <del>SWNW</del> | 23           | Irrigation         | (1) Ada       |
| 04N        | 01E        | 23             | SENE            | 35           | Irrigation         | (1) Ada       |
| 04N        | 01E        | 24             | SESE            | 15           | Irrigation         | (1) Ada       |
| 04N        | 02E        | 19             | SWNW            | 30           | Irrigation         | (1) Ada       |
| 04N        | 02E        | 19             | NESW            | 30           | Irrigation         | (1) Ada       |
| 04N        | 02E        | 19             | NWSW            | 08           | Irrigation         | (1) Ada       |
| 04N        | 02E        | 30             | SENE            | 25           | Irrigation         | (1) Ada       |
| 04N        | 02E        | 30             | NENW            | 30           | Irrigation         | (1) Ada       |

Transfer no. 5119, approved on February 4, 1998, produced the right as it now exists. A separate transfer not related to this transfer is currently pending.

### SUMMARY OF PROPOSED CHANGES

The transfer would have the following results:

1. Split water right no. 63-00147A into two separate water rights, 63-00147C and 63-00147D.
2. Water right 63-00147C would retain the elements as described in water right 63-00147A except that the quantity and place of use elements would be changed as follows:
  - A. The quantity element would be reduced by 0.79 cfs from 50.61 cfs to 49.37 cfs.
  - B. The place of use would be reduced by 42.22 acres from 2343.6 acres to 2301.38 acres. The following chart shows the particular quarter/quarter sections where acreage will be reduced.

\* corrected per pg. 6 of transfer application.  
-gl 11/10/99

| <u>Twn</u> | <u>Rng</u> | <u>Section</u> | <u>Tract</u><br><i>NWSW *</i> | <u>Current Acres</u> | <u>Proposed Acres</u> |
|------------|------------|----------------|-------------------------------|----------------------|-----------------------|
| 04N        | 01E        | 14             | <del>SWNW</del>               | 23                   | 22                    |
| 04N        | 01E        | 23             | SENE                          | 35                   | 31                    |
| 04N        | 01E        | 24             | SESE                          | 15                   | 2                     |
| 04N        | 02E        | 19             | SWNW                          | 30                   | 24                    |
| 04N        | 02E        | 19             | NESW                          | 30                   | 29                    |
| 04N        | 02E        | 19             | NWSW                          | 08                   | 5                     |
| 04N        | 02E        | 30             | SENW                          | 25                   | 17                    |
| 04N        | 02E        | 30             | NENW                          | 30                   | 23                    |

3. Water Right 63-00147D would be the same as water right 63-00147A except that the quantity element would be 0.79 cfs, the place of use would be UWID's service area, and the point of diversion will be located in the SE 1/4 of the NE 1/4 of Township 3 North, Range 2 East.

\* corrected per pg. 6 of transfer application.  
-SL 11/10/99

EXHIBIT B

T. 5599  
Exhibit B  
(3 pgs)

WR5809NP  
No. 63-00147A

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 08/27/99  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                   | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | BOISE VALLEY IRRIGATION DITCH CO | 06/01/1865       | IRRIGATION | 03/15 11/15           | 50.610 CFS        | 10546.20 AFA        |
| TOTAL DIVERSION: |                                  |                  |            |                       | 50.610 CFS        | 10546.20 AFA        |

Water Source: BOISE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T03N R02E S05 SENE

ADA County

Point of Diversion Name(s):

|               | Name                      | Rate | Number |
|---------------|---------------------------|------|--------|
| T03N R02E S05 | SE NE FARMERS UNION CANAL |      |        |

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE   |      |      |      | NW |      |      |      | SW   |    |      |      | SE   |      |    |      |      |      |      |             |     |        |       |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|----|------|------|------|------|----|------|------|------|------|-------------|-----|--------|-------|
|     |     |    |   | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | :  | NESW | NWSW | SWSW | SESW | :  | NESE | NWSE | SWSE | SESE | :           | SUM |        |       |
| T   | R   | S  | : | Lt   | Ac   | Lt   | Ac   | Lt | Ac   | Lt   | Ac   | Lt   | Ac | :    | Lt   | Ac   | Lt   | Ac | Lt   | Ac   | Lt   | Ac   | Lt          | Ac  | :      |       |
| 04N | 01E | 3  | : |      |      |      |      | :  |      |      |      |      |    | :    |      |      | 29   | :  |      |      | 10   | :    |             |     | :      | 39.0  |
| 04N | 01E | 10 | : | 35   |      | 20   | 10   | 30 | :    |      |      |      |    | :    |      |      |      | :  | 36   | 38   | 20   | 10   | :           |     | :      | 199.0 |
| 04N | 01E | 11 | : |      |      |      |      | :  |      |      |      |      |    | :    |      |      | 25   | 15 | :    |      | 05   | 12   | :           |     | :      | 57.0  |
| 04N | 01E | 13 | : |      |      |      | 05   | :  |      |      | 30   | 20   | :  | 02   | 35   | 30   | 23   | :  | 20   | 06   | 08   | 25   | :           |     | :      | 204.3 |
| 04N | 01E | 14 | : | 05   | 25   | 38   | 38   | :  | 35   | 35   | 15   | 18   | :  | 24   | 23   | 38   | 32   | :  | 37   | 39   | 35   | 38   | :           |     | :      | 476.8 |
| 04N | 01E | 15 | : | 37   |      |      | 38   | :  |      |      |      |      | :  |      |      |      |      | :  |      |      |      |      | :           |     | :      | 75.0  |
| 04N | 01E | 23 | : | 35   | 37   | 10   | 35   | :  |      |      |      |      | :  |      |      |      |      | :  | 15   |      |      |      | :           |     | :      | 132.0 |
| 04N | 01E | 24 | : | 07   | 38   | 35   | 15   | :  | 35   | 32   | 35   | 10   | :  | 25   | 39   | 10   | 20   | :  |      | 30   | 15   | 15   | :           |     | :      | 361.5 |
| 04N | 01E | 25 | : | 20   |      |      |      | :  |      |      |      |      | :  |      |      |      |      | :  |      |      |      |      | :           |     | :      | 20.0  |
| 04N | 02E | 18 | : |      |      |      |      | :  |      |      |      |      | :  |      |      | 20   |      | :  |      |      |      |      | :           |     | :      | 20.0  |
| 04N | 02E | 19 | : | 02   | 15   | 05   | 05   | :  | 29   | 15   | 30   | 28   | :  | 30   | 08   | 21   | 35   | :  | 20   | 20   | 06   | 35   | :           |     | :      | 304.7 |
| 04N | 02E | 20 | : |      |      |      |      | :  |      |      |      |      | :  |      |      | 35   |      | :  |      |      |      |      | :           |     | :      | 35.0  |
| 04N | 02E | 29 | : |      |      |      |      | :  |      | 15   | 20   |      | :  |      |      | 25   |      | :  |      |      |      |      | :           |     | :      | 60.0  |
| 04N | 02E | 30 | : | 15   | 25   | 30   | 20   | :  | 30   | 35   | 15   | 25   | :  | 20   |      |      |      | :  | 02   | 25   |      | 05   | :           |     | :      | 247.8 |
| 04N | 02E | 31 | : | 03   |      |      |      | :  |      |      |      |      | :  |      |      |      |      | :  |      |      |      |      | :           |     | :      | 3.0   |
| 04N | 02E | 32 | : |      |      |      |      | :  | 15   | 13   | 08   | 31   | :  | 04   |      |      |      | :  |      |      |      |      | :           |     | :      | 71.5  |
| 04N | 01W | 1  | : |      |      |      |      | :  |      | 07   | 13   |      | :  |      |      |      |      | :  |      |      |      |      | :           |     | :      | 20.0  |
| 05N | 01W | 33 | : |      |      |      |      | :  |      |      |      | 15   | :  | 02   |      |      |      | :  |      |      |      |      | :           |     | :      | 17.0  |
|     |     |    |   |      |      |      |      |    |      |      |      |      |    |      |      |      |      |    |      |      |      |      | TOTAL ACRES |     | 2343.6 |       |

Pou County: ADA

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
- R43 - 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.
- R32 - This right when combined with all other rights shall provide no

B2

Conditions of Approval:

- more than .02 cfs per acre nor more than 4.5 afa per acre for
- irrigation of the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or
- easement for use of a delivery system owned by person(s) other
- than the right owner.
- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.
- T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

Dates: App. Received: Priority Date: 06/01/1865  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: 63 Field Exam Fee:

Comments: Date: 07/11/1994 User-ID: CHODGES Subject: TRANSFER NO. 4381  
Transfer filed 6/8/94 to modify place of use and nature of use  
of 15 acres irrigation per sale and transfer of Boise Valley  
Irrigation Ditch Co. shares.  
Following review of the proposed change, approval represents  
transfer of acres within the BVID Co. system.

Date: 01/23/1998 User-ID: PSKAGGS Subject: TRANSFER 5119  
Transfer 5119 changes the point of diversion & place of use under  
a portion of Right 63-00147, splitting the right into Parts A & B.

Audit: 01/23/98 PSKAGGS 01/23/98 PSKAGGS

**EXHIBIT C**

**STOCK CERTIFICATES PURCHASED BY UNITED WATER AND THEIR CORRESPONDING  
ADDRESS AND LEGAL DESCRIPTION**

| <b>SHARES</b> | <b>CERTIFICATE No.</b> | <b>ADDRESS</b>         | <b>LEGAL DESCRIPTION</b> |
|---------------|------------------------|------------------------|--------------------------|
| 13            | 02943- 02944- 02945    | RIVERSIDE VILLAGE SUB. | 4N 1E S24 SESE           |
| 4             | 02939- 02940           | 5866 ARNEY LANE        | 4N 1E S23 SENE           |
| 8             | 02910                  | 3921 KESSINGER LANE    | 4N 2E S30 SENW           |
| 7             | 02867- 02968           | 6324 W. STATE ST.      | 4N 2E S30 NENW           |
| 5.8           | 02885- 02883           | 5121 PIERCE PARK LANE  | 4N 2E S19 SWNW           |
| 3             | 02900                  | 5521 PIERCE PARK LANE  | 4N 2E S19 NWSW           |
| .76           | 02905                  | 5108 EUGENE            | 4N 2E S19 NESW           |
| .35           | 02912                  | 10202 MAYMIE           | 4N 1E S14 NWSW           |
| .31           | 02913                  | 10104 CLAUDIA          | 4N 1E S14 NWSW           |
| 42.22         | TOTAL SHARES           |                        |                          |

EXHIBIT D

T. 5599

Exhibit D

(2 pgs)

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

NO. 0012

NON-NEGOTIABLE

42.22 SHARES

# Boise Valley Irrigation Ditch Co.

REINCORPORATED MARCH 17, 1935  
CAPITAL STOCK \$30,000.00

**UNITED STATES**  
**CERTIFICATE**  
of the ownership of the shares of the capital stock of  
Boise Valley Irrigation Ditch Co.

transferable only on the books of the Corporation by the holder hereof in person or by attorney; upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporation Seal to be hereunto affixed this 29 day of July A.D. 1939

*James H. Hinkle* SECRETARY  
*Alce H. Hinkle* PRESIDENT

**SHARES**

10.00

**PAID**



02943, 02944-02945  
 02939, 02940, 02910,  
 02867, 02968, 02885,  
 02883, 02900, 02905  
 02912 + 02913  
 Transferred to Certificate  
 # 0012

NOTICE: THE SIGNATURE OF THIS ASSIGNMENT  
 MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE  
 FACE OF THE CERTIFICATE, IN EVERY PARTICULAR, WITHOUT  
 ALTERATION OR ENGAGEMENT, OR ANY CHANGE WHATSOEVER.

*For Value Received, hereby sell, assign, and transfer*  
*write*  
*of the Capital Stock represented by the within*  
*certificate, and do hereby irrevocably constitute and appoint*  
*attorney*  
*to transfer the said Stock on the books of the within named*  
*Company with full power of substitution in the premises.*  
*Dated*  
*19*  
*in presence of*

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00147A  
Date Received: 7/28/1989  
Receipt No: C008662  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BOISE VALLEY IRRIGATION DITCH CO 208-342-7136  
Address: C/O WILMA RANSOM SECY  
4822 ALAMOSA LANE  
BOISE ID 83703

2. Date of Priority: JUN 1, 1865

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 03N      | 02E   | 5       | NE     | SE     | NE  |     | ADA    |

5. Description of diverting works:  
FRM.RIV.VIA FARM.UN.TO BVIDCO GATE,NWSWNE,S32,T4N,R2E, FOR DISTR.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S  | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 50.620 |      |        |

7. Total Quantity Appropriated is:  
50.620 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
STKWTR.INCIDENTAL TO IRRIGATION

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 04N      | 01E   | 3       | SE     | SW  |     | IRR | 29.0  |
|          |       |         | SW     | SE  |     | IRR | 10.0  |

# 10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 39.0  |
|          |       | 10      | NE         | NE  | IRR           | 35.0  |
|          |       |         | NW         | NE  | IRR           | 20.0  |
|          |       |         | SW         | NE  | IRR           | 10.0  |
|          |       |         | SE         | NE  | IRR           | 30.0  |
|          |       |         | NE         | SE  | IRR           | 36.0  |
|          |       |         | NW         | SE  | IRR           | 38.0  |
|          |       |         | SW         | SE  | IRR           | 20.0  |
|          |       |         | SE         | SE  | IRR           | 10.0  |
|          |       |         |            |     | Section Acres | 199.0 |
|          |       | 11      | SW         | SW  | IRR           | 25.0  |
|          |       |         | SE         | SW  | IRR           | 15.0  |
|          |       |         | NW         | SE  | IRR           | 5.0   |
|          |       |         | SW         | SE  | IRR           | 12.0  |
|          |       |         |            |     | Section Acres | 57.0  |
|          |       | 13      | SW         | NE  | IRR           | 5.0   |
|          |       |         | SW         | NW  | IRR           | 30.0  |
|          |       |         | SE         | NW  | IRR           | 20.0  |
|          |       |         | NE         | SW  | IRR           | 38.0  |
|          |       |         | NW         | SW  | IRR           | 35.0  |
|          |       |         | SW         | SW  | IRR           | 35.0  |
|          |       |         | SE         | SW  | IRR           | 35.0  |
|          |       |         | NE         | SE  | IRR           | 20.0  |
|          |       |         | NW         | SE  | IRR           | 35.0  |
|          |       |         | SW         | SE  | IRR           | 39.0  |
|          |       |         | SE         | SE  | IRR           | 25.0  |
|          |       |         |            |     | Section Acres | 317.0 |
|          |       | 14      | NE         | NE  | IRR           | 5.0   |
|          |       |         | NW         | NE  | IRR           | 25.0  |
|          |       |         | SW         | NE  | IRR           | 38.0  |
|          |       |         | SE         | NE  | IRR           | 38.0  |
|          |       |         | NE         | NW  | IRR           | 35.0  |
|          |       |         | NW         | NW  | IRR           | 35.0  |
|          |       |         | SW         | NW  | IRR           | 15.0  |
|          |       |         | SE         | NW  | IRR           | 20.0  |
|          |       |         | NE         | SW  | IRR           | 25.0  |
|          |       |         | NW         | SW  | IRR           | 25.0  |
|          |       |         | SW         | SW  | IRR           | 38.0  |
|          |       |         | SE         | SW  | IRR           | 32.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4           | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------|----|-----|-----|-----|-------|
| 04N      | 01E   | 14      | NE            |    | SE  |     | IRR | 37.0  |
|          |       |         | NW            |    | SE  |     | IRR | 39.0  |
|          |       |         | SW            |    | SE  |     | IRR | 35.0  |
|          |       |         | SE            |    | SE  |     | IRR | 38.0  |
|          |       |         | Section Acres |    |     |     |     | 480.0 |
|          |       | 15      | NE            |    | NE  |     | IRR | 37.0  |
|          |       |         | SE            |    | NE  |     | IRR | 38.0  |
|          |       |         | Section Acres |    |     |     |     | 75.0  |
|          |       | 23      | NE            |    | NE  |     | IRR | 35.0  |
|          |       |         | NW            |    | NE  |     | IRR | 37.0  |
|          |       |         | SW            |    | NE  |     | IRR | 10.0  |
|          |       |         | SE            |    | NE  |     | IRR | 35.0  |
|          |       |         | NE            |    | SE  |     | IRR | 15.0  |
|          |       |         | Section Acres |    |     |     |     | 132.0 |
|          |       | 24      | NE            |    | NE  |     | IRR | 15.0  |
|          |       |         | NW            |    | NE  |     | IRR | 38.0  |
|          |       |         | SW            |    | NE  |     | IRR | 35.0  |
|          |       |         | SE            |    | NE  |     | IRR | 15.0  |
|          |       |         | NE            |    | NW  |     | IRR | 35.0  |
|          |       |         | NW            |    | NW  |     | IRR | 35.0  |
|          |       |         | SW            |    | NW  |     | IRR | 35.0  |
|          |       |         | SE            |    | NW  |     | IRR | 10.0  |
|          |       |         | NE            |    | SW  |     | IRR | 25.0  |
|          |       |         | NW            |    | SW  |     | IRR | 39.0  |
|          |       |         | SW            |    | SW  |     | IRR | 10.0  |
|          |       |         | SE            |    | SW  |     | IRR | 20.0  |
|          |       |         | NE            |    | SE  |     | IRR | 5.0   |
|          |       |         | NW            |    | SE  |     | IRR | 30.0  |
|          |       |         | SW            |    | SE  |     | IRR | 15.0  |
|          |       |         | SE            |    | SE  |     | IRR | 15.0  |
|          |       |         | Section Acres |    |     |     |     | 377.0 |
|          |       | 25      | NE            |    | NE  |     | IRR | 20.0  |
|          |       |         | Section Acres |    |     |     |     | 20.0  |
|          | 02E   | 18      | SW            |    | SW  |     | IRR | 20.0  |

# 10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 20.0  |
|          |       | 19      | NE         | NE  | IRR           | 2.0   |
|          |       |         | NW         | NE  | IRR           | 15.0  |
|          |       |         | SW         | NE  | IRR           | 5.0   |
|          |       |         | SE         | NE  | IRR           | 5.0   |
|          |       |         | NE         | NW  | IRR           | 30.0  |
|          |       |         | NW         | NW  | IRR           | 15.0  |
|          |       |         | SW         | NW  | IRR           | 30.0  |
|          |       |         | SE         | NW  | IRR           | 32.0  |
|          |       |         | NE         | SW  | IRR           | 30.0  |
|          |       |         | NW         | SW  | IRR           | 37.0  |
|          |       |         | SW         | SW  | IRR           | 30.0  |
|          |       |         | SE         | SW  | IRR           | 35.0  |
|          |       |         | NE         | SE  | IRR           | 20.0  |
|          |       |         | NW         | SE  | IRR           | 20.0  |
|          |       |         | SW         | SE  | IRR           | 25.0  |
|          |       |         | SE         | SE  | IRR           | 35.0  |
|          |       |         |            |     | Section Acres | 366.0 |
|          |       | 20      | SW         | SW  | IRR           | 35.0  |
|          |       |         |            |     | Section Acres | 35.0  |
|          |       | 29      | NW         | NW  | IRR           | 15.0  |
|          |       |         | SW         | NW  | IRR           | 25.0  |
|          |       |         | NW         | SW  | IRR           | 25.0  |
|          |       |         | SW         | SW  | IRR           | 25.0  |
|          |       |         |            |     | Section Acres | 90.0  |
|          |       | 30      | NE         | NE  | IRR           | 15.0  |
|          |       |         | NW         | NE  | IRR           | 25.0  |
|          |       |         | SW         | NE  | IRR           | 30.0  |
|          |       |         | SE         | NE  | IRR           | 25.0  |
|          |       |         | NE         | NW  | IRR           | 30.0  |
|          |       |         | NW         | NW  | IRR           | 35.0  |
|          |       |         | SW         | NW  | IRR           | 15.0  |
|          |       |         | SE         | NW  | IRR           | 25.0  |
|          |       |         | NE         | SW  | IRR           | 20.0  |
|          |       |         | NE         | SE  | IRR           | 10.0  |
|          |       |         | NW         | SE  | IRR           | 25.0  |
|          |       |         | SE         | SE  | IRR           | 5.0   |

# 10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres  |
|----------|-------|---------|------------|-----|---------------|--------|
|          |       |         |            |     | Section Acres | 260.0  |
|          |       | 31      | NE         | NE  | IRR           | 3.0    |
|          |       |         |            |     | Section Acres | 3.0    |
|          |       | 32      | NE         | NW  | IRR           | 15.0   |
|          |       |         | NW         | NW  | IRR           | 15.0   |
|          |       |         | SE         | NW  | IRR           | 4.0    |
|          |       |         | NE         | SW  | IRR           | 1.0    |
|          |       |         |            |     | Section Acres | 35.0   |
|          | 01W   | 1       | NW         | NW  | IRR           | 7.0    |
|          |       |         | SW         | NW  | IRR           | 13.0   |
|          |       |         |            |     | Section Acres | 20.0   |
| 05N      | 01W   | 33      | SE         | NW  | IRR           | 15.0   |
|          |       |         | NE         | SW  | IRR           | 2.0    |
|          |       |         |            |     | Section Acres | 17.0   |
|          |       |         |            |     | Total Acres   | 2542.0 |

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

LIC.63-2360 & POSSIBLY B/U RT.FROM DEVELOPED WATERS.

