

11/04/2006

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

RIGHT NUMBER: 63-243D

NAME AND ADDRESS: J B SCOTT
PO BOX 70001
BOISE ID 83707-0101

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.180 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION:

T03N R02E S24 NESE Lot 4 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	0.180 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION in ADA County

T03N R02E S24 Lot 4 NESE 9.00

9 ACRES TOTAL

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.

11/04/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is used as mitigation for a groundwater source under Water Right No. 63-10761.

This right is also designated as Right No. 110 in the Boise River Stewart Decree and Boise River Water Distribution Report.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-243D V1

WATER RIGHT NUMBER: 63-243D V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GERALD D HERRICK 2242 WHITE PINE PL BOISE, ID 83707 (208)336-8719
Original Owner	SOUTH BOISE MUTUAL IRRIGATION CO LTD C/O TOM GILMORE 2130 COLORADO AVE BOISE, ID 83706 (208)703-3333
Current Owner	J B SCOTT PO BOX 70001 BOISE, ID 83707-0101 (208)424-3840

Priority Date: 05/01/1889

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	0.180 CFS	
<u>Total Diversion:</u>		0.180 CFS	

<u>Location of Point(s) of Diversion</u>		
BOISE RIVER	L4 (NE1/4SE1/4)	Sec. 24, Twp 03N, Rge 02E, B.M.
ADA County		

Place of Use
IRRIGATION Within ADA County
 T03N R02E S24 Lot 4 NESE 9.0
 Total Acres: 9

Conditions of Approval:

1. 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 proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
2. This right is used as mitigation for a groundwater source under Water Right No. 63-10761.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-243D V1

3. 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 Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
4. This right is also designated as Right No. 110 in the Boise River Stewart Decree and Boise River Water Distribution Report.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

Comments:

1. jshurte 11/4/2006 Mitigation Right

Comment: Per Transfer No. 3757 this right was transferred to make these waters available for diversion by Mr. Herrick through his alluvial well near the Boise River. See file for details. 63-10761 is the approved license to cover the groundwater source this Boise River water is mitigated for.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10761

WATER RIGHT NUMBER: 63-10761

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J B SCOTT PO BOX 70001 BOISE, ID 83707-0101 (208)424-3840
Original Owner	GERALD D HERRICK 2170 E GOSSAMER LN BOISE, ID 83706 (208)336-8719

Priority Date: 01/31/1989

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.150 CFS	
	<u>Total Diversion:</u>	0.150 CFS	

Location of Point(s) of Diversion

GROUND WATER	L4 (NE1/4SE1/4)	Sec. 24, 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	
03N	02E	24																	7.3
																			L 4

Total Acres: 7.3

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. The Director retains jurisdiction to require future installation of a totalizing measuring device of a type approved by the Department upon a finding of need.
The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.
This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
This right when combined with Right 63-00243D and all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 32.9 af for the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-10761

Remarks:Comments:

1. SKAGGS 9/30/1991 LAPSE DELAY
Comment: PROOF RECEIVED

Dates and Other Information:

Licensed Date: 5/26/1995
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

Water Right(s) 63-243D

IDAHO DEPT OF WATER RESOURCES

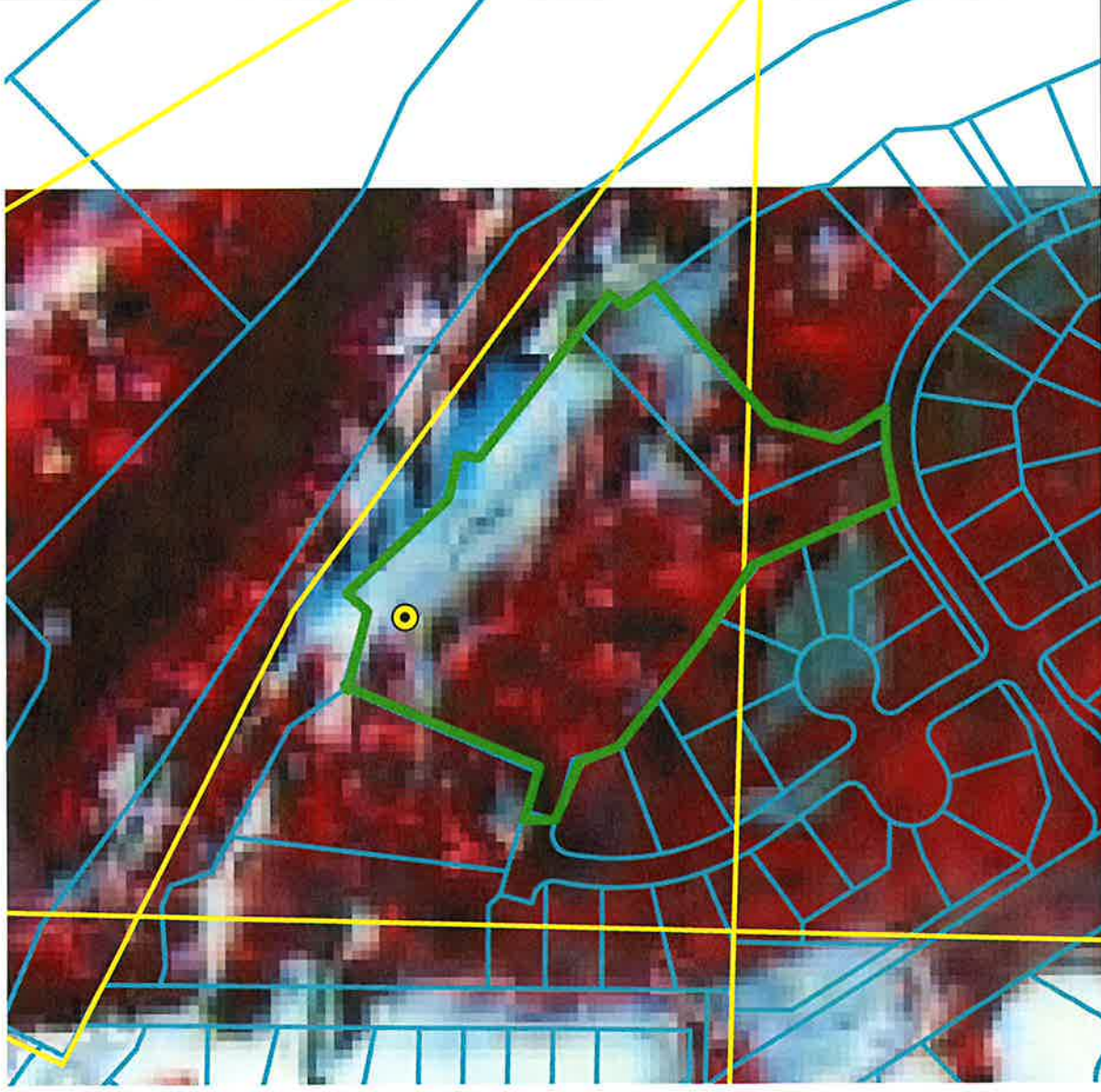
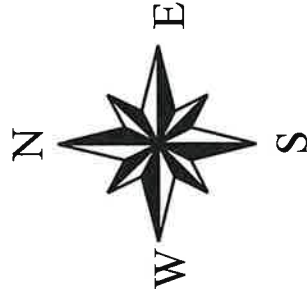
1987/1988 NAPP Photo
Prepared by: J. Shurte
Date: October, 2006