14. Remarks:

LANDS DESCRIBED AS PLACES OF USE ARE THOSE IRRIGATED BY WATER DECREEED FOR RT.# 63-0147 AND DELIVERED TO BVIDCO CONTROL GATE IN T04N,R02E,SEC.32,NWSWNE,UNDER AGREEMENT WITH FARMER'S UNION DITCH CO. LTD.,OR WATERS SO DECREEED FOR LANDS LYING BEYOND THE BVIDCO GATE LYING EITHER ABOVE OR BELOW THE FARMERS'S UNION DITCH HELD BY BVIDCO SHAREHOLDERS AND DELIVERED BY AGREEMENT WITH FARMER'S UNION DITCH. ALL LANDS DESCRIBED ARE OWNED BY THE VARIOUS SHARE HOLDERS OF BVIDCO STOCK.

USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 63

CLAIM AMENDED PER TRANSFER 4381 APPROVED 3/14/1996. 4/26/96 MTS THE RIGHT HOLDER SHALL MAINTAIN A MEASURING DEVICE AND

14. Remarks: Continued

LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THE DEPARTMENT IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION.

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 4.5 AFA PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

APPROVAL OF TRANSFER 5119 DOES NOT GRANT ANY RIGHT-OF-WAY OR EASEMENT FOR USE OF A DELIVERY SYSTEM OWNED BY PERSON(S) OTHER THAN THE RIGHT OWNER.

DURING THE PERIOD BEGINNING OCTOBER 16 AND ENDING NOVEMBER 15 OF ANY IRRIGATION SEASON, THE RIGHT HOLDER WILL FOREGO ITS RIGHT TO DIVERT WATER FROM THE ADDITIONAL POINT OF DIVERSION IDENTIFIED UNDER TRANSFER 5119 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, THE RIGHT HOLDER WILL FOREGO ITS RIGHT TO DIVERT WATER FROM THE ADDITIONAL POINT OF DIVERSION IDENTIFIED UNDER TRANSFER 5119 IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 1,000 CUBIC FEET PER SECOND.

SEE ALSO ADDITIONAL CONDITONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 5119 IN FILE.

CLAIM AMENDED PER TRANSFER NO. 5119 APPROVED 02/04/1998.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/16/1906

FARMER'S COOP DITCH CO.  
Decree Plaintiff

RIVERSIDE IRRIG.DISTRICT, LTD  
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Organizations:**

I do solemnly swear or affirm that I am \_\_\_\_\_ of  
\_\_\_\_\_, that I have signed the foregoing  
\_\_\_\_\_, that I have signed the foregoing  
document in the space below as \_\_\_\_\_ of  
\_\_\_\_\_, and that the statements contained in the  
foregoing document are true and correct.

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Title and Organization

\_\_\_\_\_  
Date

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

Western AJ

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5119  
WATER RIGHT NO. 63-00147B

RECEIVED

APR 08 1998

WATER RESOURCES  
WESTERN REGION

This is to certify that: **BOISE VALLEY IRRIGATION DITCH CO**  
**4822 ALAMOSA LANE**  
**BOISE ID 83703**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15       | 3.97 CFS              | 892.8 AF             |

| <u>SOURCE</u> | <u>TRIBUTARY OF</u> |
|---------------|---------------------|
| BOISE RIVER   | SNAKE RIVER         |

Priority: 06/01/1865

LOCATION OF POINT(S) OF DIVERSION: Lot 7( NWNE), Sec. 4, Township 02N, Range 03E  
ADA County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 02N                              | 02E        | 1          | NENE 3.0     | SENE 1.0     |              | 4.0          |
|                                  | 03E        | 5          | NENE 0.5     | NWNE 1.0     | NWNW 1.0     | 2.5          |
|                                  |            | 6          | NENE 0.5     | NWNE 6.0     | SWNE 1.0     |              |
|                                  |            |            | SENE 2.0     | NENW 25.0    | NWNW 13.0    |              |
|                                  |            |            | SENE 1.0     |              |              | 48.5         |
| 03N                              | 02E        | 36         | NESE 0.5     | SESE 2.0     |              | 2.5          |
|                                  | 03E        | 31         | NESW 6.0     | NWSW 7.0     | SWSW 23.0    |              |
|                                  |            |            | SESW 31.5    | NESE 15.0    | NWSE 3.5     |              |
|                                  |            |            | SWSE 21.5    | SESE 15.0    |              | 122.5        |
|                                  |            | 32         | NESW 2.0     | NWSW 2.5     | SWSW 1.9     |              |
|                                  |            |            | SESW 1.0     | NWSE 2.0     | SWSE 8.0     |              |
|                                  |            |            | SESE 1.0     |              |              | 18.4         |
| Total number of acres irrigated: |            |            |              |              |              | 198.4        |

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. 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.

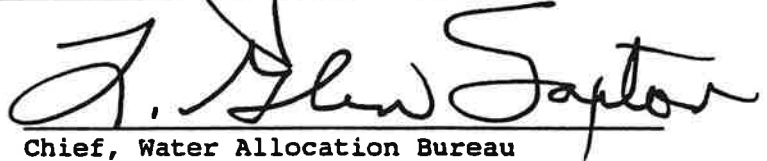
TRANSFER NO. 5119  
WATER RIGHT NO. 63-00147B

CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Approval of Transfer 5119 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
8. During the period beginning October 16 and ending November 15 of any irrigation season, the right holder will forego its right to divert water from the additional point of diversion identified under Transfer 5119 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.
9. During the period beginning March 16 and ending April 15 of any irrigation season, the right holder will forego its right to divert water from the additional point of diversion identified under Transfer 5119 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.

Dated this 4<sup>th</sup> day of

February, 19 98

  
Chief, Water Allocation Bureau

**MEMORANDUM**

**Date:** January 21, 1998

**To:** Pam

**From:** Jim Johnson

**Subject:** Boise Valley Transfer 5119

=====

Finalizing this transfer had been delayed because Vic Conrad was trying to get an amended withdraw of protest from Idaho Rivers United. After several unsuccessful attempts Vic has now asked us to proceed. I have informed him that we propose to approve the transfer as follows.

- Split the water right into A & B
- Part B will not include a permissible place of use
- Part B will show only one point of diversion
- Part B will only include paragraph 1 and 2 of the Withdraw of Protest and Agreement of Conditions.
- A copy of the approved transfer (preliminary order) will be sent to both protestants allowing them to file a petition for reconsideration.

If you have any questions please let me know.

Page 1 of 6

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

Transfer No. \_\_\_\_\_

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

RECEIVED  
NOV 28 1995

**WATER RESOURCES  
WESTERN REGION**

Name of applicant BOISE VALLEY IRRIGATION DITCH COMPANY Phone (208) 342-7136

Post Office address 4822 Alamosa Lane, Boise, Idaho 83703

**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion      ☒ Add diversion point(s)      ☒ Change place of use  
☐ Change nature of use      ☐ Change period of use      ☐ Other \_\_\_\_\_

2. Describe the reason for the proposed changes To add a point of diversion and increase the Boise Valley Irrigation Ditch Company's service area. The total number of irrigated acres within the new and old service area combined will remain unchanged as a result of this transfer.

**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

| 1. | Right Number      | Priority              | Amount<br>(cfs/ac-ft)   | Nature<br>of Use            |                         | Period of Use              |
|----|-------------------|-----------------------|-------------------------|-----------------------------|-------------------------|----------------------------|
|    | <u>63-00147</u>   | <u>June 1, 1865</u>   | <u>54.58 c.f.s.</u>     | <u>Irrigation</u>           | <u>3-15</u>             | to <u>11-15</u>            |
|    | <u>          </u> | <u>              </u> | <u>                </u> | <u>                    </u> | <u>                </u> | to <u>                </u> |
|    | <u>          </u> | <u>              </u> | <u>                </u> | <u>                    </u> | <u>                </u> | to <u>                </u> |
|    | <u>          </u> | <u>              </u> | <u>                </u> | <u>                    </u> | <u>                </u> | to <u>                </u> |

2. Total amount of water being transferred 4.5 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Boise River tributary to Snake River

**4. Point(s) of Diversion:**

[illegible]

5. Lands irrigated or place of use: The area described below identifies only the new lands to be added to the existing Boise Valley service area.

| Twp.  | Rge. | Sec. | NE ¼                                                                                                                                                                                  |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|-------|------|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|       |      |      | NE ¼                                                                                                                                                                                  | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 2N    | 3E   | 4    |                                                                                                                                                                                       |      |      |      |      |      | 26   | 7    | 40   | 35   | 39   | 36   |      | 40   | 38   |      | 261    |
|       |      | 5    |                                                                                                                                                                                       |      | *37  | 39   |      |      | *24  | *33  | 40   | 40   | 30   | 40   | 40   | 40   | 40   | 40   | 443    |
|       |      | 8    | 40                                                                                                                                                                                    | 39   |      |      | 38   | 39   |      |      |      |      |      |      |      |      |      |      | 156    |
|       |      | 10   |                                                                                                                                                                                       |      |      |      |      |      |      |      | 30   | 40   |      | 40   | 20   |      | 20   |      | 150    |
|       |      | 15   | 10                                                                                                                                                                                    | 40   | 39   |      | 40   | 39   | 40   | 39   | 25   | 36   |      |      |      |      |      |      | 308    |
|       |      | 9    | 40                                                                                                                                                                                    |      |      | 40   |      |      |      |      |      |      |      |      |      |      |      |      | 80     |
| NOTE: |      |      | Area described here is requested Permissible Place of Use to be added to existing Boise Valley Service Area. Attached map illustrates boundary of existing Boise Valley Service Area. |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

**PART 1**

**6. General Information:**

a. Description of diversion system Diversion Dam, Pumps, Pipeline

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, contracts? \_\_\_\_\_ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
Some of the land formerly irrigated within Boise Valley's service area is no longer irrigated within this water right as a result of Urban Development.

d. Remarks:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_  
And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3 of 6  
WR0749NP  
No. 63-00147

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 01/1  
PAGE:

| OWNER<br>CODE    | NAME & ADDRESS                                                          | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | BOISE VALLEY IRRIGATION DITCH CO<br>4822 ALAMOSA<br>BOISE ID 83703-4332 | 06/01/1865       | IRRIGATION | 03/15 11/15           | 54.580 CFS        | 11439.00 /          |
| TOTAL DIVERSION: |                                                                         |                  |            |                       | 54.580 CFS        | 11439.00 /          |

Water Source: BOISE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T03N R02E S05

SENE

ADA County

Point of Diversion Name(s):

|               | Name                      | Rate | Number |
|---------------|---------------------------|------|--------|
| T03N R02E S05 | SE NE FARMERS UNION CANAL |      |        |

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      |             |    |        |       |
|-----|-----|----|---|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------------|----|--------|-------|
|     |     |    |   | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | SUM         |    |        |       |
| T   | R   | S  | : | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt          | Ac | :      |       |
| 04N | 01E | 3  | : |      |      |      |      |      |      |      |      |      |      |      | 29   |      |      | 10   |      |             |    | :      | 39.0  |
| 04N | 01E | 10 | : | 35   |      | 20   | 10   | 30   |      |      |      |      |      |      |      | 36   | 38   | 20   | 10   |             |    | :      | 199.0 |
| 04N | 01E | 11 | : |      |      |      |      |      |      |      |      |      |      | 25   | 15   |      | 05   | 12   |      |             |    | :      | 57.0  |
| 04N | 01E | 13 | : |      |      |      | 05   |      |      | 30   | 20   | 38   | 35   | 35   | 35   | 20   | 35   | 39   | 25   |             |    | :      | 317.0 |
| 04N | 01E | 14 | : | 05   | 25   | 38   | 38   | 35   | 35   | 15   | 20   | 25   | 25   | 38   | 32   | 37   | 39   | 35   | 38   |             |    | :      | 480.0 |
| 04N | 01E | 15 | : | 37   |      |      | 38   |      |      |      |      |      |      |      |      |      |      |      |      |             |    | :      | 75.0  |
| 04N | 01E | 23 | : | 35   | 37   | 10   | 35   |      |      |      |      |      |      |      |      | 15   |      |      |      |             |    | :      | 132.0 |
| 04N | 01E | 24 | : | 15   | 38   | 35   | 15   | 35   | 35   | 35   | 10   | 25   | 39   | 10   | 20   |      | 30   | 15   | 15   |             |    | :      | 372.0 |
| 04N | 01E | 25 | : | 20   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |             |    | :      | 20.0  |
| 04N | 02E | 18 | : |      |      |      |      |      |      |      |      |      |      | 20   |      |      |      |      |      |             |    | :      | 20.0  |
| 04N | 02E | 19 | : | 02   | 15   | 05   | 05   | 30   | 15   | 30   | 32   | 30   | 37   | 30   | 35   | 20   | 20   | 25   | 35   |             |    | :      | 366.0 |
| 04N | 02E | 20 | : |      |      |      |      |      |      |      |      |      |      | 35   |      |      |      |      |      |             |    | :      | 35.0  |
| 04N | 02E | 29 | : |      |      |      |      |      | 15   | 20   |      |      |      | 25   |      |      |      |      |      |             |    | :      | 60.0  |
| 04N | 02E | 30 | : | 15   | 25   | 30   | 25   | 30   | 35   | 15   | 25   | 20   |      |      |      | 07   | 25   |      | 05   |             |    | :      | 257.0 |
| 04N | 02E | 31 | : | 03   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |             |    | :      | 3.0   |
| 04N | 02E | 32 | : |      |      |      |      | 15   | 15   | 08   | 31   | 04   |      |      |      |      |      |      |      |             |    | :      | 73.0  |
| 04N | 01W | 1  | : |      |      |      |      |      | 07   | 13   |      |      |      |      |      |      |      |      |      |             |    | :      | 20.0  |
| 05N | 01W | 33 | : |      |      |      |      |      |      |      | 15   | 02   |      |      |      |      |      |      |      |             |    | :      | 17.0  |
|     |     |    |   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | TOTAL ACRES |    | 2542.0 |       |

Pou County: ADA

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
- R43 - A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- R32 - This right when combined with all other rights shall provide no

Conditions of Approval:

- more than .02 cfs per acre nor more than 4.5 afa per acre for the
- lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or
- easement for use of a delivery system owned by person(s) other
- than the right owner.
- T07 - The change authorized by this transfer shall be accomplished
- within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause
- for the director to issue an order to show cause why the approval
- of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

Dates: App. Received: Priority Date: 06/01/1865  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: 63 Field Exam Fee:

Comments: Date: 07/11/1994 User-ID: CHODGES Subject: TRANSFER NO 381  
Transfer filed 6/8/94 to modify place of use and nature of use  
of 15 acres irrigation per sale and transfer of Boise Valley  
Irrigation Ditch Co. shares.  
Following review of the proposed change, approval represents  
transfer of acres within the BVID Co. system.

Audit: 05/28/85 05/01/88 CONVERT 08/27/90 CURTIS 07/11/94 CHODGES  
02/27/96 PSKAGGS 02/27/96 PSKAGGS

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**  
*(Attach one copy for each right)*

**A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by:

- a. Decree No. 63-00147 Decreed to BOISE VALLEY IRRIGATION DITCH COMPANY  
in case of Farmers Co-Op Ditch Company vs. Riverside Irrigation District  
dated January 18, 1906 in \_\_\_\_\_ county of Canyon
- b. License No. \_\_\_\_\_ Issued by the Idaho Department of Water Resources.
- c. Claim No. A63-00147 on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water \_\_\_\_\_ tributary to \_\_\_\_\_

4. Date or priority 6-1-1865

## 5. Water is used for the following purpose:

amount 54.58 c.f.s. for Irrigation purposes from 3-15 to 11-15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 54.58 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|----|----|----|------|------|------|--------|--------------------------|
|     |    |    |    |      |      |      |        |                          |
|     | NE | SE | NE | 5    | 3N   | 2E   | Ada    |                          |
|     |    |    |    |      |      |      |        |                          |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼                                                          |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|---------------------------------------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼                                                          | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |                                                               |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      | Lands irrigated are within the boundaries of the Boise Valley |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      | Irrigation Ditch Company (Map Attached)                       |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |                                                               |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |                                                               |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |                                                               |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

**s, describe** \_\_\_\_\_

***(If the entire right is to be changed by the applicant, omit part B and C.)***

\_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

|   | Sec. | Twp. | Rge. | County | Local name for diversion |
|---|------|------|------|--------|--------------------------|
| 4 | 4    | 2N   | 3E   | Ada    |                          |
|   |      |      |      |        |                          |
|   |      |      |      |        |                          |

| NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
| E ¼  | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      | 26   | 7    | 40   | 35   | 39   | 36   |      | 40   | 38   |      | 261    |
|      |      | *37  | 39   |      |      | *24  | *33  | 40   | 40   | 30   | 40   | 40   | 40   | 40   | 40   | 443    |
| 0    | 39   |      |      | 38   | 39   |      |      |      |      |      |      |      |      |      |      | 156    |
| 2    |      |      | 40   |      |      |      |      |      |      |      |      |      |      |      |      | 80     |
|      |      |      |      |      |      |      |      | 30   | 40   |      | 40   | 20   |      | 20   |      | 150    |
| 0    | 40   | 39   |      | 40   | 39   | 40   | 39   | 25   | 36   |      |      |      |      |      |      | 308    |

Permissible Place of Use to  
be added to existing Boise  
Valley Service Area.

**Total acres** 1,398.00

\_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

| Sec. | Twp. | Rge. | County | Local name for diversion |
|------|------|------|--------|--------------------------|
| 5    | 3N   | 2E   | Ada    |                          |
|      |      |      |        |                          |
|      |      |      |        |                          |

[illegible]

lands irrigated are within the boundaries of the Boise Valley

Irrigation Ditch Company Service Area.

Map of Existing Boundary Attached)

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No. \_\_\_\_\_ If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

***(If the entire right is to be changed by the applicant, omit part B and C.)***

1. amount 4.5 c.f.s. for Irrigation purposes from 3-15 to 11-15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

**2. Point(s) of Diversion:**

[illegible]

3. Lands irrigated or place of use: The area described here identifies only the new lands to be added to the existing Boise Valley service area.

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 2N   | 3E   | 4    |      |      |      |      |      |      | 26   | 7    | 40   | 35   | 39   | 36   |      | 40   | 38   |      | 261    |
|      |      | 5    |      |      | *37  | 39   |      |      | *24  | *33  | 40   | 40   | 30   | 40   | 40   | 40   | 40   | 40   | 443    |
|      |      | 8    | 40   | 39   |      |      | 38   | 39   |      |      |      |      |      |      |      |      |      |      | 156    |
|      |      | 9    | 40   |      |      | 40   |      |      |      |      |      |      |      |      |      |      |      |      | 80     |
|      |      | 10   |      |      |      |      |      |      |      |      | 30   | 40   |      | 40   | 20   |      | 20   |      | 150    |
|      |      | 15   | 10   | 40   | 39   |      | 40   | 39   | 40   | 39   | 25   | 36   |      |      |      |      |      |      | 308    |

\* Lying South of Hwy 21

Permissible Place of Use to be added to existing Boise Valley Service Area. Total acres 1.398.00

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*

1. amount 50.08 for Irrigation purposes from 3-15 to 11-15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

**2. Point(s) of Diversion:**

[illegible]

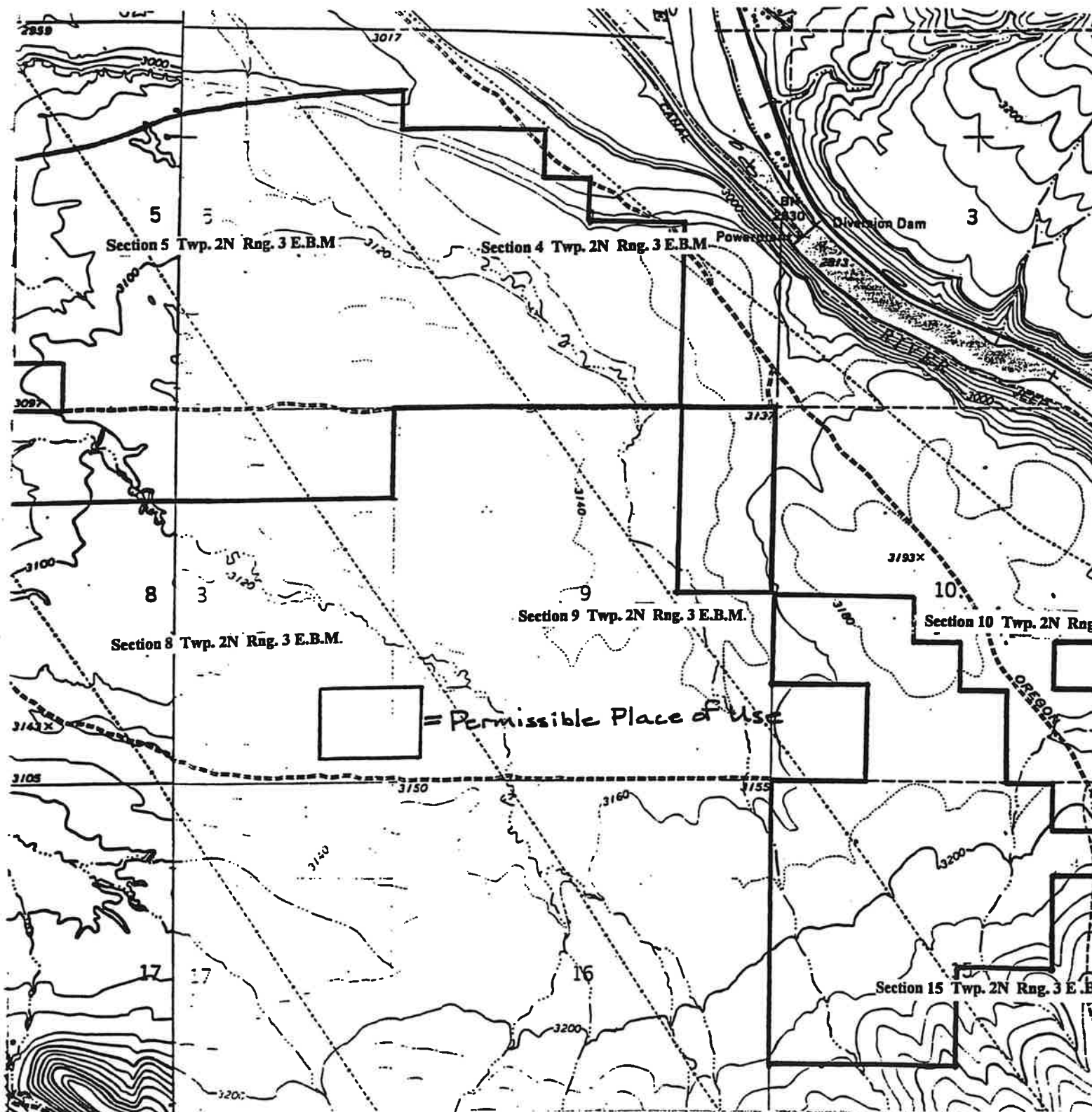
3. Lands irrigated or place of use:

[illegible]

**Total acres** \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights describe in part 1. Clearly depict the land by section, township and range number.**



### PART 3

#### B. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use  |
|---|-------------------|-----------------------|-----------------|----------------|
|   |                   |                       |                 | _____ to _____ |
|   |                   |                       |                 | _____ to _____ |

2. Quantity and quality of return flows and location of discharge:

\_\_\_\_\_

\_\_\_\_\_

3. Describe effects on other water uses resulting from the proposed change:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Boise Valley Irrigation Ditch Company

By: Dee Gibbens  
Dee Gibbens, President (Signature of Applicant)

Subscribed and sworn to before me this 28<sup>th</sup> day of November, 19 95.

Laura A Brunson  
(Notary Public)

My commission expires 10/29/99

#### + 3 Amendment Letters FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by VR Date 11-28-95 Protest filed by \_\_\_\_\_

Prelim. check by ly Fee ① \$50 - ② \$50 -

Receipted by VR ② W020140 Date ① 11-29-95

Published in VR ② W021240 ② 7-22-96

Pub. dates \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_

Copies of protest forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

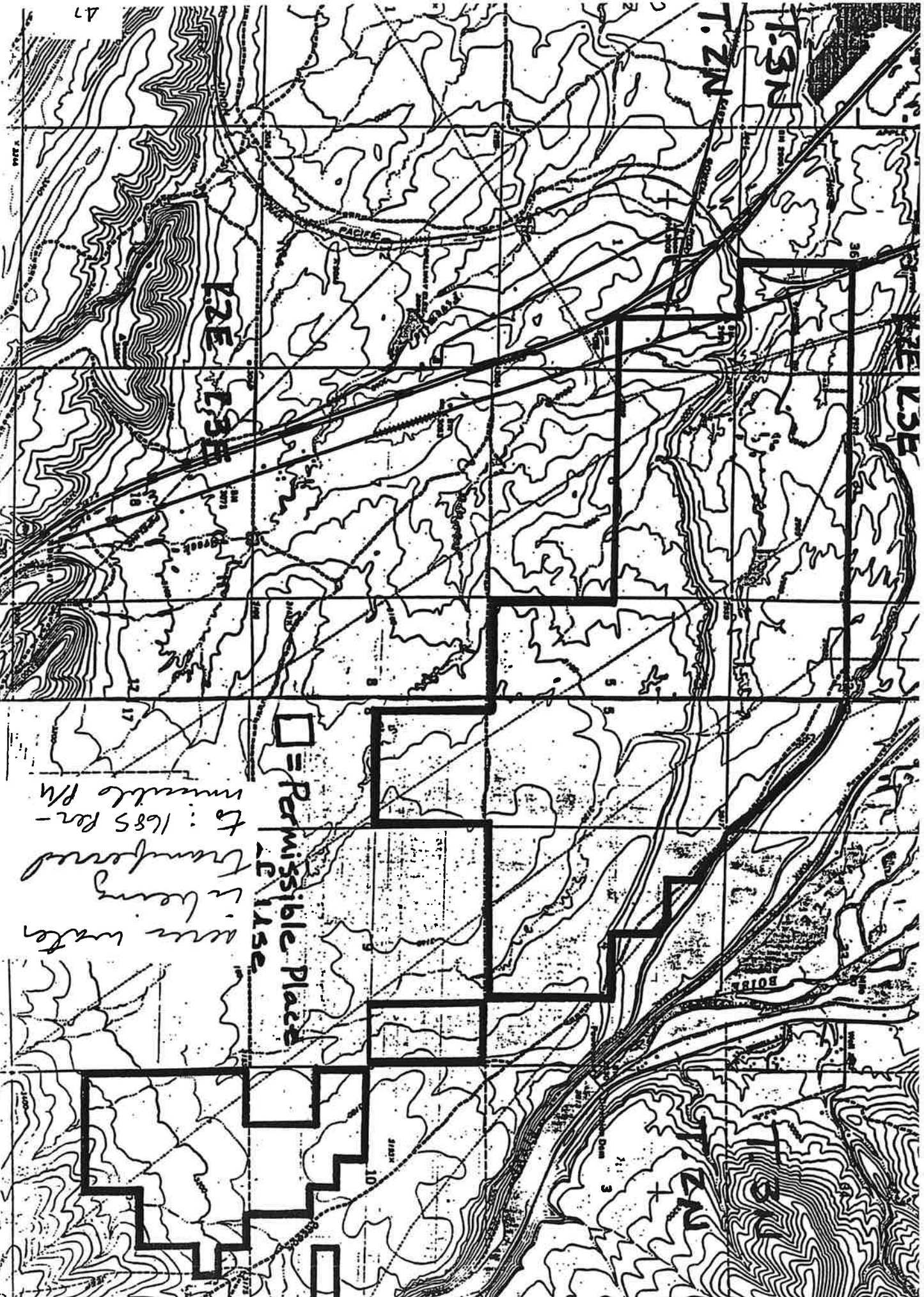
Recommended for ☐ approval ☐ denial

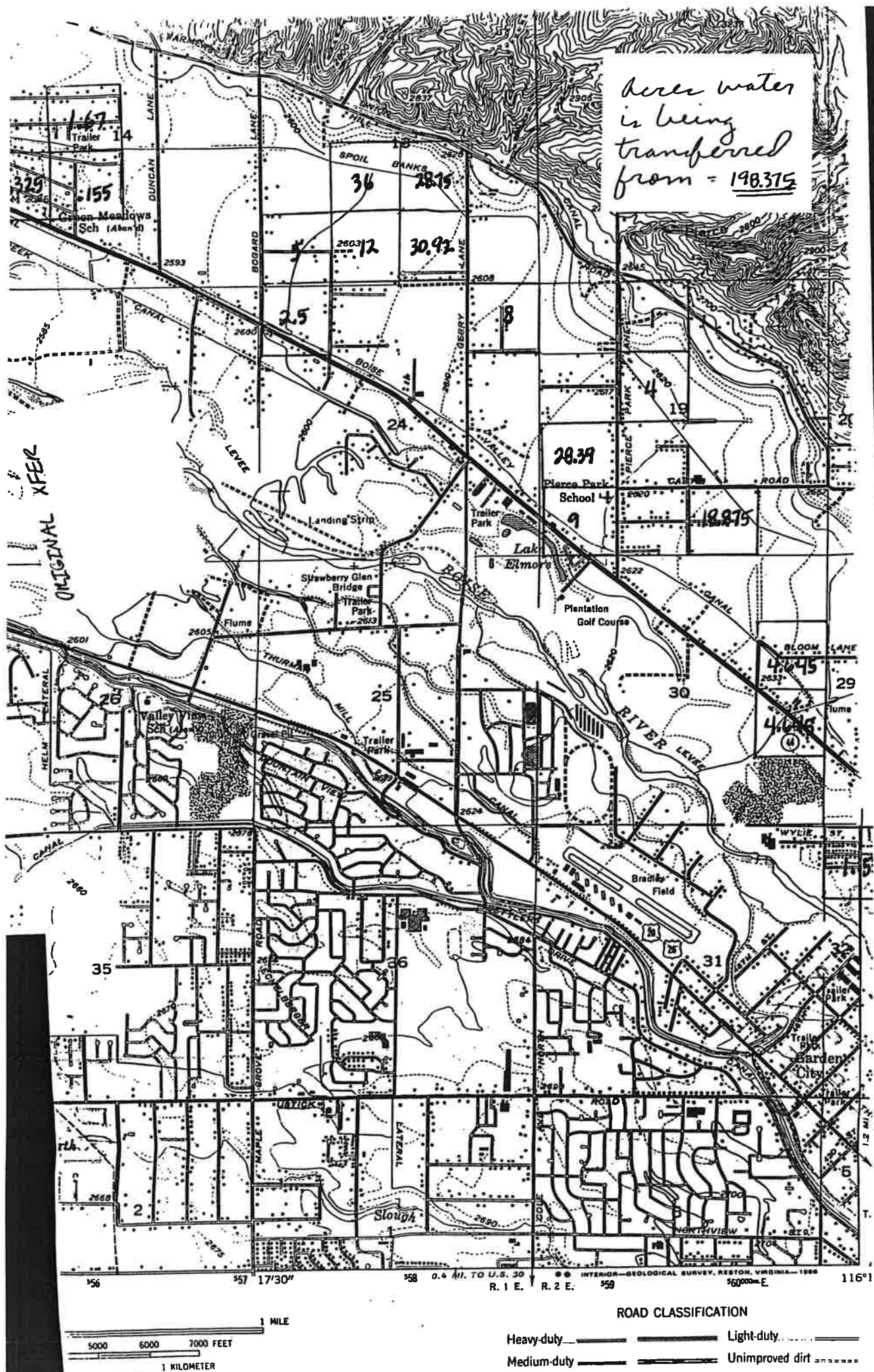
\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

ise South Quad reduced to 70% of original

→ Lucky Peak Quad reduced to 70% of orig





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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00147  
Date Received: 7/28/1989  
Receipt No: C008662  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BOISE VALLEY IRRIGATION DITCH CO  
Address: C/O WILMA RANSOM SECY  
4822 ALAMOSA LANE  
BOISE ID 83703 208-342-7136

2. Date of Priority: JUN 1, 1865

3. Source: BOISE RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 03N      | 02E   | 5       | NE     | SE     | NE  |     | ADA    |

5. Description of diverting works:  
FRM.RIV.VIA FARM.UN.TO BVIDCO GATE,NWSWNE,S32,T4N,R2E, FOR DISTR.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S  | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 54.580 |      |        |

7. Total Quantity Appropriated is:  
54.580 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 8753.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
STKWTR.INCIDENTAL TO IRRIGATION

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 04N      | 01E   | 3       | SE     | SW  |     | IRR | 29.0  |
|          |       |         | SW     | SE  |     | IRR | 10.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|--------|-----|---------------|-------|
|          |       |         |     |        |     | Section Acres | 39.0  |
|          |       | 10      | NE  | NE     |     | IRR           | 35.0  |
|          |       |         | NW  | NE     |     | IRR           | 20.0  |
|          |       |         | SW  | NE     |     | IRR           | 10.0  |
|          |       |         | SE  | NE     |     | IRR           | 30.0  |
|          |       |         | NE  | SE     |     | IRR           | 36.0  |
|          |       |         | NW  | SE     |     | IRR           | 38.0  |
|          |       |         | SW  | SE     |     | IRR           | 20.0  |
|          |       |         | SE  | SE     |     | IRR           | 10.0  |
|          |       |         |     |        |     | Section Acres | 199.0 |
|          |       | 11      | SW  | SW     |     | IRR           | 25.0  |
|          |       |         | SE  | SW     |     | IRR           | 15.0  |
|          |       |         | NW  | SE     |     | IRR           | 5.0   |
|          |       |         | SW  | SE     |     | IRR           | 12.0  |
|          |       |         |     |        |     | Section Acres | 57.0  |
|          |       | 13      | SW  | NE     |     | IRR           | 5.0   |
|          |       |         | SW  | NW     |     | IRR           | 30.0  |
|          |       |         | SE  | NW     |     | IRR           | 20.0  |
|          |       |         | NE  | SW     |     | IRR           | 38.0  |
|          |       |         | NW  | SW     |     | IRR           | 35.0  |
|          |       |         | SW  | SW     |     | IRR           | 35.0  |
|          |       |         | SE  | SW     |     | IRR           | 35.0  |
|          |       |         | NE  | SE     |     | IRR           | 20.0  |
|          |       |         | NW  | SE     |     | IRR           | 35.0  |
|          |       |         | SW  | SE     |     | IRR           | 39.0  |
|          |       |         | SE  | SE     |     | IRR           | 25.0  |
|          |       |         |     |        |     | Section Acres | 317.0 |
|          |       | 14      | NE  | NE     |     | IRR           | 5.0   |
|          |       |         | NW  | NE     |     | IRR           | 25.0  |
|          |       |         | SW  | NE     |     | IRR           | 38.0  |
|          |       |         | SE  | NE     |     | IRR           | 38.0  |
|          |       |         | NE  | NW     |     | IRR           | 35.0  |
|          |       |         | NW  | NW     |     | IRR           | 35.0  |
|          |       |         | SW  | NW     |     | IRR           | 15.0  |
|          |       |         | SE  | NW     |     | IRR           | 20.0  |
|          |       |         | NE  | SW     |     | IRR           | 25.0  |
|          |       |         | NW  | SW     |     | IRR           | 25.0  |
|          |       |         | SW  | SW     |     | IRR           | 38.0  |
|          |       |         | SE  | SW     |     | IRR           | 32.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 04N      | 01E   | 14      | NE  |    | SE  |     | IRR           | 37.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 39.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 35.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 38.0  |
|          |       |         |     |    |     |     | Section Acres | 480.0 |
|          |       | 15      | NE  |    | NE  |     | IRR           | 37.0  |
|          |       |         | SE  |    | NE  |     | IRR           | 38.0  |
|          |       |         |     |    |     |     | Section Acres | 75.0  |
|          |       | 23      | NE  |    | NE  |     | IRR           | 35.0  |
|          |       |         | NW  |    | NE  |     | IRR           | 37.0  |
|          |       |         | SW  |    | NE  |     | IRR           | 10.0  |
|          |       |         | SE  |    | NE  |     | IRR           | 35.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 15.0  |
|          |       |         |     |    |     |     | Section Acres | 132.0 |
|          |       | 24      | NE  |    | NE  |     | IRR           | 15.0  |
|          |       |         | NW  |    | NE  |     | IRR           | 38.0  |
|          |       |         | SW  |    | NE  |     | IRR           | 35.0  |
|          |       |         | SE  |    | NE  |     | IRR           | 15.0  |
|          |       |         | NE  |    | NW  |     | IRR           | 35.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 35.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 35.0  |
|          |       |         | SE  |    | NW  |     | IRR           | 10.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 25.0  |
|          |       |         | NW  |    | SW  |     | IRR           | 39.0  |
|          |       |         | SW  |    | SW  |     | IRR           | 10.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 20.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 5.0   |
|          |       |         | NW  |    | SE  |     | IRR           | 30.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 15.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 15.0  |
|          |       |         |     |    |     |     | Section Acres | 377.0 |
|          |       | 25      | NE  |    | NE  |     | IRR           | 20.0  |
|          |       |         |     |    |     |     | Section Acres | 20.0  |
|          | 02E   | 18      | SW  |    | SW  |     | IRR           | 20.0  |

# 10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 20.0  |
|          |       | 19      | NE         | NE  | IRR           | 2.0   |
|          |       |         | NW         | NE  | IRR           | 15.0  |
|          |       |         | SW         | NE  | IRR           | 5.0   |
|          |       |         | SE         | NE  | IRR           | 5.0   |
|          |       |         | NE         | NW  | IRR           | 30.0  |
|          |       |         | NW         | NW  | IRR           | 15.0  |
|          |       |         | SW         | NW  | IRR           | 30.0  |
|          |       |         | SE         | NW  | IRR           | 32.0  |
|          |       |         | NE         | SW  | IRR           | 30.0  |
|          |       |         | NW         | SW  | IRR           | 37.0  |
|          |       |         | SW         | SW  | IRR           | 30.0  |
|          |       |         | SE         | SW  | IRR           | 35.0  |
|          |       |         | NE         | SE  | IRR           | 20.0  |
|          |       |         | NW         | SE  | IRR           | 20.0  |
|          |       |         | SW         | SE  | IRR           | 25.0  |
|          |       |         | SE         | SE  | IRR           | 35.0  |
|          |       |         |            |     | Section Acres | 366.0 |
|          |       | 20      | SW         | SW  | IRR           | 35.0  |
|          |       |         |            |     | Section Acres | 35.0  |
|          |       | 29      | NW         | NW  | IRR           | 15.0  |
|          |       |         | SW         | NW  | IRR           | 25.0  |
|          |       |         | NW         | SW  | IRR           | 25.0  |
|          |       |         | SW         | SW  | IRR           | 25.0  |
|          |       |         |            |     | Section Acres | 90.0  |
|          |       | 30      | NE         | NE  | IRR           | 15.0  |
|          |       |         | NW         | NE  | IRR           | 25.0  |
|          |       |         | SW         | NE  | IRR           | 30.0  |
|          |       |         | SE         | NE  | IRR           | 25.0  |
|          |       |         | NE         | NW  | IRR           | 30.0  |
|          |       |         | NW         | NW  | IRR           | 35.0  |
|          |       |         | SW         | NW  | IRR           | 15.0  |
|          |       |         | SE         | NW  | IRR           | 25.0  |
|          |       |         | NE         | SW  | IRR           | 20.0  |
|          |       |         | NE         | SE  | IRR           | 10.0  |
|          |       |         | NW         | SE  | IRR           | 25.0  |
|          |       |         | SE         | SE  | IRR           | 5.0   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres  |
|----------|-------|---------|------------|-----|---------------|--------|
|          |       |         |            |     | Section Acres | 260.0  |
|          |       | 31      | NE         | NE  | IRR           | 3.0    |
|          |       |         |            |     | Section Acres | 3.0    |
|          |       | 32      | NE         | NW  | IRR           | 15.0   |
|          |       |         | NW         | NW  | IRR           | 15.0   |
|          |       |         | SE         | NW  | IRR           | 4.0    |
|          |       |         | NE         | SW  | IRR           | 1.0    |
|          |       |         |            |     | Section Acres | 35.0   |
|          | 01W   | 1       | NW         | NW  | IRR           | 7.0    |
|          |       |         | SW         | NW  | IRR           | 13.0   |
|          |       |         |            |     | Section Acres | 20.0   |
| 05N      | 01W   | 33      | SE         | NW  | IRR           | 15.0   |
|          |       |         | NE         | SW  | IRR           | 2.0    |
|          |       |         |            |     | Section Acres | 17.0   |
|          |       |         |            |     | Total Acres   | 2542.0 |

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

LIC.63-2360 & POSSIBLY B/U RT.FROM DEVELOPED WATERS.