● **Point of Diversion**

 **Place of Use**

 **1/4 1/4 Lines**

 **Section Lines**



Water Right(s)

63-243D

IDAHO DEPT

OF WATER

RESOURCES

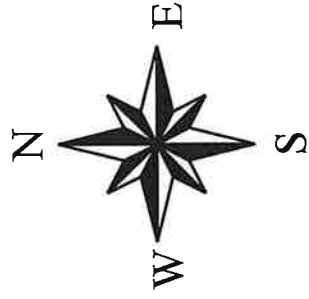
2003 Photography
Prepared by: J. Shurte
Date: October, 2006

 **Point of Diversion**

 **Place of Use**

 **114114 Lines**

 **Section Lines**



~~SEE PAGE 2 OF~~
~~DOCUMENTS. WATER~~
~~RIGHTS~~

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
MAY 27 2003
 WATER RESOURCES
 WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-243-D					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Gerald D. Herrick
2242 White Pine Place, Boise, ID
4. New Owner/Claimant(s) J.B. Scott
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 70001
- City, State and ZIP Code Boise Idaho 83707-0101
- New Telephone Number (208) 424-3840
5. Date you acquired the property February 3, 1994

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
-----------	--	--

Irrigation	_____	_____
------------	-------	-------

Stock	_____	_____
-------	-------	-------

Domestic	_____	_____
----------	-------	-------

Other _____	_____	_____
-------------	-------	-------

Total	_____	_____
--------------	-------	-------

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
-----------	--	--

Irrigation	_____	_____
------------	-------	-------

Stock	_____	_____
-------	-------	-------

Domestic	_____	_____
----------	-------	-------

Other _____	_____	_____
-------------	-------	-------

Total	_____	_____
--------------	-------	-------

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date <u>5-27-03</u>	Fee <u>—</u>
Received by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____
		Date _____

94010541

ORDER NO. 93045028 SB/JH

ADA CO. RECORDER
J. DAVID NAVARRO
BOISE ID

WARRANTY DEED

STEWART TITLE

'94 FEB 13 PM 4:10

FOR VALUE RECEIVED, Gerald D. Herrick and Kathryn SDEF
Husband and Wife RECORDED AT THE REC'D OF,do hereby grant, bargain, sell and convey unto
J.B. Scott, a married man as his sole & separate property, Grantees,
whose address is:
380 E. ParkCenter Blvd. Ste 100, Boise, ID 83706 the following
described real property, located in Ada County, Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

EXCEPTING THEREFROM all water rights, ditch rights, and easements, and all ditches, canals, wells, diversion structures, pipelines, sprinklers, and other facilities, equipment or appurtenances of whatever character located on or pertaining to the use or delivery of water for any beneficial purpose on the property. For purposes of this deed, the term "water rights" shall mean both ground and surface water rights used upon or appurtenant to the property, and shall include, without limitation, all: 1) permits, claims, licenses, decreed rights, and beneficial use rights; 2) contracts or entitlements to receive water from any person, irrigation district or other water delivery organization; and 3) all ditch company stock, hereinafter referred to as the "Premises."

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), its heirs, successors and assigns forever.

The Grantee(s) hereby acknowledge and attest, under oath, that:
(1) (he) (she) (they) (it) understand that the premises are a part of the Spring Meadow Subdivision and are subject to the Spring Meadow Master Declaration of Covenants, Conditions and Restrictions as well as all applicable Supplemental Declarations of Covenants, Conditions and Restrictions recorded pursuant to said Master Declaration; (2) (he) (she) (they) (it) have received, read and understood these Declarations and that they contain specific covenants, conditions and restrictions regarding the use of the premises and of adjoining land areas; (3) (he) (she) (they) (it) understand that, among other things, said Declarations contemplate the formation of a master owner's association and other local associations, which will have powers and authorities affecting the premises and the power to levy assessments and impose liens; (4) (he) (she) (they) (it)

Continued on next page

understand that such Declarations create an architectural control committee(s) which must approve the design and construction of all improvements to the premises; (5) (he) (she) (they) (it) understand and agree that the Declarations and Associations have and/or will impose restrictions for the establishment and preservation of Riparian Easement Areas, and wildlife and fishing habitats; (6) (he) (she) (they) (it) understand and agree that upon receiving this conveyance, the Grantee(s) will advise and inform the master owners association and any applicable local association that they have acquired the premises described herein and will advise and inform said association(s) of the Grantees' current address for notice purposes, so long as such association exists.

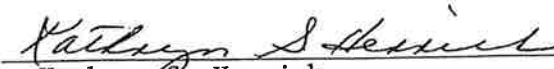
TO BE LEGALLY BINDING AND EFFECTIVE, THIS INSTRUMENT MUST BE EXECUTED AND ACKNOWLEDGED BY THE GRANTEE(S) HEREUNDER. ANY SUBSEQUENT OR OTHER PURPORTED CONVEYANCE OF THE PREMISES (EXCEPTING MORTGAGES, DEEDS OF TRUST OR OTHER SECURITY INSTRUMENTS) IN ORDER TO BE A VALID CONVEYANCE MUST BE EXECUTED AND ACKNOWLEDGED BY THE GRANTEE DESCRIBED THEREUNDER ACCEPTING THE FOREGOING NUMBERED CONDITIONS.

And the said Grantor does hereby covenant to and with the said Grantee(s) that it is the owner in fee simple of said Premises; that said Premises are free from all liens, claims and encumbrances except reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any, for the current year, which are not yet due and payable), and that it will warrant and defend the same from all other lawful claims whatsoever.

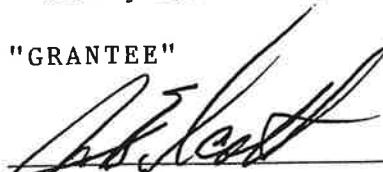
IN WITNESS WHEREOF, the Grantors, have caused its name(s) to be hereunto subscribed this 3rd day of February, ~~1993~~ 1994

"GRANTOR"


Gerald D. Herrick


Kathryn S. Herrick

"GRANTEE"


J.B. Scott

Continued on next page

Continuation of Exhibit A

Order No. ST-93045028 JH/SB

PARCEL 2

A perpetual, non-exclusive Easement for maintenance, replacement and repairs to existing water and sprinkler systems over, upon and under Lots 188 through 193 in Block 1 of said SPRING MEADOW 2 (PHASE B).

[Handwritten signature]
[Handwritten initials]
[Handwritten initials]

EXHIBIT "A"

Handwritten:
JH
SB
KSA

PARCEL 1

Lot 190 in Block 1 of SPRING MEADOW 2 (PHASE B), according to the Official Plat thereof, filed in Book 57 of Plats at Page(s) 5383, 5384 and 5385, records of Ada County, Idaho.

AND

A portion of Lot 191 in Block 1 of SPRING MEADOWS 2 (PHASE B), a subdivision, as filed for record in the office of the Ada County Recorder, Boise, Idaho in Book 57 of Plats at pages 5383, 5384 and 5385, ALSO as shown on Record of Survey No. 1948, filed for record in the office of the Ada County Recorder, Boise, Idaho in Book G of Surveys at page 1976, and more particularly described as follows:

COMMENCING at a point marking the Southwesterly corner of the said Lot 191, also said point being THE REAL POINT OF BEGINNING; thence along the Southwesterly boundary of the said Lot 191

North 24 degrees 00'00" West 198.31 feet to a point marking the Northwesternly corner of the said Lot 191; thence along the Northwesternly boundary of the said Lot 191

North 46 degrees 30'00" East 283.90 feet to a point marking the Northeastly corner of the said Lot 191; thence along the Northeastly boundary of the said Lot 191

South 51 degrees 16'40" East 60.19 feet to a point; thence continuing

South 44 degrees 54'42" West 20.00 feet to a point; thence continuing

South 36 degrees 26'09" East 37.91 feet to a point; thence leaving the said Northeastly boundary

South 46 degrees 30'00" West 214.76 feet to an iron pin; thence

South 13 degrees 27'54" West 82.55 feet to an iron pin on the Southeastly boundary of the said Lot 191; thence along the said Southeastly boundary of Lot 191

South 22 degrees 00'00" East 72.00 feet to a point on the Northerly boundary of Lot 173 of Block 1, also known as East Gossamer Lane, to a point marking a point of beginning of curve; thence along the said Northerly boundary of Lot 173 along a curve to the left 32.63 feet, said curve having a central angle of 07 degrees 55'16", a radius of 236.00 feet and a long chord bearing

North 88 degrees 57'38" West 32.60 feet to a point of ending of curve, also said point being the POINT OF BEGINNING.

STATE OF IDAHO)

ss

COUNTY OF ADA)

On this 3rd day of February in the year of ~~1993~~¹⁹⁹⁴, before me, the undersigned, a Notary Public in and for said State, personally

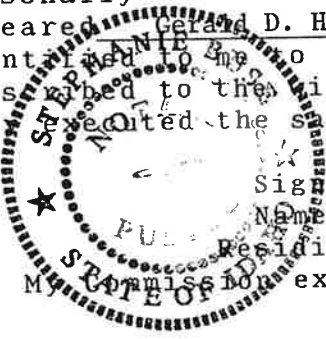
appeared Gerald D. Herrick and Kathryn S. Herrick known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Signature: Stephanie Buse

Name: Stephanie Buse

Residing At: Burke Id

My Commission expires: 8/31/96



STATE OF IDAHO, County of ADA, ss.

On this 3rd day of February in the year of ~~1993~~¹⁹⁹⁴, before me, the undersigned, a Notary Public in and for said State, personally appeared J.B. Scott known or

identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Signature: Stephanie Buse

Name: Stephanie Buse

(Type or Print)

Residing At: Burke Id

My Commission expires: 8/31/96



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3757

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant Gerald D. Herrick Phone 336-8719
Post Office address 2242 White Pine Place, Boise, Idaho 83707

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 change the place of use and point of diversion
for 0.20 cfs currently diverted through the South Boise Mutual Irrigation Company's
system. This transfer will make these waters available for diversion by Mr. Herrick
through his alluvial well near the Boise River.

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

1. Right Number D 63-00243B Priority 5/1/1889 Amount 0.20 cfs Nature of Use irrigation Period of Use April 1 to October 31
0.18*
2. Total amount of water being transferred 0.20 0.18* 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
4		NE	SE	24	3N	2E	Ada	Herrick well

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				Lot 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	
3N	2E	24													9				9

MICROFILMED

OCT 1 1990

*Per telephonic request from Jeffrey C. Fereday 7/3/1990 Total acres 9

PART 1**6. General Information:**

- a. Description of diversion system The Herrick well draws groundwater from the alluvium at a point near the south bank of the Boise River in East Boise. The system consists of a 70'-deep well, 8" in diameter, equipped with a 7 1/2 HP pump, lines and sprinklers.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes _____ 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:
The lands historically irrigated by this portion of right no. 63-00243 are being, or have been, developed for subdivisions and other non-agricultural purposes. No further irrigation is occurring on these lands except for lawn and shrub sprinkling with water from the municipal supply system.
- d. Remarks:
See Attachment A.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-0243D

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

See attached sheet for conditions of approval.