14. Remarks:

LANDS DESCRIBED AS PLACES OF USE ARE THOSE IRRIGATED BY WATER DECREED FOR RT.# 63-0147 AND DELIVERED TO BVIDCO CONTROL GATE IN T04N,R02E,SEC.32,NWSWNE,UNDER AGREEMENT WITH FARMER'S UNION DITCH CO. LTD.,OR WATERS SO DECREED FOR LANDS LYING BEYOND THE BVIDCO GATE LYING EITHER ABOVE OR BELOW THE FARMERS'S UNION DITCH HELD BY BVIDCO SHAREHOLDERS AND DELIVERED BY AGREEMENT WITH FARMER'S UNION DITCH. ALL LANDS DESCRIBED ARE OWNED BY THE VARIOUS SHARE HOLDERS OF BVIDCO STOCK. AT ONE TIME IT WAS PROPOSED TO SPLIT THIS RIGHT INTO A AND B PORTIONS BY TRANSFERS #1982 AND #1983. THESE TRANSFERS WERE NEVER PROCESSED TO COMPLETION AND ACCORDING TO THE FILE WERE APPARENTLY WITHDRAWN, HENCE THE RIGHT IS BEING CLAIMED AS A SINGLE ENTITY.

14. Remarks: Continued

USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE  
WATERMASTER OF STATE WATER DISTRICT NO. 63  
CLAIM AMENDED PER TRANSFER 4381 APPROVED 3/14/1996. 4/26/96 MTS

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/16/1906

FARMER'S COOP DITCH CO.  
Decree Plaintiff

RIVERSIDE IRRIG.DISTRICT, LTD  
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake Riv Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and p a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

## Shurte, Jan

---

**From:** Shurte, Jan  
**Sent:** Tuesday, January 08, 2008 10:23 AM  
**To:** Ted Booth  
**Cc:** Shurte, Jan  
**Subject:** Boise Valley Irrigation Ditch Co. Recommendations  
**Attachments:** 63-147B.RTF; 63-31198.RTF; 63-31832.RTF; 63-31833.RTF

Hi Ted,

Attached are the reworded recommendations for the BVID ones that we discussed. Following is an explanation of what I did on each one. Please let me know if I have left something out or made an error on one of these. Sorry for the delay.

63-147B – Removed the place of use remark concerning the 198.4 acres at the Simplot Sports Complex and replaced it with an explanatory remark.

Changed the two shoulder remarks concerning the periods of use and amounts of water by deleting “from this point of diversion” out of each.

63-2360 – All ok on this one.

63-31198 – Removed the place of use remark concerning the 5.5 acres at the Shakespeare Festival and replaced it with an explanatory remark. Did not make sense with the digital boundary remark also.

63-31832 – Deleted shoulder remark concerning season of use as it did not make sense with the period of use and was redundant to the Boise River period of use remark.

63-31833 – Removed the place of use remark concerning the 10 acres at the Shakespeare Festival and replaced it with an explanatory remark. Did not make sense with the digital boundary remark also.

If you have any questions, or I'm missing something, please let me know.

Thanks,  
Jan

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31833 V3

WATER RIGHT NUMBER: 63-31833 V3

| <u>Owner Type</u> | <u>Name and Address</u>                                                                         |
|-------------------|-------------------------------------------------------------------------------------------------|
| Attorney          | RINGERT CLARK CHARTERED<br>455 S 3RD ST<br>PO BOX 2773<br>BOISE, ID 83701-2773<br>(208)342-4591 |
| Current Owner     | BOISE VALLEY IRRIGATION DITCH CO<br>8750 N BOGART LN<br>BOISE, ID 83714<br>(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          | 0.200 CFS             | 45.00 AF             |
|                       | <u>Total Diversion:</u> | 0.200 CFS             | 45.00 AF             |

Location of Point(s) of Diversion

|                           |                 |                                 |
|---------------------------|-----------------|---------------------------------|
| BOISE RIVER<br>ADA County | SW1/4SW1/4SW1/4 | Sec. 28, Twp 03N, Rge 03E, B.M. |
| BOISE RIVER<br>ADA County | SW1/4SW1/4SW1/4 | Sec. 28, Twp 03N, Rge 03E, B.M. |
| BOISE RIVER<br>ADA County | SE1/4SE1/4      | Sec. 29, Twp 03N, Rge 03E, B.M. |

Place of UseConditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31197.
2. WB4 The total instantaneous diversion of water from all points of diversion under Right 63-31833 shall not exceed 0.20 cfs, nor a total combined annual volume of 45.0 af.
3. Transfer No. 71032 transferred 10 acres under this right to be used within a 30.5 acre permissible place of use at the Idaho Shakespeare Festival grounds in the SWSW, Sec. 28 and SESE, Sec. 29, T3N. R1E. These acres are within the digital boundaries for this ditch company.
4. 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 63-31833 V3

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. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. R05 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.
8. T08 Failure of the right holder to comply with the conditions of transfer 71032 is cause for the Director to rescind approval of the transfer.
9. F05 Right No. 63-31198 is also diverted through points of diversion described above.
10. 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.
11. 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.
12. T07 The right holder shall accomplish the change authorized by transfer 71032 within one (1) year of the date of approval.

Remarks:

Comments:

1. jshurte 10/12/2007 Objection Reivew

Comment: BLM objection resolved with no change to total acres under this right. See file.

2. jshurte 1/8/2008 Condition change

Comment: Prior to the issuance of a partial decree and afte the SF5 was signed on this right I was requested by Special Master Ted Booth to review the place of use condition originally recommended concerning the 10 acres. It did not match up with the digital boundary remark. In order to explain the transfer I made another condition and placed it in the explanatory remarks. This was the only change made.

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 63-31833 V3

Water Supply Bank:

*COPY*  
*SFS completed*  
*sent to*  
*S.O.*  
*10-12-07*  
*[Signature]*

**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. 63-31833  
)  
)  
)  
)  
)  
)  
)

**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  
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

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

RIGHT NUMBER: 63-31833

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

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 CFS  
45.000 AFY

The total instantaneous diversion of water from all points of diversion under Right 63-31833 shall not exceed 0.20 cfs, nor a total combined annual volume of 45.0 af.

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 R03E S28 SWSWSW Within ADA County

T03N R03E S28 SWSWSW Within ADA County

T03N R03E S29 SESE 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          | 0.200 CFS<br>45.00 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.

PLACE OF USE:

2808.43 ACRES TOTAL

The place of use of this right is limited to 10 acres within a 30.5 acre place of use located in Lot 2 SWSW (22.4 ac) Sec. 28 and in Lot 1 SESE (8.1 ac), Sec. 29, Twp. 3N, Rge 3E as approved under Transfer No. 71032.

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.

The right holder shall accomplish the change authorized by transfer 71032 within one (1) year of the date of approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31197.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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.

Failure of the right holder to comply with the conditions of transfer 71032 is cause for the Director to rescind approval of the transfer.

Right No. 63-31198 is also diverted through points of diversion described above.

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 63-31833 V3

WATER RIGHT NUMBER: 63-31833 V3

| <u>Owner Type</u> | <u>Name and Address</u>                                                                         |
|-------------------|-------------------------------------------------------------------------------------------------|
| Attorney          | RINGERT CLARK CHARTERED<br>455 S 3RD ST<br>PO BOX 2773<br>BOISE, ID 83701-2773<br>(208)342-4591 |
| Current Owner     | BOISE VALLEY IRRIGATION DITCH CO<br>8750 N BOGART LN<br>BOISE, ID 83714<br>(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 To</u>          | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/01 to 11/15          | 0.200 CFS             | 45.00 AF             |
|                       | <u>Total Diversion:</u> | 0.200 CFS             | 45.00 AF             |

Location of Point(s) of Diversion

|             |                 |                                 |
|-------------|-----------------|---------------------------------|
| BOISE RIVER | SW1/4SW1/4SW1/4 | Sec. 28, Twp 03N, Rge 03E, B.M. |
| ADA County  |                 |                                 |
| BOISE RIVER | SW1/4SW1/4SW1/4 | Sec. 28, Twp 03N, Rge 03E, B.M. |
| ADA County  |                 |                                 |
| BOISE RIVER | SE1/4SE1/4      | Sec. 29, Twp 03N, Rge 03E, B.M. |
| ADA County  |                 |                                 |

Place of UseConditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31197.
2. WB4 The total instantaneous diversion of water from all points of diversion under Right 63-31833 shall not exceed 0.20 cfs, nor a total combined annual volume of 45.0 af.
3. X27 The place of use of this right is limited to 10 acres within a 30.5 acre place of use located in Lot 2 SWSW (22.4 ac) Sec. 28 and in Lot 1 SESE(8.1 ac), Sec. 29, Twp. 3N, Rge 3E as approved under Tranfer No. 71032.
4. 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 63-31833 V3

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. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. R05 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.
8. T08 Failure of the right holder to comply with the conditions of transfer 71032 is cause for the Director to rescind approval of the transfer.
9. F05 Right No. 63-31198 is also diverted through points of diversion described above.
10. 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.
11. 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.
12. T07 The right holder shall accomplish the change authorized by transfer 71032 within one (1) year of the date of approval.

Remarks:

Comments:

1. jshurte 10/12/2007 Objection Reivew

Comment: BLM objection resolved with no change to total acres under this right. See file.

Water Supply Bank:

10/28/2005

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

RIGHT NUMBER: 63-31833  
NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO  
8750 N BOGART LN  
BOISE ID 83714

SOURCE: BOISE RIVER  
TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 CFS  
45.00 AFY

The total instantaneous diversion of water from all points of diversion under Right 63-31833 shall not exceed 0.20 cfs, nor a total combined annual volume of 45.0 af.

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 R03E S28 SWSWSW Within ADA County  
T03N R03E S28 SWSWSW Within ADA County  
T03N R03E S29 SESE 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          | 0.200 CFS<br>45.00 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.

2808.43 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.

The place of use of this right is limited to 10 acres within a 30.5 acre place of use located in Lot 2 SWSW (22.4 ac) Sec. 28 and in Lot 1 SESE(8.1 ac), Sec. 29, Twp. 3N, Rge 3E as approved under Transfer No. 71032.

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

The right holder shall accomplish the change authorized by transfer 71032 within one (1) year of the date of approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31197.

Right No. 63-31198 is also diverted through points of diversion described above.

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.

provide

Prior to diversion of water under this approval, the right holder shall

a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Failure of the right holder to comply with the conditions of transfer 71032 is cause for the Director to rescind approval of the transfer.

RECEIVED

MAY 26 2005

WATER RESOURCES  
WESTERN REGION

**NOTICE OF ERROR**

**REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:** June 24, 2005

Water Right Number: 63-31833

BOISE VALLEY IRRIGATION DITCH CO.  
8750 N. BOGART LN.  
BOISE, ID 83714  
Telephone Number: (208)853-3288

c/o

CHARLES L. HONSINGER  
RINGERT CLARK CHARTERED  
BOISE, ID 83701-2773  
Telephone Number: (208) 342-4591

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):  
Point of Diversion; Place of Use
  
2. Describe the changes you wish to make in the proposed recommendation:  
Add two points of diversion in T03N R03E Section 28 SWSWSW  
Change place of use from 2779.5 acres to 2822.83 acres — No
  
3. Give a brief explanation as to why you disagree with these portions:  
Transfer No. 71032 provided for points of diversion requested.  
BVID erroneously did not include 28.93 acres in the place of use when discussing the same with IDWR.

\_\_\_\_\_ **I AGREE with this proposed recommendation; no changes need to be made.**

DATE: 05/25/05

SIGNATURE: Charles L. Honsinger

Please print your name: Charles L. Honsinger

05/31/2005

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

RIGHT NUMBER: 63-31833

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

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 CFS  
45.00 AFY

The total instantaneous diversion of water from all points of diversion under Right 63-31833 shall not exceed 0.20 cfs, nor a total combined annual volume of 45.0 af.

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 R03E S28 SWSWSW Within ADA County  
T03N R03E S28 SWSWSW Within ADA County  
T03N R03E S29 SESE Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 03/15 11/15          | 0.200 CFS<br>45.00 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.

The period of use for the irrigation 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. The use of water before 3/15 is 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 Within ADA County

T03N R03E S28 Lot 2 SWSW 22.4 T03N R03E S29 Lot 1 SESE 8.1

30.5 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.

This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.

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

The right holder shall accomplish the change authorized by transfer 71032 within one (1) year of the date of approval.

Failure of the right holder to comply with the conditions of transfer 71032 is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31197.

Right No. 63-31198 is also diverted through points of diversion described above.

State 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

Water District No. 63.

provide Prior to diversion of water under this approval, the right holder shall a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31833 V1

WATER RIGHT NUMBER: 63-31833 V1

|                   |                                                                                                 |
|-------------------|-------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                         |
| Attorney          | RINGERT CLARK CHARTERED<br>455 S 3RD ST<br>PO BOX 2773<br>BOISE, ID 83701-2773<br>(208)342-4591 |
| Current Owner     | BOISE VALLEY IRRIGATION DITCH CO<br>8750 N BOGART LN<br>BOISE, ID 83714<br>(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            | 03/15 to 11/15          | 0.200 CFS             | 45.00 AF             |
|                       | <u>Total Diversion:</u> | 0.200 CFS             | 45.00 AF             |

Location of Point(s) of Diversion

|             |            |                                 |
|-------------|------------|---------------------------------|
| BOISE RIVER | SE1/4SE1/4 | Sec. 29, Twp 03N, Rge 03E, B.M. |
| ADA County  |            |                                 |

*Two POD's added per Notice of Error and transfer 71032*

Place of Use

IRRIGATION Within ADA County

T03N R03E S28 Lot 2 SWSW 22.4      T03N R03E S29 Lot 1 SESE 8.1

Total Acres: 30.5

Conditions of Approval:

1. 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 63-31833 V1

2. 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.
3. R05 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.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
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. T07 The right holder shall accomplish the change authorized by transfer 71032 within one (1) year of the date of approval.
7. T08 Failure of the right holder to comply with the conditions of transfer 71032 is cause for the Director to rescind approval of the transfer.
8. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
9. WB4 The total instantaneous diversion of water from all points of diversion under Right 63-31833 shall not exceed 0.20 cfs, nor a total combined annual volume of 45.0 af.
10. X27 This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
11. X61 The period of use for the irrigation 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. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Remarks:

1. Explanatory Right No. 63-31198 is also diverted through point of diversion described above.
2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31197.

Comments:

1. pskaggs 4/16/2004 11:40:55 AM Transferred Right  
Comment: This is now a approved transfer, transfer number = 71032

## BOISE VALLEY IRRIGATION DITCH CO.

### ADDITIONAL INFORMATION ABOUT THE BOUNDARY AND PLACE OF USE.

The boundary and place of use for the Boise Valley Irrigation Ditch Co. is not a contiguous shape due the delivery systems and several transfers that moved water from their historical area of delivery to several locations. The largest place of use is approximately 2375 acres lying in the northwest Boise and east Eagle areas.

Boise Valley's water is diverted from the Boise River into the Farmers Union canal. About 1¼ miles downstream a head gate delivers water to the Boise Valley's own canal. The Farmer's Union canal continues to carry about 785 inches of Boise Valley water downstream from the head gate to Boise Valley shareholders. Some of the 785 shares are within the Boise Valley's historic boundary and some are further to the west within the Farmer' Union boundary. This split delivery system causes a fragmented boundary and place of use for Boise Valley that overlaps with the Farmer's Union Canal Co. boundary and place of use.

Several approved transfers have established points of diversion and places of use east of Boise that also contributed to the fragmentation of the company's boundary and place of use. Transfer 67107 moved 5.5 inches of water to irrigate 5.5 acres within a 30.9 acre parcel at the Shakespear Festival site. Approved transfer 71032 moved 10 inches of water to the Shakespear site to irrigate and additional 10 acres within the 30.9 acre parcel. Transfer 5119 was approved to move 3.97 cfs to irrigate 198.4 acres at the Simplot Sports Complex and common areas in Columbia Village. This water is diverted at a pumping station in the Boise River just upstream from the Hwy 21 bridge into a pipe line that serves the Micron plant, the Simplot Complex and United Water's proposed municipal station.