MICROFILMED

OCT 19 1990

Witness my hand this

15th day ofOctober, 19 90J. Glen Saylor
Chief, Water Alloc. Bureau

CONDITIONS OF APPROVAL

Transfer of Water Right No. 63-0243D

1. Prior to diversion and use of water under this transfer, a lockable controlling device and totalizing flow measuring device acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Diversion of water under this right is limited to a maximum rate of flow of 0.02 cfs per acre, for the irrigation of a maximum of nine acres.
3. Use of water under this right is subject to control by the watermaster of State Water District 63, Boise River.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. 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.

Dated this 15th of October, 1990.

J. Glen Saylor
Chief, Water Alloc. Bureau

MICROFILMED

OCT 19 1990

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-243D

WATER RIGHT NUMBER: 63-243D

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SOUTH BOISE MUTUAL IRRIGATION CO LTD C/O TOM GILMORE 2130 COLORADO AVE BOISE, ID 83706 (208)703-3333
Current Owner	GERALD D HERRICK 2242 WHITE PINE PL BOISE, ID 83707 (208)336-8719

Priority Date: 05/01/1889

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	4/01 to 10/31	0.180 CFS	
	<u>Total Diversion:</u>	0.180 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L4 (NE1/4SE1/4)	Sec. 24, Twp 03N, Rge 02E, B.M.
ADA County		

Place of Use

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
03N	02E	24													9.0				9.0

Total Acres: 9

Conditions of Approval:

1. 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.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
3. Prior to diversion and use of water under this transfer, a lockable controlling device and totalizing flow measuring device acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-243D

Remarks:

Comments:

1. CURTIS 1/29/1993 Trans. #3757

Comment: Trans. #3757 was filed to change the point of diversion and place of use of a portion of Right 63-00243.

Water Supply Bank:

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492
(208) 342-8920

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
JOANN C. BUTLER†
MICHAEL C. CREAMER
JEFFREY C. FERE DAY
ALAN R. GARDNER
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
DAVID R. LOMBARDO
KENNETH R. MCCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB

LISTED ALPHABETICALLY
*ALSO ADMITTED IN OREGON
†ADMITTED ONLY IN ILLINOIS

November 20, 1990

RECEIVED
NOV 21 1990

Mr. L. Glen Saxton, Chief
Water Allocation Bureau
Idaho Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

Re: Herrick Water Permit No. 63-10761 and Transfer No. 3757

Dear Glen:

In our telephone conversation yesterday we discussed the condition, in Mr. Gerald Herrick's water right permit No. 63-10761 for his well, that Mr. Herrick is to submit and receive approval for an augmentation plan to compensate for depletions of Boise River flows. This is the letter explaining the plan that you requested in satisfaction of this condition.

Mr. Herrick irrigates nine acres of gardens, lawn and landscaping by means of his shallow well. It is presumed that the well's depletions are felt in the Boise River, although we have not felt it necessary to quantify or predict the exact timing of these depletions. Based on the Department's standard consumptive use figures, and considering that this is a sprinkler system for which we expect very little delivery loss, total depletions over time should be a maximum of 27 acre-feet.

The augmentation plan we have devised involves the acquisition of natural flow and storage rights that can deliver a yearly total of 27 acre-feet to the river by small releases (or, in the case of the natural flow rights, foregone diversions) throughout the irrigation season. To cover these depletions, Mr. Herrick purchased nine shares of stock in the South Boise Mutual Irrigation Company, Ltd., along with the rights to 0.18 cfs of the flows available under water right No. 63-00243D (1889 priority). This right

RECEIVED

FEB 18 1993

Mr. L. Glen Saxton
November 20, 1990
page 2

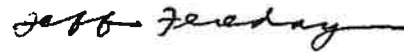
historically has been diverted by SBMIC and beneficially used on irrigated lands of other shareholders in Southeast Boise. These lands are no longer being irrigated. The calculations explaining the yield of the 1889 right are contained in the Department's September 14, 1990 memorandum, which should be in your files on transfer No. 3756, by which Boise Water Corporation transferred another portion of the 1889 right for its own augmentation plan.

In addition, as a SBMIC shareholder Mr. Herrick is entitled to receive his commensurate portion of the Anderson Ranch storage that SBMIC holds under contract. I am enclosing for your files a copy of SBMIC president Richard Harland's letter to Mr. Herrick dated October 17, 1990, as well as my letter to Lee Sisco dated November 7, 1990. These letters should provide additional background on this transfer and augmentation plan.

We have discussed this plan with Mr. Sisco, including the means for accounting storage for Mr. Herrick's benefit. I am sending Mr. Sisco a copy of this letter for his further information.

I trust that this adequately describes the augmentation plan. Please let me know if you have additional questions.

Sincerely,



Jeffrey C. Fereday

JCF/jf
Enclosures

cc: Mr. Gerald D. Herrick
Mr. Lee Sisco
David R. Tuthill, P.E.
Willis E. Sullivan, III, Esq.

FEB 18 1993

LXXXVIII.

That the defendant LOOMIS L. HOSELEY be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon one acre of land situated in the NW 1/4 of sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0241

1 inch, from May 1, 1889, hereby designated as Right No. 108. And be adjudged to pay \$0.07 costs in addition to the costs incurred by him.

LXXXIX.

That the defendants STEVE UTTER, JOHN UTTER and C. B. TAYLOR be, and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon the SE 1/4 of NE 1/4, and NE 1/4 of SE 1/4, Sec. 23, and S. 1/2 of NW 1/4 and lots 7 and 8 in sec. 24, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0242

120 inches, from May 1, 1889, hereby designated as Right No. 109. And be adjudged to pay \$8.40 costs in addition to the costs incurred by them.