Below is a summary of the place of use acres for Boise Valley :

|              |                                      |
|--------------|--------------------------------------|
| 2375.1 acres | Within the main boundary             |
| 15.5 acres   | Shakespear Festival site             |
| 198.4 acres  | Simplot Complex                      |
| 42.2 acres   | Within the United Water service area |
| 19.4 shares  | Quong place of use                   |
| 15.0 shares  | Ada County landfill shares           |
| 16.0 shares  | McCrae place of use                  |
| 14.6 shares  | Hanson place of use                  |
| 12.97 shares | Moyle place of use                   |
| 3.33 shares  | Charlton place of use                |
| 1.0 shares   | Canova place of use                  |
| 43.33 shares | Buckhorn Estates place of use        |
| 14.6 shares  | ACHD shares                          |
| 37.0 shares  | Veterans Cemetary irrigation         |

---

|               |                                                                            |
|---------------|----------------------------------------------------------------------------|
| 2808.43 acres | Total acres irrigated within the boundaries of Boise Valley Irrigation Co. |
|---------------|----------------------------------------------------------------------------|

**TRANSFER HISTORY**  
**63-147**

xfer #    Filed

|       |      |                                              |       |
|-------|------|----------------------------------------------|-------|
| 4381  | 1994 | BVIDC                                        | 54.58 |
| 5119  | 1995 | A-BVDC                                       | 50.61 |
|       |      | B-Pump Station for SE Boise                  | 3.97  |
| 66743 | 1998 | A-BVIDC                                      | 50.61 |
|       |      | (accommodate sports complex<br>on Hill Road) |       |
| 67019 | 1999 | C-BVIDC                                      | 49.82 |
|       |      | D-UW municipal use                           | .79   |
| 67107 | 2000 | 63-31197-BVIDC                               | 49.71 |
|       |      | 63-31198- Idaho Shakespeare                  | .11   |
| 70558 | 2003 | 63-31197-BVIDC                               | 49.71 |
|       |      | (accommodate Veterans Cemetery)              |       |
| 71032 | 2004 | 63-31832-BVIDC                               | 49.51 |
|       |      | 63-31833-Idaho Shakespeare                   | .20   |

BOISE VALLEY IRRIGATION DITCH CO

ADDITIONAL INFORMATION

DATE: MAY 31, 2005

BY: MEL SCHULTE

The primary contact is Stan Matlock, company president. (853-0992). The company secretary is Pauly Pierce (853-5288).

The company is represented by Ringert & Clark law office, Charley Honsinger.

The primary problem associated with Boise Valley Irrigation Ditch Co is their fragmented boundary and place of use. This problem was created by several approved transfers and the fact some of their water is delivered to several shareholders by Farmers Union ditch to an area far to the West of BVID main delivery area. See the attach memo that further explains this boundary and place of use issue.

The POD's for all of BVID's rights were established by GPS except two that were added by transfer 71032 at the Shakespeare Festival site.

MTS

## BOISE VALLEY IRRIGATION DITCH CO.

### ADDITIONAL INFORMATION ABOUT THE BOUNDARY AND PLACE OF USE.

The boundary and place of use for the Boise Valley Irrigation Ditch Co. is not a contiguous shape due the delivery systems and several transfers that moved water from their historical area of delivery to several locations. The largest place of use is approximately 2375 acres lying in the northwest Boise and east Eagle areas.

Boise Valley's water is diverted from the Boise River into the Farmers Union canal. About 1¼ miles downstream a head gate delivers water to the Boise Valley's own canal. The Farmer's Union canal continues to carry about 785 inches of Boise Valley water downstream from the head gate to Boise Valley shareholders. Some of the 785 shares are within the Boise Valley's historic boundary and some are further to the west within the Farmer' Union boundary. This split delivery system causes a fragmented boundary and place of use for Boise Valley that overlaps with the Farmer's Union Canal Co. boundary and place of use.

Several approved transfers have established points of diversion and places of use east of Boise that also contributed to the fragmentation of the company's boundary and place of use. Transfer 67107 moved 5.5 inches of water to irrigate 5.5 acres within a 30.9 acre parcel at the Shakespear Festival site. Approved transfer 71032 moved 10 inches of water to the Shakespear site to irrigate and additional 10 acres within the 30.9 acre parcel. Transfer 5119 was approved to move 3.97 cfs to irrigate 198.4 acres at the Simplot Sports Complex and common areas in Columbia Village. This water is diverted at a pumping station in the Boise River just upstream from the Hwy 21 bridge into a pipe line that serves the Micron plant, the Simplot Complex and United Water's proposed municipal station.

Below is a summary of the place of use acres for Boise Valley :

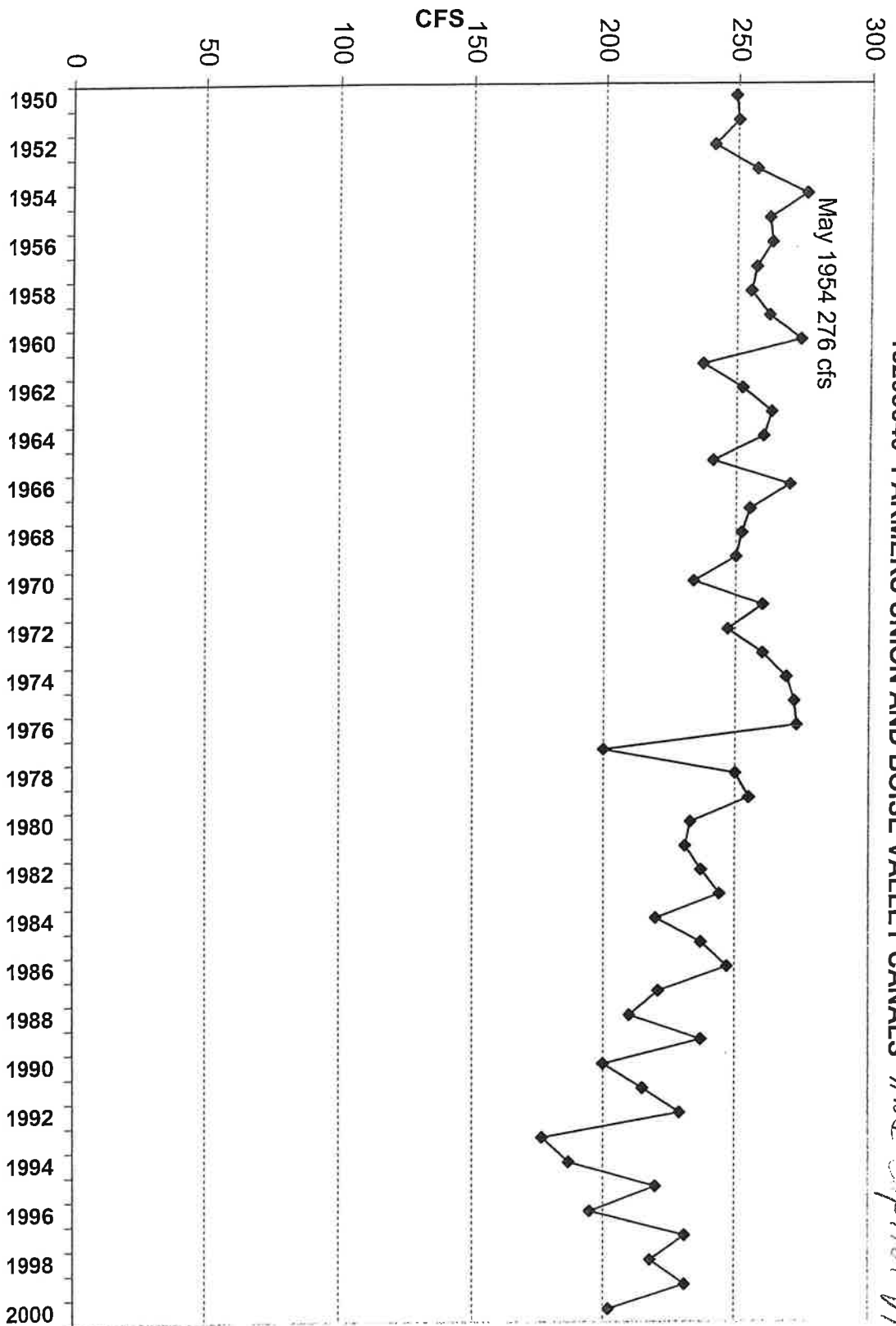
|              |                                      |
|--------------|--------------------------------------|
| 2375.1 acres | Within the main boundary             |
| 15.5 acres   | Shakespear Festival site             |
| 198.4 acres  | Simplot Complex                      |
| 42.2 acres   | Within the United Water service area |
| 19.4 shares  | Quong place of use                   |
| 15.0 shares  | Ada County landfill shares           |
| 16.0 shares  | McCrae place of use                  |
| 14.6 shares  | Hanson place of use                  |
| 12.97 shares | Moyle place of use                   |
| 3.33 shares  | Charlton place of use                |
| 1.0 shares   | Canova place of use                  |
| 43.33 shares | Buckhorn Estates place of use        |
| 14.6 shares  | ACHD shares                          |
| 37.0 shares  | Veterans Cemetary irrigation         |

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2808.43 acres    Total acres irrigated within the boundaries of Boise Valley Irrigation Co.

MAXIMUM MONTHLY DIVERSION 1950-2000

13205640 FARMERS UNION AND BOISE VALLEY CANALS *and Capital View*



(CFS)

1950-2000

Idaho Dept. of Water Resources  
Place of Use Comparison Report

| Basin | Sequence | Suffix | Basis          | Status | Priority Date | Rate(s) | Volumetric | Source      | Water Use(s)                                | Owner(s)                                   |
|-------|----------|--------|----------------|--------|---------------|---------|------------|-------------|---------------------------------------------|--------------------------------------------|
| 63    | 16/67    |        | Beneficial Use | Active | 9/10/1921     | 15.05   |            | WASTE WATER | IRRIGATION                                  | BOISE VALLEY IRRIGATION DITCH CO (Current) |
| 63    | 147 B    |        | Decreed        | Active | 1865-06-01    | 3.97    | 892.8      | BOISE RIVER | IRRIGATION                                  | BOISE VALLEY IRRIGATION DITCH CO (Current) |
| 63    | 147 D    |        | Decreed        | Active | 1865-06-01    | 0.79    | 190        | BOISE RIVER | IRRIGATION                                  | BOISE VALLEY IRRIGATION DITCH CO (Current) |
| 63    | 31197    |        | Decreed        | Active | 1865-06-01    | 49.71   | 10311      | BOISE RIVER | IRRIGATION                                  | BOISE VALLEY IRRIGATION DITCH CO (Current) |
| 63    | 31198    |        | Decreed        | Active | 1865-06-01    | 0.11    | 24.7       | BOISE RIVER | IRRIGATION                                  | BOISE VALLEY IRRIGATION DITCH CO (Current) |
| 63    | 2380     |        | License        | Active | 7/19/1921     | 1.2     |            | BOISE RIVER | IRRIGATION                                  | BOISE VALLEY IRRIGATION DITCH CO (Current) |
| 63    | -3614 E  |        | License        | Active | 12/9/1940     |         | 961        | BOISE RIVER | IRRIGATION FROM STORAGE, IRRIGATION STORAGE | BOISE VALLEY IRRIGATION DITCH CO (Current) |
| 63    | -3618 H  |        | Permit         | Active | 1/1/1955      |         | 2500       | BOISE RIVER | IRRIGATION FROM STORAGE, IRRIGATION STORAGE | BOISE VALLEY IRRIGATION DITCH CO (Current) |

35.78 ac without waste water  
55.78 + 0.0 = 2789 acres

2375.1 digressed acres within main boundary - by the dam  
2794 total acres (see list of additional acres and share outside the main boundary)

## Boise Valley POU areas

2375.1 = within main boundary

15.5ac = Spikespear Destrict (31198)

198.4ac = Airport Complex (147B)

42.2ac = United Water (147D)

19.4sh = Quona

15.0sh = Old City

16.0sh = McRae

14.6sh = Hanson

12.97sh = Moyle

3.33sh = Charlton

1.0sh = Canova

14.4sh = Buckhorn Estates

14.6sh = ACHD

37.0sh = Veterans Cemetery

---

2779.5

10:07 PM

11/24/03

# Boise Valley Irrigation Ditch Co. Customer Contact List November 24, 2003

| Customer                     | Phone    | Bill to                                            | Shares | Lateral |
|------------------------------|----------|----------------------------------------------------|--------|---------|
| ARNOLD, LANCE & SHARON       | 939-2922 | ARNOLD, LANCE & SHARON 8730 HORSESHOE B...         | .62    | 36      |
| BALDWIN, MARLIN & DARLE...   | 939-0797 | BALDWIN, MARLIN & DARLEEN 9801 ARNOLD RD...        | .93    | 36      |
| BALDWIN, VELMA               |          | BALDWIN, VELMA 9999 ARNOLD RD BOISE ID 83...       | 1.24   | 36      |
| BARGMANN, SUSAN              | 939-4671 | BARGMANN, SUSAN 9820 SHIELDS AVE BOISE I...        | .61    | 36      |
| BEELE, WM R                  | 853-5109 | BEELE, WM R 7302 GARDNER BOISE ID 83714            | 1/3    | 36      |
| BLACK, TINA                  | 384-0553 | BLACK, TINA 1000 S CURTIS BOISE ID 83705           | 0.62   | 36      |
| BLANC, ROBERT K              | 939-1826 | ROBERT BLANC 10233 W ARNOLD RD BOISE ID ...        | 1      | 36      |
| BLANTON, RODNEY & MOLLY      | 384-0345 | BLANTON, RODNEY & MOLLY 1700 N. 20th BOISE ...     | 0.60   | 36      |
| BLESSINGER, MYRLE & OLGA     |          | BLESSINGER, MYRLE & OLGA 10158 UTAHNA R...         | 0.93   | 36      |
| BROWN, LARRY                 | 853-0739 | BROWN, LARRY 10242 UTAHNA RD BOISE ID 837...       | 0.31   | 36      |
| CAMBELL, TREY                | 939-0728 | CAMBELL, TREY 10095 ARNOLD RD BOISE ID 83...       | 0.62   | 36      |
| CARMAN, CLAYTON & BARB...    | 939-2475 | CLAYTON & BARBARA CARMAN 9755 SHIELDS A...         | 0.50   | 36      |
| CHRISTENSEN, JACK            | 853-2256 | CHRISTENSEN, JACK 9724 UTAHNA RD BOISE I...        | 0.30   | 36      |
| COLE, MATT & CHETTIE         | 853-1583 | COLE, MATT & CHETTIE 9751 UTAHNA RD BOISE...       | 1.94   | 36      |
| CUNNINGHAM, FERN             | 853-3158 | CUNNINGHAM, FERN 9815 UTAHNA RD BOISE ID...        | 1.24   | 36      |
| CUNNINGHAM, K A              |          | CUNNINGHAM, K A 9798 ARNOLD RD BOISE ID ...        | 1.86   | 36      |
| DABELL, KATHERINE            | 343-6857 | KATHERINE DABELL 3705 FORSYTHIA BOISE ID...        | 0.62   | 36      |
| DAVISON, GERALD & ANN        | 376-2844 | DAVISON, GERALD & ANN P O BOX 140791 BOIS...       | 2.17   | 36      |
| DIETRICH, MATT OR FAITH      | 938-3741 | MATT DIETRICH 9740 SHIELDS AVE BOISE ID 83...      | .61    | 36      |
| DRESIE, MICHAEL              | 939-6977 | DRESIE, MICHAEL 10400 ARNOLD RD BOISE ID 8...      | 0.62   | 36      |
| DUNBAR, MAXINE               | 853-1240 | DUNBAR, MAXINE 10008 MAYMIE RD BOISE ID 83...      | 1.86   | 36      |
| ECHAVARRIA, FLOREN           | 939-6964 | ECHAVARRIA, FLOREN 9876 ARNOLD RD BOISE I...       | 0.62   | 36      |
| FRIEND, CLAY & NANCY         | 939-6443 | CLAY & NANCY FRIEND 10030 ARNOLD RD BOIS...        | .62    | 36      |
| FRIEND, LARRY                | 939-6960 | LARRY FRIEND 10155 ARNOLD RD BOISE, ID 83714       | .75    | 36      |
| GASKELL, ROBERT W            | 853-1443 | GASKELL, ROBERT W 7672 GARDENER LN BOIS...         | 1.24   | 36      |
| GIVENS, JACK H               | 939-1208 | GIVENS, JACK H 10274 W. SHIELDS AVE BOISE I...     | 5      | 36      |
| HOLDEN, MARGO                | 853-7640 | HOLDEN, MARGO 7468 GARDEN ST BOISE ID 83...        | 0.93   | 36      |
| HOLMES, DORIS                | 939-7170 | HOLMES, DORIS 23414 FREEZEOUT RD CALDWE...         | 1.24   | 36      |
| HUFF, CYNDA                  | 939-0820 | Cynda Huff 9797 SHIELDS AVE BOISE ID 83714         | 0.50   | 36      |
| HUMPHREYS, HELEN             | 853-9143 | HUMPHREYS, HELEN L 9954 UTAHNA BOISE ID 8...       | 0.95   | 36      |
| JENSEN, ALONZO JAY & MARY    | 939-0050 | JENSEN, ALONZO JAY & MARY 10050 SHIELDS A...       | 0.62   | 36      |
| JONES, BART & CHERYL         | 939-5241 | Bart & Cheryl Jones 10031 ARNOLD RD BOISE ID ...   | 0.62   | 36      |
| JONES, PAULINE               | 939-8022 | JONES, PAULINE 9665 ARNOLD RD BOISE ID 83714       | 1.24   | 36      |
| LARSON, LOUIE S              | 938-4527 | LOUIE S LARSON 10234 W ARNOLD RD BOISE I...        | .62    | 36      |
| LEIDING, JERRY               |          | LEIDING, JERRY 9924 UTAHNA BOISE ID 83714          | 0.93   | 36      |
| LOWRY, LANA & LYNN JONES     | 939-8032 | LOWRY, LANA OR JONES, LYNN % DOUG EISEN...         | 0.61   | 36      |
| MAESTAS, DOUGLAS & SHE...    | 939-1654 | MAESTAS, DOUGLAS & SHERRY 10301 ARNOLD ...         | 0.62   | 36      |
| MILLER, TERRY & JENNIFER     | 853-2893 | MILLER, TERRY & JENNIFER 10195 MAYMIE RD B...      | 1.24   | 36      |
| MOENCH, EVERETT & VICKIE     | 939-4865 | MOENCH, EVERETT & VICKIE 10000 SHIELDS AV...       | 0.62   | 36      |
| MYERS, LEON                  | 939-6727 | MYERS, LEON 9833 ARNOLD RD BOISE, ID 83714         | 1.24   | 36      |
| NEY, ROBERT & LISA           |          | NEY, ROBERT & LISA % STEVEN OR MARY FRIE...        | 0.62   | 36      |
| RADFORD, VEE & EVA           | 939-6386 | RADFORD, VEE & EVA 10300 ARNOLD RD BOISE ...       | 0.62   | 36      |
| RAMSEY, FRANK                | 789-7274 | RAMSEY, FRANK 2114 RADCLIFF RD JUNEAU AK...        | 0.31   | 36      |
| RITCHIE, BRUCE & SHIRLEY     |          | Bruce & Shirley Ritchie 9958 SHIELDS AVE BOISE ... | 1.24   | 36      |
| RYAN, MICHAEL, JUDITH, MA... | 939-1360 | RYAN, MICHAEL, JUDITH MARK OR LURA 9731 SH...      | 0.62   | 36      |
| RYBKA, BERNICE               | 939-6398 | Bernice Rybka 9903 SHIELDS BOISE ID 83714          | 1.24   | 36      |
| SALUTREGUI, RICARDO          | 939-0089 | SALUTREGUI, RICARDO 9966 ARNOLD RD BOISE...        | 1 1/2  | 36      |
| SCOTT, WALTER & PEGGY        |          | SCOTT, WALTER & PEGGY 9689 SHIELDS AVE B...        | 0.62   | 36      |
| SHERER, DOROTHY              | 344-2655 | SHERER, DOROTHY 2625 REGAN BOISE ID 83702          | 0.31   | 36      |
| SKOGERSON, LORI              | 327-0498 | SKOGERSON, LORI 7609 CAMBRIDGE BOISE ID 8...       | 0.46   | 36      |
| SMITH, JESSIE JR             | 853-0391 | SMITH, JESSIE JR 10168 MAYMIE RD BOISE ID 83...    | 0.31   | 36      |
| STRATE, LISA                 |          | STRATE, LISA 9680 UTAHNA BOISE ID 83714            | 0.31   | 36      |
| THORNOCK, WM & PHYLIS        | 853-2335 | THORNOCK, WM & PHYLIS 7500 GARDNER LN B...         | .62    | 36      |
| TITUS, CHARLES               | 939-6986 | Charles Titus 10257 Shield Ave BOISE ID 83714      | 1.24   | 36      |
| WHEELER, ALTA                | 939-6661 | Alta Wheeler 10252 ARNOLD RD BOISE ID 83714        | 0.62   | 36      |
| WILSON, ANNIE                |          | Annie Wilson 10190 SHIELDS AVE BOISE ID 83714      | 1      | 36      |
| WORKMAN, ROBERT, & Lyla      | 939-8474 | WORKMAN, ROBERT, & Lyla 10154 ARNOLD RD...         | 1.24   | 36      |

RECEIVED

DEC 01 2003

WATER RESOURCES  
WESTERN REGION

52,62

Part of 3010 share

BVID Co.

8-19-02

Stan Matlock, Pres.  
8633 Bogart Lane  
83703

853-0992.

Sumplot soccer fields  
and the Shakespear theatre  
should be included in the  
boundary map for BVIC

Page 1

Copies of decrees  
+ reconcile  
splits & transfers

| Basin Number | Sequence Num     | Split Suffix | Organization Name                               | Agent |
|--------------|------------------|--------------|-------------------------------------------------|-------|
| 63           | ✓ 147D           |              | BOISE VALLEY IRRIGATION DITCH C                 | Mei   |
| 63           | ✓ 147B           |              | BOISE VALLEY IRRIGATION DITCH C                 | Mei   |
| 63           | ✓ 2360           |              | BOISE VALLEY IRRIGATION DITCH C                 | Mei   |
| 63           | ✓ 16767          |              | BOISE VALLEY IRRIGATION DITCH C                 | Mei   |
| 63           | ✓ 31197          |              | BOISE VALLEY IRRIGATION DITCH C                 | Mei   |
| 63           | ✓ 31198          |              | BOISE VALLEY IRRIGATION DITCH C                 | Mei   |
|              | <del>36142</del> | ?            |                                                 |       |
|              | 361814           | ?            | W.D. Compstang claims to Anderson storage right |       |



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

JUNE 6, 2003

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

BOISE VALLEY IRRIGATION DISTRICT CO  
8633 BOGART LANE  
BOISE, ID 83703

Re: Snake River Basin Adjudication (SRBA) claims review

We are currently reviewing the water right claims filed in the SRBA by all ditch companies and irrigation districts in Ada County prior to preparing our recommendations to the SRBA court. Your claims are part of this review process.

One of the end products resulting from the review process mentioned above will be a map for your organization that will include the land irrigated by your water rights and the outer perimeter boundary of the places of use. You may have already reviewed the boundary and place of use for your water rights with an employee of the department. However, if you have not recently reviewed and returned a map to us please call me at the number below as soon as possible. Establishing the most accurate boundary and place of use for your water rights is a very important initial step in our review process.

The total amount of water we will recommend for your water rights will be based on the standard of one inch (0.02 cubic foot per second) per acre for the actual acres irrigated with your water rights as described in your boundary map. However, it is possible to have additional water for delivery loss within your ditch system and additional water for lands that require more water due to the nature of the soils. We might need additional information from you to quantify the amount of water needed for delivery loss within your canal and ditch system. We might also need from you additional data to support and quantify any excess water in addition to one inch per acre for irrigation that might be necessary.

It is our plan to prepare recommendations for your SRBA claims during the summer of 2003. In order to prepare the most accurate recommendations it's imperative that the boundary and place of use map for your organization be completed before we proceed.

If you need additional information or want to discuss these matters in more detail please call me at the number below.

Cordially,

Mel Schulte  
Sr. Water Right Agent  
208-334-2190

RECEIVED

APR 28 2003

Department of Water Resources

BOISE VALLEY IRRIGATION DITCH CO.  
8750 N. Bonanza Lane  
Boise, ID 83714

April 22, 2003

RECEIVED

JUL 20 2004

WATER RESOURCES  
WESTERN REGION

Mr. Dave Duffell <sup>DW</sup>  
Dept. of Water Resources  
1301 N. Greenway  
Boise, ID 83706

Dear Dave:

Boise Valley Irrigation Ditch Co. has a problem with developers purchasing land on laterals and not using the irrigation water.

After purchasing the property they sell the water rights so they do not have to use it on the development. This can cause the other water users on the lateral to be short of water and could in some cases cause insufficient water to operate the lateral.

Boise Valley would like to require the developers to use the irrigation water on the subdivision. The objection to this is they do not have continued use. All laterals operate on a rotation schedule.

Boise Valley would like to adopt a system similar to the Gary Lane Meadows Homeowner open park area which we worked with Idaho Water Resources in obtaining water shares and assigning the share to the nearest lateral for recharge so they could pump from a shallow well or sump.

Boise Valley Ditch Co. would like to be able to require developers to keep the irrigation water in the lateral for ground water recharge and in turn be able to pump from a shallow well or sump of 10'-12'.

The majority of Boise Valley area has a high water table.

We would like for the developers to be able to install pumps in a well consisting of cement pipes stacked on top of each other in a pit no deeper than 12'. This can be excavated with a backhoe and back filled with sand.

Although different in design this would be no different than Gary Lane Meadows or the Opuntia soccer field, who pump from a pond 12' to 15' deep.

Dear Sir,

Please kindly let me know if you would approve or not for your  
company to be the sponsor of a party to be given on the 15th of June  
at the hotel and to be held under the name of the company.

We would be pleased to cooperate with you by having a party to  
celebrate this.

Please if this is not your department would you please refer it to  
the correct department.

Sincerely,

Stanley Matlock

Stanley Matlock

President

# GPS readings

#809 Boise City Canal  
above golf course = 321124  
276610

#810 Downstream ranney  
325637  
278495

811 324449 = Upstream ranney  
279812

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#812 Boise Valley

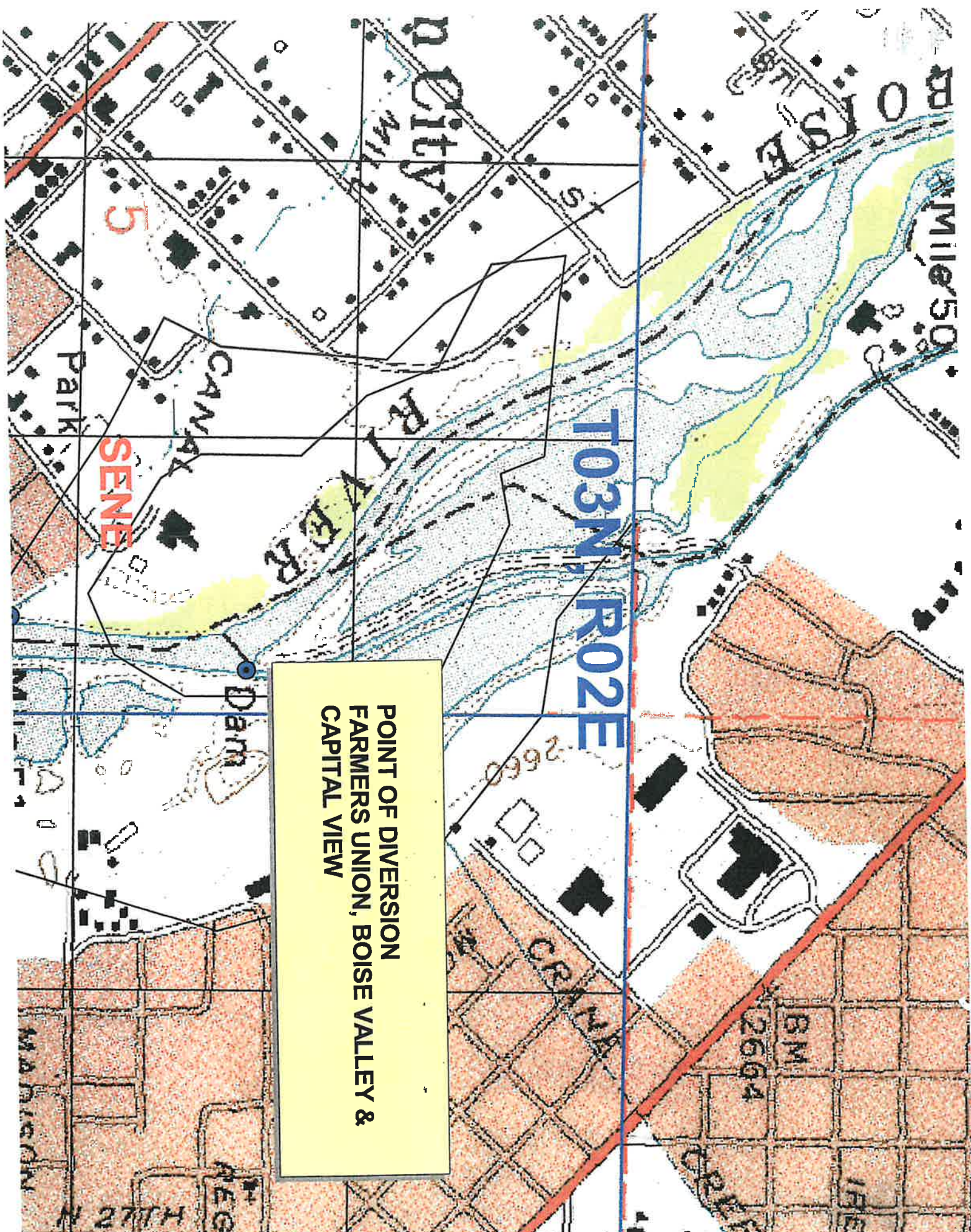
Ar. Reservoir = 324512  
279728

813 Simplot 329160  
275631

POD search 3N, 2E, S6, SENE

853-0993

| Sequence Number | Source | Base           | Status | Right ID | Priority Date | Rate  | Source List  | Water Use List                                                                                              | Owner List                                 | Source Table | Source Tr Association |
|-----------------|--------|----------------|--------|----------|---------------|-------|--------------|-------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------|-----------------------|
| 63              | 120 G  | Decreed        | Active | 303511   | 1864-06-01    | 1.8   | BOISE RIVER  | IRRIGATION                                                                                                  | FARMERS UNION DITCH CO LTD (Current)       |              | wrAdjudicationClaim   |
| 63              | 123 C  | Decreed        | Active | 303512   | 1864-06-01    | 20    | BOISE RIVER  | IRRIGATION                                                                                                  | FARMERS UNION DITCH CO LTD (Current)       |              | wrAdjudicationClaim   |
| 63              | 123 D  | Decreed        | Active | 549018   | 1864-06-01    | 0.58  | BOISE RIVER  | IRRIGATION                                                                                                  | EAST HILLS DEVELOPMENT LLC (Current)       |              | wrAdjudicationClaim   |
| 63              | 124 Q  | Decreed        | Active | 303513   | 1864-06-01    | 0.1   | BOISE RIVER  | IRRIGATION                                                                                                  | FARMERS UNION DITCH CO LTD (Current)       |              | wrAdjudicationClaim   |
| 63              | 125 J  | Decreed        | Active | 303514   | 1871-06-01    | 0.26  | BOISE RIVER  | IRRIGATION                                                                                                  | FARMERS UNION DITCH CO LTD (Current)       |              | wrAdjudicationClaim   |
| 63              | 126 F  | Decreed        | Active | 303515   | 1891-06-01    | 0.06  | BOISE RIVER  | IRRIGATION                                                                                                  | FARMERS UNION DITCH CO LTD (Current)       |              | wrAdjudicationClaim   |
| 63              | 164 E  | Decreed        | Active | 303516   | 1896-06-01    | 1.8   | BOISE RIVER  | IRRIGATION                                                                                                  | FARMERS UNION DITCH CO LTD (Current)       |              | wrAdjudicationClaim   |
| 63              | 165 M  | Decreed        | Active | 303517   | 1899-06-01    | 1.68  | BOISE RIVER  | IRRIGATION                                                                                                  | FARMERS UNION DITCH CO LTD (Current)       |              | wrAdjudicationClaim   |
| 63              | 192    | Decreed        | Active | 291413   | 0716-06-01    | 2     | BOISE RIVER  | IRRIGATION                                                                                                  | WARM SPRINGS DITCH CO (Current)            |              | wrAdjudicationClaim   |
| 63              | 196 AG | Decreed        | Active | 303518   | 1877-05-01    | 3.12  | BOISE RIVER  | IRRIGATION                                                                                                  | FARMERS UNION DITCH CO LTD (Current)       |              | wrAdjudicationClaim   |
| 63              | 216 C  | Decreed        | Active | 345922   | 1889-06-01    | 1.2   | BOISE RIVER  | IRRIGATION                                                                                                  | WARM SPRINGS DITCH CO (Current)            |              | wrAdjudicationClaim   |
| 63              | 246    | Decreed        | Active | 303521   | 1894-07-01    | 110   | BOISE RIVER  | IRRIGATION                                                                                                  | FARMERS UNION DITCH CO LTD (Current)       |              | wrAdjudicationClaim   |
| 63              | 297    | Decreed        | Active | 303523   | 1894-07-01    | 64.46 | BOISE RIVER  | IRRIGATION                                                                                                  | FARMERS UNION DITCH CO LTD (Current)       |              | wrAdjudicationClaim   |
| 63              | 2360   | License        | Active | 277959   | #####         | 1.2   | BOISE RIVER  | IRRIGATION                                                                                                  | BOISE VALLEY IRRIGATION DITCH CO (Current) |              | wrAdjudicationClaim   |
| 63              | 2387 A | License        | Active | 344742   | #####         | 2.23  | DRAIN        | IRRIGATION                                                                                                  | WARM SPRINGS DITCH CO (Current)            |              | wrAdjudicationClaim   |
| 63              | 2892   | License        | Active | 298901   | 27/1/1952     | 15    | GROUND WATER | MUNICIPAL                                                                                                   | UNITED WATER IDAHO INC (Current)           |              | wrAdjudicationClaim   |
| 63              | 2894   | License        | Active | 303108   | #####         | 1.5   | GROUND WATER | MUNICIPAL                                                                                                   | CITY OF GARDEN CITY (Current)              |              | wrAdjudicationClaim   |
| 63              | 3813 A | License        | Active | 560597   | #####         |       | BOISE RIVER  | IRRIGATION FROM STORAGE                                                                                     | FARMERS UNION DITCH CO (Current)           |              | wrAdjudicationClaim   |
| 63              | 3814 C | License        | Active | 560596   | #####         |       | BOISE RIVER  | IRRIGATION FROM STORAGE                                                                                     | FARMERS UNION DITCH CO (Current)           |              | wrAdjudicationClaim   |
| 63              | 3818 D | Permit         | Active | 560500   | 1/1/1955      |       | BOISE RIVER  | IRRIGATION FROM STORAGE                                                                                     | FARMERS UNION DITCH CO (Current)           |              | wrAdjudicationClaim   |
| 63              | 7005   | License        | Active | 309110   | 6/1/1973      | 1.1   | GROUND WATER | MUNICIPAL                                                                                                   | CITY OF GARDEN CITY (Current)              |              | wrAdjudicationClaim   |
| 63              | 8186   | License        | Active | 316380   | 8/7/1975      | 0.94  | GROUND WATER | DOMESTIC, INDUSTRIAL, IRRIGATION                                                                            | BILBAO DAM (Current)                       |              | wrAdjudicationClaim   |
| 63              | 16767  | Beneficial Use | Active | 277971   | #####         | 15.05 | WASTE WATER  | IRRIGATION                                                                                                  | BOISE VALLEY IRRIGATION DITCH CO (Current) |              | wrAdjudicationClaim   |
| 63              | 19425  | Decreed        | Active | 281420   | 1892-06-01    | 4.2   | BOISE RIVER  | IRRIGATION                                                                                                  | WARM SPRINGS DITCH CO (Current)            |              | wrAdjudicationClaim   |
| 63              | 20040  | Decreed        | Active | 294993   | 9/1/1921      | 3.01  | BOISE RIVER  | IRRIGATION                                                                                                  | BOISE CITY CANAL CO (Current)              |              | wrAdjudicationClaim   |
| 63              | 20041  | Decreed        | Active | 295289   | 1866-06-01    | 38.37 | BOISE RIVER  | FISH PROPAGATION, FISH PROPAGATION STORAGE, IRRIGATION, MUNICIPAL, STOCKWATER                               | BOISE CITY CANAL CO (Current)              |              | wrAdjudicationClaim   |
| 63              | 21729  | Beneficial Use | Active | 303578   | #####         | 1.2   | DRAINS       | IRRIGATION                                                                                                  | FARMERS UNION DITCH CO LTD (Current)       |              | wrAdjudicationClaim   |
| 63              | 21730  | Beneficial Use | Active | 303579   | #####         | 38.5  | DRAINS       | IRRIGATION                                                                                                  | FARMERS UNION DITCH CO LTD (Current)       |              | wrAdjudicationClaim   |
| 63              | 31197  | Decreed        | Active | 554307   | 1985-06-01    | 49.71 | BOISE RIVER  | AESTHETIC, AESTHETIC STORAGE, DIVERSION TO STORAGE, IRRIGATION, IRRIGATION FROM STORAGE, IRRIGATION STORAGE | BOISE VALLEY IRRIGATION DITCH CO (Current) |              | wrAdjudicationClaim   |