XC.

That the defendant the SOUTH BOISE MUTUAL IRRIGATION COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river near where such bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon the NE 1/4 of SW 1/4 and lots 5 and 6 in Sec. 24, also all that portion of the SE 1/4 of sec. 15 lying south of what is known as the Ridenbaugh Mill Ditch, and all that portion of the NE 1/4 of Sec. 22 lying north of what is known as the Big Bluff or Ridenbaugh canal, all in T. 5 N. R. 2 E.

B. M., in the following amount and from the following date; 300 inches, from May 1, 1889; hereby designated as Right No. 110. And be adjudged to pay \$21.00 costs in addition to the costs incurred by it.

63 0243

MICROFILMED

OCT 19 1990

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: September 21, 1990

RE: TRANSFER NO. 3755/RIGHT NO.S 63-0280 THRU 63-0284, 63-0242 &
63-0243

TRANSFER NO. 3756/RIGHT NO. 63-0243C

TRANSFER NO. 3757/RIGHT NO. 63-0243D

=====

Transfer no. 3755 changes the place of use and adds a point of diversion for the above rights. Point of diversion, place of use, and period of use for rights 63-0280 thru 63-0284 should be changed in the database as shown under section B., part 1 of the transfer.

Transfer 3755 also splits right no.s 63-0242 and 63-0243. Right no.s 63-0242A and 63-0243A will be changed as shown under section B., part 1 of the transfer. Right 63-0242B should be changed to show a diversion rate of 1.54 cfs. All other information in the database for the parent right, 63-0242, should carry over to 63-0242B.

Right no. 63-0243B is immediately split by transfer no.s 3756 and 3757. Transfer 3756 made by Boise Water Corp. changes a portion of 63-0243B to 63-0243C. Transfer no. 3757 changes another portion of 63-0243B to 63-0243D. The final remaining portion of 63-0243B, for 0.23 cfs, will be changed to 63-0243E. Again, all the information in the database for the parent right such as name, place of use and point of diversion etc., should carry over to right 63-0243E.

I recommend approval of all three transfer applications with the conditions provided by Dave Tuthill on separate memos to the files.

MICROFILMED
OCT 19 1990

RE: 63-00243B

RECEIVED

JUL 31 1990

July 30, 1990

Department of Water Resources
Western Regional Office

TO: Dave Tuthill, Steve Lester, Western Region
FROM: Bob Sutter, Hydrology Section *TAS*
SUBJECT: Decree Cuts for District 63 May 1, 1889 Water Right

Following is a table showing the dates that the May 1, 1889 rights were cut to 75, 60, and zero per cent for the last five years on the Boise River, Water District 63. Also shown in the table is the per cent of normal of the April through July runoff for each year.

May 1, 1889 actual right schedule

Year	75% cut	60% cut	zero cut	% Runoff	
1986	Jul 28 ^{Julian} 209	Aug 02 ^{Julian} 214	(use 10/81) not cut ^{Julian} 301	116	16% over 100%
1987	Jun 13	Jun 17	Jul 17 (*)	32	
1988	Jun 25	Jun 27	Jul 08	45	17% under 100%
1989	Jul 08 ¹⁸⁹	Jul 09 ¹⁹⁰	Jul 24 ²⁰⁵	83	
1990	Jul 06	Jul 12	Jul 20	52	
Avg Julian dates (1986-1989)	Jul 18 ¹⁹¹	Jul 21 ²⁰²	Sep 12 ²⁵⁵		

(*) adjusted 12 days ahead for intermittent cut and fill

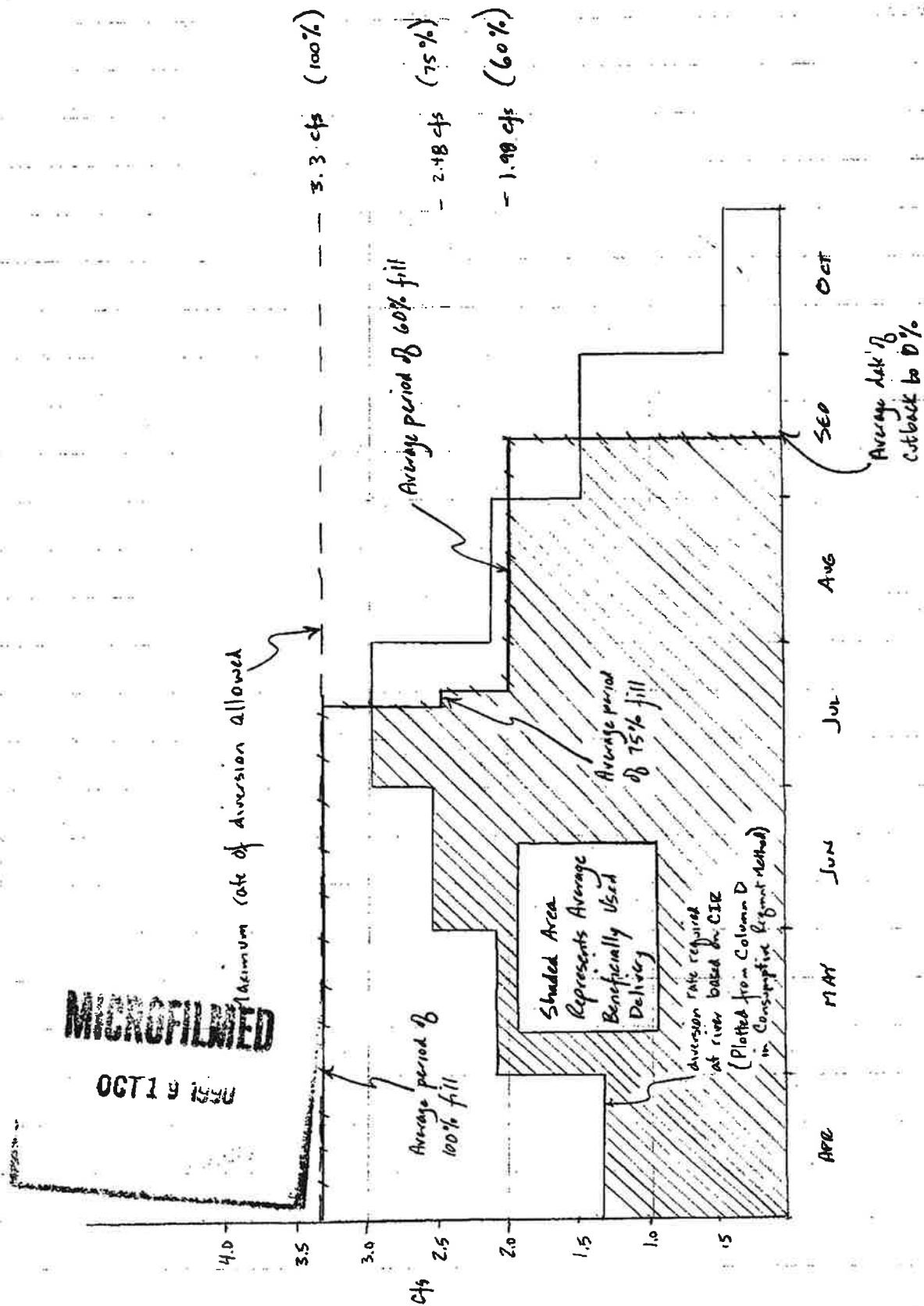
MICROFILMED

OCT 19 1990

Attachment 1

Combined Method

Attachment 4



Dec 9/14/90

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-243D**

02/23/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
148C	Claim	03N	02E	24	NE	SE		IRRIGATION	12/871.53	SOUTH BOISE WATER CO
-150	Claim	03N	02E	24	NE	SE		IRRIGATION	12/871.53	SOUTH BOISE WATER CO
243D	Claim	03N	02E	24	NE	SE		IRRIGATION	9/9	GERALD D HERRICK
243D	Water Right	03N	02E	24	NE	SE		IRRIGATION	9/9	GERALD D HERRICK
243F	Claim	03N	02E	24	NE	SE	4	IRRIGATION		SOUTH BOISE MUTUAL IRRIGATION C LTD
243F	Water Right	03N	02E	24	NE	SE	4	IRRIGATION		SOUTH BOISE MUTUAL IRRIGATION C LTD
10761	Water Right	03N	02E	24	NE	SE	4	IRRIGATION	7.3/7.3	J B SCOTT

XCI.

That the defendant ESTATE OF J. H. GALLAGHER be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, 2 east, and township 3 north, 3 east through what is known as the Bubb canal, for use upon the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date:

63 0244
147 inches, from May 1, 1889, hereby designated as Right 111.
And be adjudged to pay \$10.28 costs in addition to the costs incurred by it.

XCII.

That ~~the defendant~~ H. Fogarty be, and she is hereby awarded the use of the waters of Boise river, diverted from a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon two and one-half acres of land situated in the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date:

63 0245
2-1/2 inches, from May 1, 1889, hereby designated as Right No. 112.
And be adjudged to pay \$0.13 costs in addition to the costs incurred by him.

XCIII.

That the defendant GRACE CALL be, and she is hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon 5 acres of land, situated in the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date:

63 0246

5 inches, from May 1, 1889, hereby designated as Right No. 113.
And be adjudged to pay \$0.35 costs in addition to the costs incurred by her.

Receipt Details for ID W006754

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
11/20/1989 4:45:48 PM	11/20/1989	Western	\$821.00	Check
Payer		SOUTH BOISE MUTUAL IRR CO		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
401			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$821.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	280		\$112.00	Claim
63	281		\$76.00	Claim
63	282		\$64.00	Claim
63	283	A	\$85.00	Claim
63	284	A	\$63.00	Claim
63	242	A	\$93.00	Claim
63	243	A	\$141.00	Claim
63	243	B	\$187.00	Claim

CONSENT RESOLUTION

OF

SPRING MEADOW HOMEOWNERS ASSOCIATION, INC.

The undersigned, being all of the directors of Spring Meadow Homeowners Association, Inc. ("Association"), an Idaho non-profit corporation, hereby take the following corporate actions in accordance with the general corporation laws of the state of Idaho and the constituent documents of the Association.

FINDINGS

The Association Board of Directors hereby find and declare as follows:

1. The Association represents homeowners and manages certain property interests in the Spring Meadow Subdivisions in Boise, Idaho (the "Subdivisions"), which were developed by Columbia-Willamette Development Company, d/b/a River Run Development Company ("Columbia-Willamette"). The Subdivisions are described on exhibits A-4, A-5 and A-6 to the instrument recorded in the records of Ada County, Idaho as instrument no. 8832370.

2. South Boise Mutual Irrigation Company, an Idaho non-profit corporation ("SBMIC") owns and operates certain irrigation water diversion facilities and a canal system which historically served agricultural uses within or near the lands now comprising the Subdivisions.

3. Pursuant to *Idaho Code* section 31-380~~5~~ and section 4.23 of the Master Declaration of Covenants, Conditions & Restrictions for Spring Meadow, recorded in the records of Ada County as instrument no. 8745024, Columbia-Willamette is obligated to transfer all appurtenant water rights from the Subdivisions, and this same condition binds each of the properties located in the Subdivisions.

4. Due to the previously described obligation and the design requirements of the Subdivisions, the Subdivisions have no ditches, underground piping or other facilities whereby irrigation water could be delivered from the SBMIC facilities to Subdivision lands; and

5. If any and all water rights or rights to receive water appurtenant to the Subdivisions that were delivered through the SBMIC facilities are not

CONSENT RESOLUTION

MICROFILMED

OCT 19 1990

ATTACHMENT D

transferred from the Subdivisions for use elsewhere, such rights will be forfeited in due course for failure to place them to beneficial use; and

6. If such a transfer does not take place, SBMIC may assert that it has the right to collect assessments against Spring Meadow homeowners for the water, regardless of the homeowners' ability to use it or SBMIC's ability to deliver it; and

7. In facilitating the transfer of the above-described water rights from the Subdivisions, Columbia-Willamette has entered into that certain Water Rights Agreement dated February 20, 1990 with SBMIC, Boise Water Corporation and Gerald D. Herrick ("Water Rights Agreement"). Among other things, the Water Rights Agreement assures that the landowners and associations in the Subdivisions are perpetually free from any obligation for the payment of assessments to SBMIC. The Association desires to receive the full benefit of the terms of the Water Rights Agreement which provide such protection from such assessments.