**BOISE VALLEY DITCH COMPANY  
BOUNDARY AND PLACE OF USE MAP  
SHAKESPEAR FESTIVAL AND  
SIMPLÖT COMPLEX SITES**

**SHAKESPEAR SITE**

**SIMPLÖT COMPLEX SITE**



# Boise Valley Irrigation Ditch Co. Customer Contact List

November 3, 2003

| Customer                      | Phone       | Bill to                                               | Shares | Lateral   |
|-------------------------------|-------------|-------------------------------------------------------|--------|-----------|
| ACHD                          | 367-6275    | ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...         | 14.5   | FU, 01    |
| ACHD:4811 Alamosa Ln (1/2 sh) | 367-6275    | ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...         | 14.5   | FU, 01    |
| ACHD:4820 Willow Ln (1 sh)    | 367-6275    | ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...         | 14.5   | FU, 01    |
| ACHD:7433 Hill Rd (2 sh)      | 367-6275    | ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...         | 14.5   | FU, 01    |
| ACHD:7613 Hill Rd (4 sh)      | 367-6275    | ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...         | 14.5   | FU, 01    |
| ACHD:7820 Gary Ln (1 sh)      | 367-6275    | ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...         | 14.5   | FU, 01    |
| ACHD:8103 Hill Rd (1 sh)      | 367-6275    | ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...         | 14.5   | FU, 01    |
| ACHD:8955 Duncan Ln (6 sh)    | 367-6275    | ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...         | 14.5   | FU, 01    |
| ACHD:8955 Duncan Ln (6 sh)    | 367-6275    | ACHD ATTN: KATHY SMITH 318 E 37TH ST BOISE...         | 14.5   | FU, 01    |
| ADA COUNTY SOLID WASTE...     | 853-1297    | ADA COUNTY S.W.M. SOLID WASTE MANAGEMEN...            | 15     | FU, 01    |
| ADAMS, THOMAS & MARIE         | 853-1297    | ADAMS, THOMAS & MARIE P O BOX 9753 BOISE ...          | 6.5    | FU        |
| ANDERSON, CLARK & VEDA        | 853-0123    | Clark & Veda Anderson 8298 CASA REAL BOISE ID ...     | 4      | FU        |
| ANDERTON, LILA                | 853-1059    | ANDERTON, LILA 847 E. INCA ST. MESA, AZ 85203         | 1      | FU P4     |
| AYLING, SCOTT                 | 344-8111    | AYLING, SCOTT P O BOX 2645 RONKONKOMA N...            | 1 1/2  | FU        |
| BALKINS, JAMES & JUDITH       | 343-9780    | BALKINS, JAMES & JUDITH 1608 RIDGECLEIFF LN ...       | 17.75  | FU        |
| BALL, RAYMOND D               | 342-5043    | BALL, RAYMOND D 891 LANDER ST BOISE ID 83714          | 1      | FU        |
| BARNES, BOB & EVON            | 853-1189    | Bob & Evon Barnes 5987 LAMPLIGHTER BOISE ID...        | 277.29 | FU        |
| BARNES, KEN R                 | 343-7088    | BARNES, KEN R 4820 WYLLIE LN BOISE ID 83703           | 6      | FU        |
| BEAVER, REX & JOLENE          | 343-7088    | BEAVER, REX & JOLENE 7141 HILL RD BOISE ID ...        | 1      | FU        |
| BENNETT, TAMARA               | 343-5072    | BENNETT, TAMARA 4860 ALAMOSA LN BOISE ID ...          | 1      | FU        |
| BETSCHER, MAUREEN OR A...     | 385-0305    | BETSCHER MAUREEN OR ALLAN 5568 W. LUCKY...            | 1/4    | FUD HDGT5 |
| BOISE BIBLE HALL PROPER...    | 384-4240    | BOISE BIBLE HALL PROPERTIES, INC DBA COLLI...         | 5      | FU        |
| BOISE PARKS & RECREATIO...    | 343-0464    | Boise Parks & Recreation Dept 1104 ROYAL BLVD B...    | 106.75 | FU        |
| BORGESON, DON                 | 343-1855    | DON BORGESON 5525 HILL RD BOISE ID 83714              | 4      | FU        |
| BRAY, CHRISTOPHER & GAIL      | 342-1973    | Christopher and Gail Bray 6201 PIERCE PARK BOIS...    | 10     | FU        |
| BRIGGS, MARGARET              | 342-1973    | BRIGGS, MARGARET 5701 HILL RD BOISE ID 83...          | 2      | FU        |
| BROOKHART, ALBERT & FE...     | 336-4195    | ALBERT & FEROL BROOKHART 5207 STINGER D...            | 1      | FU        |
| BROWNFIELD, ROBT. & SHA...    | 839-1788    | ROBERT E. BROWNFIELD 5713 HILL RD BOISE I...          | 1      | FUD       |
| BUCKHORN ESTATES HOME...      | 853-2133    | Buckhorn Estates Homeowners Association Inc. c/o B... | 14.40  | FU        |
| BUICH, DAVID OR KAREN         | 266-9705    | DAVID BUICH 3497 HOLL DR EAGLE ID 83616               | 3.25   | FUD       |
| BYRNE, THOMAS P               | 853-0323    | BYRNE, THOMAS P 6211 HILL RD BOISE ID 83714           | 19.78  | FU        |
| CANOVA, SUZANNE               | 884-0403    | CANOVA SUZANNE 4393 N. POLLARD STAR ID 83...          | 1      | FU        |
| CARLSON, RONALD & RUTH        | 286-7335    | CARLSON, RONALD & RUTH 8035 HILL RD BOISE...          | 3      | FU        |
| CASITAS NORTE H.O. ASSOC      | 469-9200    | CASITAS NORTE H.O. ASSOC. % TOM MOHR P.O...           | 1 1/2  | FU        |
| CHARLTON, DAVID & KATHL...    | 853-3144... | DAVID & KATHLEEN CHARLTON 4095 POLLARD L...           | 3.33   | FU        |
| CHERRY LANE CONSTRUCT...      | 853-8043    | CHERRY LANE CONSTRUCTION % BRIAN FALCK...             | .70    | FUD       |
| CLARIDON HILLS HOMEWO...      | 344-0184    | CLARIDON HILLS HOMEOWNERS ASSO c/o MAH...             | 11     | FU        |
| CLEMMENS, WALT OR CAROL       | 363-8399    | CLEMMENS, WALT OR CAROL 8205 HILL RD BOI...           | 2      | FU        |
| CLOPTON, DAVID                | 363-8399    | DAVID CLOPTON 5205 HILL RD BOISE ID 83714             | 2      | FU        |
| COBB, LAWRENCE OR BARB...     | 363-8399    | COBB, LAWRENCE OR BARBARA 7055 HILL RD B...           | 2      | FU        |
| COGSWELL, J H & KIETH MC...   | 363-8399    | COGSWELL, J H & KIETH MCNALLY 4690 ALAMO...           | 1      | FU        |
| COLEMAN, SHAWN OR SHEL...     | 853-1600    | COLEMAN, SHAWN OR SHELLEY 4707 ALAMOSA ...            | 2      | FU        |
| CROWWELL, BROCK J             | 867-1397... | Brock J. Crowwell 8644 DUNCAN LN BOISE ID 837...      | 5      | FU        |
| CULVER, WALTER & ALICE A...   | 424-0117    | CULVER, WALTER & ALICE ANN 6100 PIERCE PA...          | 17.375 | FU        |
| DANIEL PLACE H O ASSOCIA...   | 939-6660    | DANIEL PLACE H O ASSOC. STEVE HANSON 610...           | 3      | FU        |
| DAVIS, J BRENT                | 853-2122    | J. BRENT DAVIS 2546 W TIMBER DR EAGLE IDA...          | 5      | FUD       |
| DAVIS, M E                    | 424-1854    | DAVIS, M E 7107 HILL RD BOISE ID 83714                | 1 3/4  | FU        |
| DAVISON, BESSIE               |             | DAVISON, BESSIE 6216 PIERCE PARK LN BOISE ...         | 1/2    | FU        |
| DAWSON, JEAN                  |             | DAWSON, JEAN 4808 WYLLIE LN BOISE ID 83703            |        | FU        |

303.135 in 222.35

# Boise Valley Irrigation Ditch Co. Customer Contact List November 3, 2003

| Customer                    | Phone        | Bill to                                             | Shares    | Lateral     |
|-----------------------------|--------------|-----------------------------------------------------|-----------|-------------|
| DODD, THAD & JULIE          | (916) 628... | DODD, THAD & JULIE 17201 NE 128th KEARNEY, ...      | 2 1/2     | FU DUGAN LN |
| DOWDING & STAHL             | 853-1940     | DOWDING & STAHL % SHANE STAHL 102 COUR...           | 39 11/... | FU          |
| DRY CREEK CEMETERY          | 343-9725     | Dry Creek Cemetery 9600 HILL RD BOISE ID 83714      | 48        | FU          |
| EVANS, HARLAN OR ANITA      | 831-823-...  | EVANS, HARLAN OR ANITA 5810 HILL RD BOISE I...      | 1         | FU          |
| FLANAGAN, PATRICIA TRUS...  | 342-1679     | FLANAGAN, PATRICIA TRUST JEAN F. ZLOTKIN, ...       | 11        | FUD         |
| FOLTMAN, BRADLEY & RUTH     | 853-5333     | Bradley & Ruth T Foltman 5811 HILL RD BOISE ID 8... | 1         | FU          |
| FOWLER, WM R                | 853-2563     | FOWLER, WM R P O BOX 1129 IDA CITY ID 83631         | 8 1/3     | FU          |
| FREELAND, DOROTHY M         | 853-5783     | FREELAND, DOROTHY M 6913 HILL RD BOISE ID...        | 25        | FU          |
| FREEMAN, BUTCH              | 344-4880     | LLOYD (BUTCH) FREEMAN 1665 W WOODSGULC...           | .50       | FU          |
| FUGATE, DARREL              | 344-2776     | DARREL FUGATE 1571 N BALLANTYNE LN EAGL...          | 2         | FU          |
| GENTHER, ED & BETTY         | 853-2308     | GENTHER, ED & BETTY 5712 HILL RD BOISE ID 8...      | 2         | FU          |
| GILLIS, DON & MARY          | 853-1323     | DON & MARY GILLIS 7749 N. CREWE PL BOISE I...       | 2         | FU          |
| GILLIS, JOE & SUE           | 853-1271     | GILLIS, JOE & SUE 7822 N. CREWE PL BOISE ID 8...    | 2         | FU          |
| GILLIS, STEVE W             | 888-0388     | GILLIS, STEVE W 7351 HILL RD BOISE ID 83714         | 2         | FU          |
| GREEN, WILLIS E.            | 288-7596     | WILLIS E GREEN 1647 S. GOLDSMITH AVE MERI...        | 14.6      | FU          |
| HANSON, ROBERT J & ELSIE    | 344-4880     | ROBERT J HANSON 4151 HARTLEY RD EAGLE I...          | 1         | FUD         |
| HAUSTVEIT, RICHARD & CH...  | 338-9031     | HAUSTVEIT, RICHARD & CHRISTINE 4709 ALAMO...        | 19.41     | FU          |
| HENRYS N 40, LLC            | 429-1900...  | HENRYS N 40, LLC H. CRAIG VAN ENGLEEN 6126 ...      | 1 1/8     | FU          |
| HODGES, CYNTHIA & WM SI...  | 345-4035     | Cynthia Hodges & Wm Siford 4510 WILLOW LN BOI...    | 9.26      | FU          |
| HOMAN, MIKE                 | 345-4199     | MIKE HOMAN 2229 W STATE ST BOISE, IDA 83702         | 14.65     | FU          |
| JAMES, TODD OR CARRIE J...  | 853-0500     | TODD JAMES 5472 N RIFLE BOISE ID 83713              | 5         | FU          |
| JONES, GORDON               | 853-0500     | JONES, GORDON P.O. BOX 8492 BOISE ID 83707          | 2         | FU          |
| JONES, LEON                 | 853-0500     | JONES, LEON ATT. MIKE & DIANE JONES 5211 N. ...     | 14        | FU          |
| KING, DANIEL                | 853-0500     | Daniel King 5115 STINGER BOISE ID 83703             | 1         | FU          |
| KING, JR & JEANNE           | 853-0500     | KING, JR & JEANNE 6980 HILL RD BOISE ID 8371...     | 30        | FU          |
| KLOTZ, JOHN                 | 853-0500     | KLOTZ, JOHN 851 E. HIGHLAND VIEW BOISE ID ...       | 14/7.57   | FU          |
| LEXINGTON HEIGHTS, LLC      | 853-1448     | LEXINGTON HEIGHTS, LLC 9801 W STATE ST S...         | 14        | FU          |
| LINK, CHARLES & FRANCIE     | 853-1064     | Charles & Francie Link 5920 HILL RD BOISE ID 83714  | 2 1/2     | FU          |
| LLEWELLYN, DAVID & GAI      | 853-0992     | DAVID & GAI LLEWELLYN 9170 HILL RD BOISE ID...      | 106.95    | FU          |
| LOWDER, ODELL & DONNA       | 343-0840     | LOWDER, ODELL & DONNA 3703 KOOTENAI ST ...          | 8.29      | FU          |
| MASON, KEVIN & DENICE       | 337-2123     | MASON, KEVIN & DENICE 9602 ULMER LN BOISE ...       | 1         | FU          |
| MATLOCK, STANLEY & DONNA    | 853-3721     | MATLOCK, STANLEY & DONNA 8633 N BOGART L...         | 1 1/2     | FU          |
| MC BAINE, RON & LORI        | 853-3721     | MC BAINE, RON & LOR 4618 WILLOW LN BOISE I...       | 16        | FU          |
| MC KAY, DOROTHY             | 853-9815     | MC KAY, DOROTHY 1784 So. Whisper Cove Ave BO...     | 1         | FU          |
| McMAINS, CHARLES & HELEN    | 853-2721     | Charles & Helen McMains 3523 NORTH ST BOISE I...    | 3.25      | FU          |
| McPHERSON, DANIEL & ROB...  | 853-3721     | Daniel & Roberta McPherson 3528 NORTH ST BOIS...    | 1         | FU          |
| McRAE, DENNEY               | 853-3721     | DENNEY McRAE 1700 W WOODS GULCH BOISE I...          | 1         | FU          |
| McREYNOLDS, KENNETH         | 853-3721     | McREYNOLDS, KENNETH 9050 DUNCAN LN BOIS...          | 1         | FU          |
| MOORE, CHARLES              | 853-3721     | CHARLES MOORE 3510 NORTH ST BOISE ID 83...          | 1         | FU          |
| MOORE, DONALD               | 853-3721     | DONALD MOORE 3510 NORTH ST BOISE ID 83703           | 1         | FU          |
| MORRIS, MARK OR SANDRA      | 853-3721     | MARK MORRIS 5415 HILL RD BOISE ID 83714             | 12.97     | FU          |
| MOYLE, MARJORIE             | 853-3721     | MOYLE, MARJORIE 9594 BEACON LIGHT STAR I...         | 3.25      | FU          |
| O'LOUGHLIN, STEVEN & LES... | 853-3029     | O'LOUGHLIN, STEVEN & LESLIE 8399 HILL RD BOI...     | 1         | FU          |
| PACHECO, RYAN & TAUNA       | 853-1645     | PACHECO, RYAN & TAUNA %MATTHEW HIGGIN...            | 2         | FU          |
| PARKER, NEIL & TERESA       | 343-9863     | PARKER, NEIL & TERESA 8895 HILL RD BOISE ID...      | 3/4       | FU          |
| PENDLETON, JAMES            | 336-8453     | PENDLETON, JAMES 7010 HILL RD BOISE ID 83714        | 2         | FU          |
| PERRY, NICKY                |              | PERRY, NICKY 5321 BLOOM ST BOISE ID 83703           | 1         | FU          |
| PFEIFER, MARK & TERESA      |              | PFEIFER, MARK & TERESA 5363 HILL RD BOISE I...      | 2         | FU          |

426.665

**Boise Valley Irrigation Ditch Co.  
Customer Contact List  
November 3, 2003**

| Customer                     | Phone    | Bill to                                         | Shares      | Lateral |
|------------------------------|----------|-------------------------------------------------|-------------|---------|
| PIERCE PARK GREENS           | 853-3392 | PIERCE PARK GREENS 5812 PIERCE PARK LN B...     | 15.015      | FU      |
| PIERCE, FRANKIE & RITA       | 344-9987 | PIERCE, FRANKIE & RITA 5832 HILL RD BOISE ID... | 1 9/14, 6/4 | FU      |
| PIERCE, WILLIS & PAULINE     | 853-1380 | PIERCE, WILLIS & PAULINE 8750 N BOGART LN B...  | 9.67        | FU      |
| PULLMAN, EUGENE & PHYLLIS    | 853-2566 | PULLMAN, EUGENE & PHYLLIS 7897 HILL RD BOI...   | 8           | FU      |
| RIEBE, JAMES                 | 344-6488 | RIEBE, JAMES BOX 140214 BOISE ID 83714-0214     | 4 1/2       | FU      |
| ROLES, WALKER                | 853-2737 | ROLES, WALKER 7610 GARY LN BOISE ID 83714       | 2 1/4       | FU      |
| ROUNDTRIE, JAMES & BEV...    | 385-9268 | ROUNDTRIE, JAMES & BEVERLY 4598 ALAMOSA...      | 1 1/2       | FU      |
| RUCKDASHEL, GLENN & BR...    | 331-0433 | RUCKDASHEL, GLENN & BRENDA 5353 HILL RD ...     | 1           | FU      |
| SANCHEZ, JUAN & MARIA        | 853-8785 | SANCHEZ, JUAN & MARIA 4507 ALAMOSA LN BOI...    | 2           | FU      |
| SELLERS, WM. & MAUREEN       | 853-3605 | SELLERS, WM & MAUREEN 8053 HILL RD BOISE I...   | 2           | FU      |
| STATE OF ID.DIV. OF VETER... | 853-8345 | STATE OF ID.DIV. OF VET.CEMETERY % JOE BL...    | 37          | FU      |
| STEPHENSON, SAM              | 853-2123 | STEPHENSON, SAM 9051 DUNCAN LN BOISE ID ...     | 7           | FU      |
| STOPPENHAGEN, RANDALL ...    | 853-1315 | STOPPENHAGEN, RANDALL & MAARCIA 8441 HIL...     | 3.79        | FU      |
| STOY, MARGIE                 | 853-3238 | STOY, MARGIE 5433 HILL RD BOISE ID 83714        | 1           | FU      |
| SYMONDS, JEFFERY & AN...     | 939-6577 | SYMONDS, JEFFERY & ANDREA 6513 HILL RD ...      | 21 2/3      | FU      |
| THOMAS, RICK & VAL           |          | THOMAS, RICK & VAL 5727 HILL RD BOISE ID 837... | 11          | FU      |
| THOMPSON, WARREN & EDI...    |          | THOMPSON, WARREN & EDITH 8900 DUNCAN L...       | 8           | FU      |
| THOMSEN, RONALD              |          | THOMSEN, RONALD & BETH 9805 Hwy 55 BOIE I...    | 20 11/...   | FU      |
| TMC, INC                     |          | TMC, INC 2313 OVERLAND RD BOISE ID 83705        | 1           | FU      |
| WAGAR, DARCIE                | 319-0096 | DARCIE WAGAR 4614 ALAMOSA BOISE ID 83714        | .50         | FU      |
| WARE, PETER JR. OR LISA      | 344-5378 | PETER OR LISA WARE, JR 5423 HILL RD BOISE, I... | 1/2         | FU      |
| WEAVER, ELIZABETH            | 853-5288 | WEAVER, ELIZABETH 4800 WYLLIE LN BOISE ID 8...  | 1/2         | FU      |
| WILSON, F J & SARAH          | 342-6691 | WILSON, F J & SARAH 23221 BLESSENGER LN S...    | 1           | FU      |
| ZEH, BARBARA                 | 389-9864 | Barbara Zeh 4804 ALAMOSA LN BOISE ID 83703      | 1/8         | FU      |
| ZIMMER, TERESA               |          | ZIMMER, TERESA 4650 WILLOW LN BOISE ID 83...    |             |         |

160,115

4902 W. State

1414 Rd

**Boise Valley Irrigation Ditch Co.**  
**Customer Contact List**  
**November 3, 2003**

November 3, 2003

Heinrich

| <u>Shares</u>  | <u>Lateral</u>          |
|----------------|-------------------------|
| 10.50 BR       | \$0 Box 9365, Post 8376 |
| 255.485 BR     |                         |
| 42.22 BR       | 83769                   |
| <u>308.200</u> |                         |

3010.042 fees - 11/2/2000  
785.4 within 2000000  
All City has 15" for the 1000000

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-147

WATER RIGHT NUMBER: 63-147

Owner TypeName and Address

Priority Date:

Basis:

Status: See Remarks

SourceTributaryBeneficial UseFrom ToDiversion RateAnnual VolumeTotal Diversion:Location of Point(s) of DiversionPlace of UseConditions of Approval:Remarks:

1. General RIGHT SPLIT INTO PARTS A & B THRU APPROVED TRANSFER 5119.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 63-147

Dates and Other Information:

Licensed Date:  
Decreed Date:  
Water Supply Bank Enrollment Accepted:  
Water Supply Bank Enrollment Removed:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Formal Action Date:  
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number:  
Judicial District:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

07/22/2002

Page 3

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 63-147

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 63-147

WATER RIGHT NUMBER: 63-147

| <u>Owner Type</u> | <u>Name and Address</u>                                                                  |
|-------------------|------------------------------------------------------------------------------------------|
| Original Owner    | BOISE VALLEY IRRIGATION DITCH CO<br>8750 N BOGART LN<br>BOISE, ID 83703<br>(208)853-5288 |

Priority Date: 06/01/1865

Basis:

Status: Parent

| <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            | 3/15 to 11/15         | 54.580 CFS              |                      |
|                       |                       | <u>Total Diversion:</u> | 54.580 CFS           |

Location of Point(s) of Diversion

BOISE RIVER  
ADA County

NE1/4SE1/4NE1/4

Sec. 5, Twp 03N, Rge 02E, B.M.