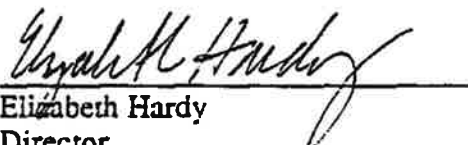
RESOLUTIONS

NOW, THEREFORE, BE IT RESOLVED that the Association hereby supports and approves of the transfer of the above-described water rights and rights to receive waters, if any, from the Subdivisions; and it is

FURTHER RESOLVED that the Association hereby waives its rights, if any, to any waters, water rights, right to receive or use water and/or ditch rights on any of the above-described Spring Meadow Subdivision lands which are delivered through or associated with the SBMIC facilities or the above-described water rights. The Association hereby approves of the Water Rights Agreement, waives any such water rights, and authorizes the Association's president and secretary to execute any additional document that may be necessary or appropriate to evidence this approval and waiver.

IN WITNESS WHEREOF, the undersigned have executed this consent resolution effective February 23, 1990.


Sally Sabino
Director


Elizabeth Hardy
Director


Irene Newland
Director

MICROFILMED

CONSENT RESOLUTION - OCT 19 1990

ATTACHMENT A

(Transfer Application of Gerald D. Herrick)

This transfer application is related to Application for Transfer No. ~~36~~⁶³ filed by South Boise Mutual Irrigation Company, Ltd. ("SBMIC") on April 5, 1989. In its application, SBMIC seeks an "internal" transfer of water rights whereby more senior rights are moved from lands which will no longer be irrigated to lands still needing irrigation water from the SBMIC system. The more junior rights, corresponding to the acreages being developed for non-irrigation purposes, then are available for transfer from the SBMIC system. These junior rights comprise 3.50 cfs, an amount specified in the SBMIC transfer application. Herrick's transfer application concerns a portion of this amount, based on the number of shares he has purchased from SBMIC which pertain to these junior rights.

This transfer application also is related to Permit No. ~~36~~⁶³-10761, Mr. Herrick's water diversion permit for his shallow well near the Boise River. Mr. Herrick's well permit describes the augmentation plan for which Mr. Herrick seeks to supply water by means of this transfer application.

This transfer application seeks 0.20 cfs, while Herrick's well permit only authorizes 0.18 cfs of diversions. The reason for this higher amount of water subject to the proposed transfer is that Herrick desires to ensure, in this transfer application process, that he has ample water to cover any conditions that the Department might impose, such as an allotment for carriage water in the SBMIC canal or an amount of augmentation releases that is greater than the authorized diversion rate at the well. If the Department determines that only 0.18 cfs need be made subject to this transfer application, Herrick will seek to convey the additional 0.02 cfs to another party who can place it to beneficial use.

MICROFILMED

OCT 19 1990

ATTACHMENT A (Transfer Application of Gerald D. Herrick)

ATTACHMENT B

(Transfer Application of Gerald D. Herrick)

The lands upon which this water right was used have been developed for non-agricultural purposes, and now are covered by Spring Meadow Subdivision Nos. 1, 2A and 2B, and Pier Pointe Subdivision Nos. 1, 3, 4, 6, 7 and 8. The following instruments evidence the fact that interests in the water right, if any, have been relinquished by the subdivision landowners to South Boise Mutual Irrigation Company, Ltd. "SBMIC"), and then to applicant Gerald D. Herrick:

Spring Meadow

1. **Master Declaration of Covenants, Conditions and Restrictions** for the Spring Meadow Subdivisions, Ada County instrument no. 8745024 (these CC&Rs bind each parcel in the Spring Meadow Subdivisions; section 4.23 requires the water rights to be transferred from the property).

2. **The Water Rights Agreement** dated February 20, 1990 between SBMIC, Columbia-Willamette Development Co., Boise Water Corporation and Gerald D. Herrick (provides for the transfer of these water rights from the Spring Meadow properties and provides the parties' mutual consent to such transfer). A copy of the Water Rights Agreement is attached to this application as Attachment D.

3. **The Consent Resolution of the Spring Meadow Homeowners Association** ("Association") dated February 28, 1990 (in which the Association confirms its agreement with and consent to the removal of these rights from the Spring Meadow properties). The Consent Resolution is attached to this application as Attachment E.

4. **The February 20, 1990 Quitclaim Deed** of water rights from the Association to SBMIC, Ada County instrument no. 9013477.

5. **The February 20, 1990 Quitclaim Deed of Water Rights** from Columbia-Willamette Development Co. to SBMIC, Ada County instrument no. 9015527.

6. **SBMIC's February 20, 1990 Assignment of Columbia-Willamette's** quitclaim deed to Gerald D. Herrick, Ada County instrument no. 9013480.

7. **SBMIC's February 20, 1990 Assignment of the Association's quitclaim deed** to Gerald D. Herrick, Ada County instrument no. 9013481.

MICROFILMED

OCT 19 1990

Pier Pointe

The following instruments convey all water rights historically delivered through the SBMIC facilities and appurtenant to the lands within Pier Pointe subdivisions 1, 3, 4, 6, 7 and 8, respectively:

8. **Warranty Deed** of water rights from certain Pier Pointe Subdivision lands to SBMIC dated April 6, 1984, Ada County instrument no. 8416871. (Note: this Warranty Deed includes lands that ultimately were replatted as the greater portion of Pier Pointe Subdivision No. 2.)

9. **Deed** of water rights from certain Pier Pointe Subdivision lands to SBMIC dated April 26, 1986, Ada County instrument no. 8621372.

10. **Deed** of water rights from certain Pier Pointe Subdivision lands to SBMIC dated October 22, 1986, Ada County instrument no. 8663972.