Place of UseIRRIGATION Within ADA County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T04N R01E S03 | SESW | 29.0 | T04N R01E S03 | SWSE | 10.0 |
| T04N R01E S10 | NENE | 35.0 | T04N R01E S10 | NWNE | 20.0 |
| T04N R01E S10 | SWNE | 10.0 | T04N R01E S10 | SENE | 30.0 |
| T04N R01E S10 | NESE | 36.0 | T04N R01E S10 | NWSE | 38.0 |
| T04N R01E S10 | SWSE | 20.0 | T04N R01E S10 | SESE | 10.0 |
| T04N R01E S11 | SWSW | 25.0 | T04N R01E S11 | SESW | 15.0 |
| T04N R01E S11 | NWSE | 5.0  | T04N R01E S11 | SWSE | 12.0 |
| T04N R01E S13 | SWNE | 5.0  | T04N R01E S13 | SWNW | 30.0 |
| T04N R01E S13 | SENE | 20.0 | T04N R01E S13 | NESW | 2.0  |
| T04N R01E S13 | NWSW | 35.0 | T04N R01E S13 | SWSW | 30.0 |
| T04N R01E S13 | SESW | 23.0 | T04N R01E S13 | NESE | 20.0 |
| T04N R01E S13 | NWSE | 6.2  | T04N R01E S13 | SWSE | 8.1  |
| T04N R01E S13 | SESE | 25.0 | T04N R01E S14 | NENE | 5.0  |
| T04N R01E S14 | NWNE | 25.0 | T04N R01E S14 | SWNE | 38.0 |
| T04N R01E S14 | SENE | 38.0 | T04N R01E S14 | NENW | 35.0 |
| T04N R01E S14 | NWNW | 35.0 | T04N R01E S14 | SWNW | 15.0 |
| T04N R01E S14 | SENE | 18.3 | T04N R01E S14 | NESW | 24.8 |
| T04N R01E S14 | NWSW | 23.7 | T04N R01E S14 | SWSW | 38.0 |
| T04N R01E S14 | SESW | 32.0 | T04N R01E S14 | NESE | 37.0 |
| T04N R01E S14 | NWSE | 39.0 | T04N R01E S14 | SWSE | 35.0 |
| T04N R01E S14 | SESE | 38.0 | T04N R01E S15 | NENE | 37.0 |
| T04N R01E S15 | SENE | 38.0 | T04N R01E S23 | NENE | 35.0 |
| T04N R01E S23 | NWNE | 37.0 | T04N R01E S23 | SWNE | 10.0 |
| T04N R01E S23 | SENE | 35.0 | T04N R01E S23 | NESE | 15.0 |
| T04N R01E S24 | NENE | 7.0  | T04N R01E S24 | NWNE | 38.0 |
| T04N R01E S24 | SWNE | 35.0 | T04N R01E S24 | SENE | 15.0 |
| T04N R01E S24 | NENW | 35.0 | T04N R01E S24 | NWNW | 32.5 |
| T04N R01E S24 | SWNW | 35.0 | T04N R01E S24 | SENE | 10.0 |
| T04N R01E S24 | NESW | 25.0 | T04N R01E S24 | NWSW | 39.0 |

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T04N R01E S24 | SWSW | 10.0 | T04N R01E S24 | SESW | 20.0 |
| T04N R01E S24 | NWSE | 30.0 | T04N R01E S24 | SWSE | 15.0 |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 63-147

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T04N R01E S24 | NWSE | 30.0 | T04N R01E S24 | SWSE | 15.0 |
| T04N R01E S24 | SESE | 15.0 | T04N R01E S25 | NENE | 20.0 |
| T04N R02E S18 | SWSW | 20.0 | T04N R02E S19 | NENE | 2.0  |
| T04N R02E S19 | NWNE | 15.0 | T04N R02E S19 | SWNE | 5.0  |
| T04N R02E S19 | SENE | 5.0  | T04N R02E S19 | NENW | 29.0 |
| T04N R02E S19 | NWNW | 15.0 | T04N R02E S19 | SWNW | 30.0 |
| T04N R02E S19 | SENE | 28.0 | T04N R02E S19 | NESW | 30.0 |
| T04N R02E S19 | NWSW | 8.6  | T04N R02E S19 | SWSW | 21.0 |
| T04N R02E S19 | SESW | 35.0 | T04N R02E S19 | NESE | 20.0 |
| T04N R02E S19 | NWSE | 20.0 | T04N R02E S19 | SWSE | 6.1  |
| T04N R02E S19 | SESE | 35.0 | T04N R02E S20 | SWSW | 35.0 |
| T04N R02E S29 | NWNW | 15.0 | T04N R02E S29 | SWNW | 20.0 |
| T04N R02E S29 | SWSW | 25.0 | T04N R02E S30 | NENE | 15.0 |
| T04N R02E S30 | NWNE | 25.0 | T04N R02E S30 | SWNE | 30.0 |
| T04N R02E S30 | SENE | 20.4 | T04N R02E S30 | NENW | 30.0 |
| T04N R02E S30 | NWNW | 35.0 | T04N R02E S30 | SWNW | 15.0 |
| T04N R02E S30 | SENE | 25.0 | T04N R02E S30 | NESW | 20.0 |
| T04N R02E S30 | NESE | 2.4  | T04N R02E S30 | NWSE | 25.0 |
| T04N R02E S30 | SESE | 5.0  | T04N R02E S31 | NENE | 3.0  |
| T04N R02E S32 | NENW | 15.0 | T04N R02E S32 | NWNW | 13.5 |
| T04N R02E S32 | SWNW | 8.0  | T04N R02E S32 | SENE | 31.0 |
| T04N R02E S32 | NESW | 4.0  | T04N R01W S01 | NWNW | 7.0  |
| T04N R01W S01 | SWNW | 13.0 | T05N R01W S33 | SENE | 15.0 |
| T05N R01W S33 | NESW | 2.0  |               |      |      |

Total Acres: 2542

Conditions of Approval:

1. 01D A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
3. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

1. General THIS CLAIM HAS BEEN SPLIT INTO 63-00147A AND 63-00147B BY APPROVED TRANSFER NO. 5119

Comments:

07/22/2002

Page 3

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 63-147

Dates and Other Information:

Claim Received Date: 7/28/1989  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

(10)  
(10)

XII.

That the defendants ~~THOMAS I. GRAHAM, FRANK M. GRAHAM and WILLIAM~~  
~~GRAHAM~~, be, and they are hereby awarded the use of the waters of  
Boise River, diverted from a point on said river near the SE corner  
of NW 1/4 of NE 1/4, Sec. 21, T. 4 N. R. 1 E. B.M., for use upon  
Lots 2 and 3 in NW 1/4 NE 1/4 and NE 1/4 NW 1/4, and lot 1 in NE 1/4  
of NE 1/4, Sec. 20, and lots 3 and 4 in N. 1/2 NW 1/4, Sec. 21, all  
in T. 4 N. R. 1 E. B.M., in the following amount and from the follow-  
ing date;  
63 0144  
220 inches, from June 1, 1868, and hereby designated as Right No. 12.  
And be adjudged to pay \$15.40 costs, in addition to the costs incurred by  
them.

XIII.

That the defendant the ~~WATSON DITCH COMPANY~~, a corporation,  
be, and it is hereby awarded the use of the waters of Boise River,  
diverted at a point on the south side of said river easterly of what  
is now the farm of William Simpson in Sec. 23, T. 4 N. R. 1 W. B.M.,  
for use upon the lands lying under its canal system, in the following  
amount and from the following date;  
63 0145 7277, 277, 1064  
1666 inches, from June 1, 1868, and hereby designated as Right No. 13.  
And be adjudged to pay \$116.62 costs, in addition to the costs incurred by it.

XIV.

That the defendant the ~~NEW UNION DITCH COMPANY~~, a corporation,  
be, and it is hereby awarded the use of the waters of Boise River,  
diverted at a point on the north bank of said river on Lot 2, Sec.  
23, T. 4 N. R. 1 E. B. M., for use upon the lands lying under its  
canal system, in the following amount and from the following date;  
63 0146  
688 inches, from June 1, 1868, and hereby designated as Right No. 14.  
And be adjudged to pay \$48.16 costs, in addition to the costs incurred by it.

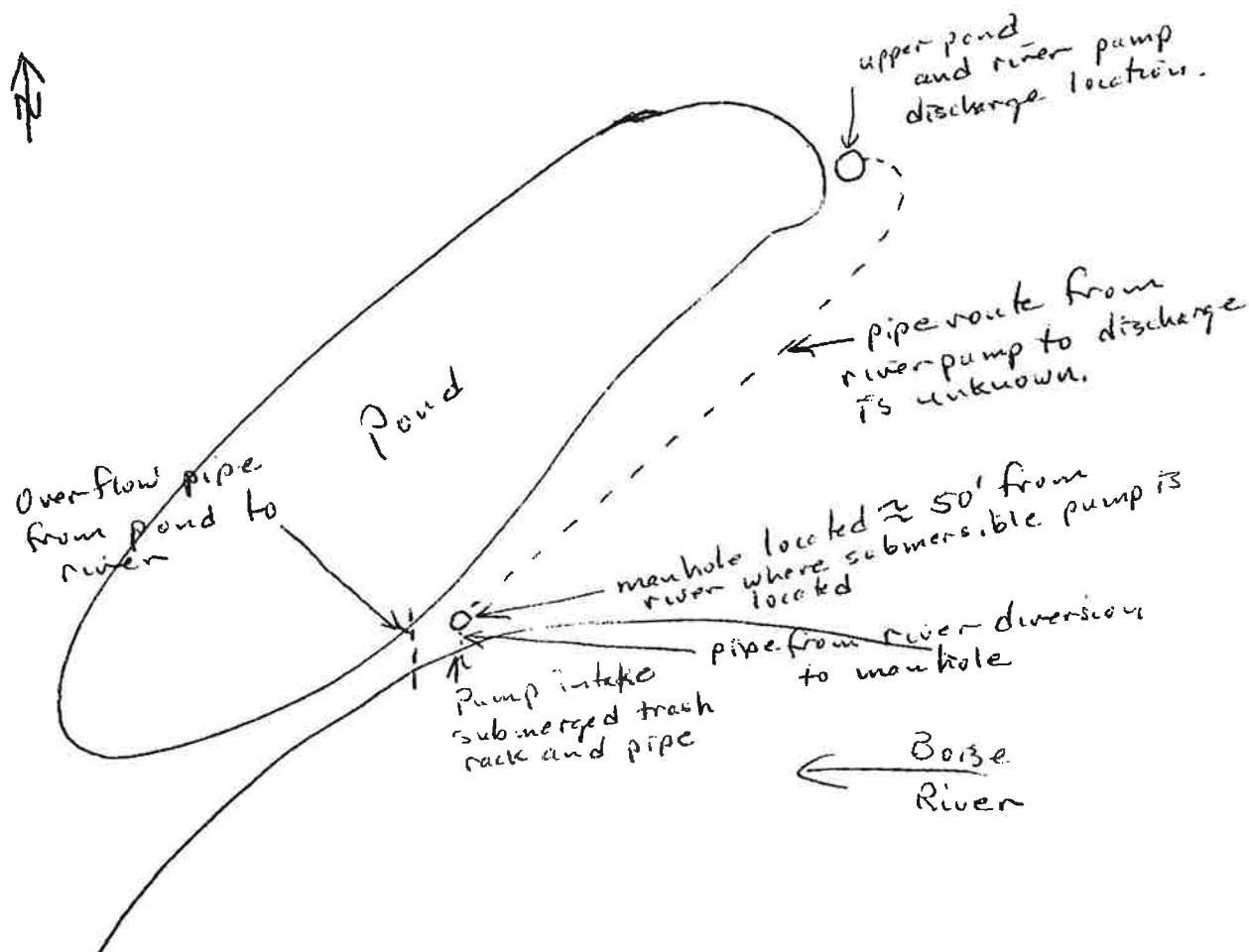
XV.

54.58  
That the defendant the ~~BOONE VALLEY IRRIGATION DITCH COMPANY~~,  
a corporation, be, and it is hereby awarded the use of the waters  
of Boise River, diverted from said river at the head of the canal of  
defendant the Farmers' Union Ditch Company, and taken through said  
canal to the point of use, for use upon the lands lying under its ca-  
nal system, in the following amount and from the following date;  
2729 inches, from June 1, 1868, and hereby designated as Right No. 15.  
And be adjudged to pay \$191.03 costs, in addition to the costs incurred by it.



3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size / ditch size / pipe i.d. as applicable.

See aerial photo for layout.



Scale: 1" = Not to Scale

Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached  
(required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| River Diversion                       |            | 5  | SN M7959         | Berkley   | Model 6T5-275                     |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
| None                  |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

**F. FLOW CALCULATIONS**

\_\_\_\_\_ Additional Computation Sheets Attached

Measured Method: The permit does not require a measuring device and no measurement was attempted. The pump should be delivering about its rated discharge of 250 gpm.

**G. VOLUME CALCULATIONS****1. Volume Calculations for Irrigation:**

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

**2. Volume Calculations for Other Uses:**

$$\text{Annual volume} = 365 \times 0.11 \times 1.9835 = 79.6 \text{ AFY}$$

**H. RECOMMENDATIONS****1. Recommended Amounts**

| Beneficial Use    | Period of Use |              | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|-------------------|---------------|--------------|------------------------------|--------------------------|
|                   | From          | To           |                              |                          |
| <u>Aesthetics</u> | <u>1/1</u>    | <u>12/31</u> | <u>0.11</u>                  | <u>79.6</u>              |
| _____             | _____         | _____        | _____                        | _____                    |
| _____             | _____         | _____        | _____                        | _____                    |
| _____             | _____         | _____        | _____                        | _____                    |
| Totals:           |               |              | <u>0.11</u>                  | <u>79.6</u>              |

**2. Recommended Amendments**

\_\_\_\_ Change P.D. as reflected above    \_\_\_\_ Add P.D. as reflected above    X None  
\_\_\_\_ Change P.U. as reflected above    \_\_\_\_ Add P.U. as reflected above    \_\_\_\_ Other

**I. AUTHENTICATION**

Field Examiner's Name David B Shaw Date 9/30/05

Reviewer \_\_\_\_\_ Date \_\_\_\_\_



2. Measurements: None

**E. NARRATIVE / REMARKS / COMMENTS**

This water right is a non-consumptive right to maintain the pond at the Idaho Shakespeare Festival site. Water is diverted from the Boise River through a submerged trash rack covered pipe that delivers gravity flow water to a manhole about 50 feet from the river as shown on the enclosed aerial photo. The manhole contains a 5 hp Berkley submersible pump that lifts the water through a buried pipeline that discharges into a small pond on the east side of the main pond (see photos). The small pond discharges into the large pond that is about 1.1 acres in size based upon the enclosed 2003 aerial photo.

From the large pond water may either be discharged back to the Boise River through an overflow pipe or used for irrigation. The overflow pipe is installed at an elevation that allows the pond elevation to reach about 3 feet above the summer river level. The irrigation water use is covered by water right 63-31198. The irrigation system is pressurized by a separate pump that takes water from the pond. The irrigation system was not examined as part of this field exam. At the time of the exam the irrigation system was not operating and the water being diverted into the pond was being discharged through the overflow pipe back into the Boise River.

The 5 hp Berkley pump is rated at 250 gpm with 50 feet TDH. The actual elevation difference between the river pump discharge and the level of the river is about 15 to 20 feet, depending in part on the river stage. The pump appears to be working within the 50 feet TDH of its rating and should produce about 250 gpm.

The pond is an integral part of the landscape design of the Idaho Shakespeare Festival grounds and has a walking path along its south and east sides with an observation area on the western end. A walking path is planned for the northern side of the pond in the future. The pond is maintained year around.

Have conditions of permit approval been met? X yes \_\_\_ no



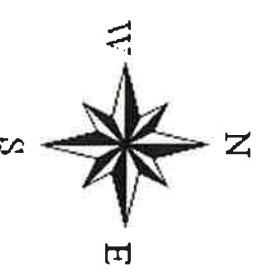
**Above - River diversion is submerged at this location. Trash rack covered CMP to manhole where submersible pump is located.**

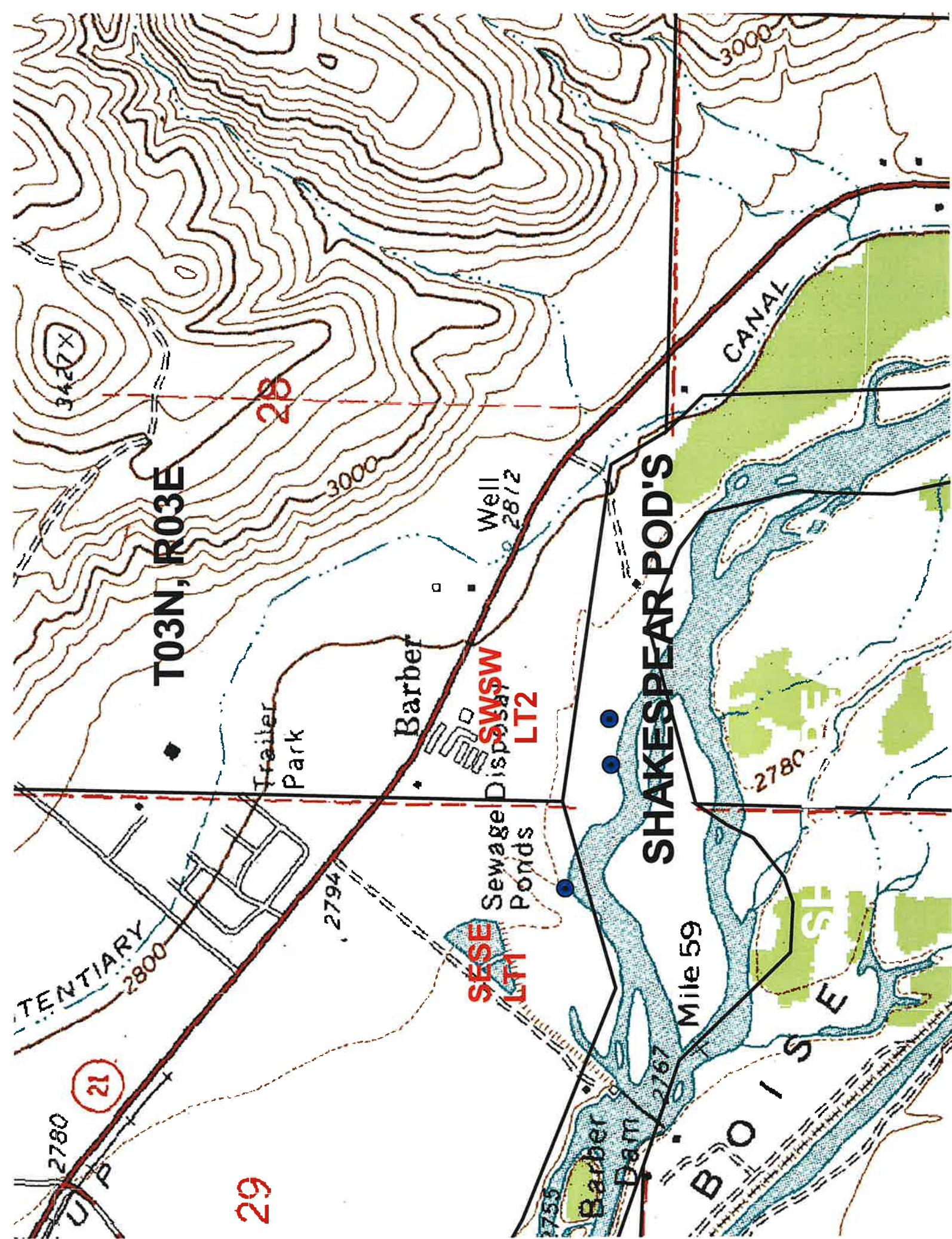
**Top Right - Discharge from pump into upper pond.**

**Right - Upper pond front center of photo with main pond in background.**

**Lower Right - Overview of main pond looking southwest. Upper pond is not visible.**

# Idaho Shakespeare Festival Pond





# GPS readings

#809 Boise City Canal  
above golf course = 321124  
276610

#810 Downstream ranney  
325637  
278495

811 324449 = Upstream ranney  
279812

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#812 Boise Valley  
H. Kasper = 324512  
279728

813 Splot 329160  
275631

BOISE VALLEY IRRIGATION DITCH CO  
PHOTOS DATED 8/19/2002

PHOTOS 3 & 4



POINT OF DIVERSION  
AND POND AT THE  
SHAKESPEAR FESTIVAL  
SITE

LT03N, R03E, S29,  
SESE, L+1