11. **Deed Transferring Water Rights** from certain Pier Pointe Subdivision lands to SBMIC dated December 19, 1988, Ada County instrument no. 8900261.

12. **Deed Transferring Water Rights** from certain Pier Pointe Subdivision lands to SBMIC dated July 14, 1989, Ada County instrument no. 8932810.

13. **Deed Transferring Water Rights** from certain Pier Pointe Subdivision lands to SBMIC dated July 28, 1989, Ada County instrument no. 8936493.

14. **The Affidavit Clarifying Deeds** dated March 12, 1990 and executed by Max A. Boesiger, Ada County instrument no. 9012593.

15. **The Affidavit Clarifying Deeds** dated March 12, 1990 and executed by Max A. Boesiger, Jr., Ada County instrument no. 9012594.

16. **The Assignment** from SBMIC to Herrick dated March 26, 1990, which assigned a 7.4 percent interest in the instruments listed above as items 8 - 15 to Gerald D. Herrick.

In addition, South Boise Mutual Irrigation Company has issued 9 shares of stock to applicant Gerald D. Herrick pursuant to stock certificate no. 827 dated February 20, 1990.

MICROFILMED

OCT 19 1990

ATTACHMENT C

(Transfer Application of Gerald D. Herrick)

This transfer concerns .20 cfs of water right no. 63-00243B. Simultaneously with this transfer, a separate transfer by Boise Water Corporation seeks to transfer the remaining 3.30 cfs of this water right. Since between these two applications the entire right is being transferred, applicant has not completed parts 2B and 2C of this application.

MICROFILMED

OCT 19 1980

ATTACHMENT C (Application of Gerald D. Herrick)

WATER RIGHTS AGREEMENT

This Agreement is made and entered into this 20th day of February, 1990, by and between South Boise Mutual Irrigation Company, Ltd., an Idaho non-profit corporation ("SBMIC"), Columbia-Willamette Development Company sometimes doing business in Idaho as River Run Development Company, an Oregon corporation ("Columbia-Willamette"), Gerald D. Herrick, an individual ("Herrick"), and Boise Water Corporation, an Idaho corporation ("Boise Water").

Recitals

1. SBMIC diverts and delivers irrigation water to lands of its shareholders and certain others in southeast Boise, Idaho, pursuant to rights decreed in the case of *Farmers Cooperative Ditch Co. v. Riverside Irrigation District, Canyon Co. (1925)* (the "decree"). These rights are on record with the Idaho Department of Water Resources ("Department") as rights no. 63-00280, 63-00281, 63-00282, 63-00283, 63-00284, 63-00240 through 00247, and 63-00298 (the "decreed rights"). SBMIC owns and operates certain diversion facilities in the Boise River and a canal system known as the Bubb Canal (collectively, the "SBMIC facilities"), by which SBMIC diverts and delivers water to shareholders under the decreed rights.

2. Columbia-Willamette is the owner of 30 shares of stock in SBMIC, which shares include the right to place to beneficial use for certain purposes a proportionate amount of the water available under the decreed rights. Columbia-Willamette also is entitled to divert and place to beneficial use on certain lands in southeast Boise, Idaho, which lands have been or will be developed as the ~~SBMIC~~ divisions, and

RECEIVED
OCT 19 1990

which are described on exhibits A-4, A-5 and A-6 to the instrument recorded in the records of Ada County, Idaho as instrument no. 8832370 (collectively, the "Spring Meadow Subdivisions"), certain additional portions of the decreed water rights for which shares of SBMIC have not been issued (the "Spring Meadow rights"). Herrick's property is included within the Spring Meadow Subdivisions. Waters diverted under Columbia-Willamette's shares and under the Spring Meadow rights have been diverted and delivered through the SBMIC facilities. Columbia-Willamette is obligated, pursuant to section 4.23 of the Master Declaration of Covenants, Conditions & Restrictions for Spring Meadow, recorded in the records of Ada County as instrument no. 8745024, to transfer from the subdivision lands all water rights appurtenant to the lands the Spring Meadow properties. This same condition binds each of the properties located in the Spring Meadow Subdivisions. In addition, Columbia-Willamette desires to cease using water under these shares and rights on its Spring Meadow properties, to facilitate the transfer of its SBMIC shares and Spring Meadow rights to Boise Water Corporation and to Herrick, and to assure that the landowners and associations in the Spring Meadow Subdivisions are perpetually free from any obligation or liability for or regarding the payment of assessments associated with SBMIC.

3. Boise Water desires to acquire surface water rights in Boise River flows in order to transfer and use such rights in connection with Boise Water's municipal water supply system which serves customers in the Boise, Idaho area.

4. Herrick owns lands within the Spring Meadow Subdivision which are situated in Government Lots 4 and 5, Section 24, T4N30E, R2E, Idaho. Herrick desires to acquire an

MICROFILMED

OCT 19 1990

interest in surface water rights currently diverted through the SBMIC facilities in order to transfer and use such rights to augment any depletions to the Boise River caused by an irrigation well Herrick has constructed on his property.

5. SBMIC desires to maintain a strong and viable system for delivering irrigation water to its current and future shareholders, and therefore agrees to facilitate the transfer of water rights from lands, such as those in the Spring Meadow Subdivisions and the Herrick property, which no longer have a need for surface irrigation water, to other points of diversion, places and types of use where they can be put to beneficial use and where the owners can become SBMIC shareholders. SBMIC also desires to obtain a transfer of water rights (the "internal transfer") within the SBMIC service area which would allow the most senior of the decreed rights diverted through the SBMIC facilities to continue to be so diverted and applied to the lands of SBMIC stockholders who continue to irrigate with this water, and to allow the less senior decreed rights to be conveyed to buyers who currently are not SBMIC shareholders and transferred to their places and types of use. On April 5, 1989, SBMIC's president signed and filed with the Department SBMIC's application for transfer whereby SBMIC proposed to accomplish the internal transfer and other purposes. Since the internal transfer would affect the seniority of water rights appurtenant to the lands of Columbia-Willamette and Herrick, SBMIC desires to obtain these parties' approval of the internal transfer.

6. The parties desire to enter into this Agreement in order to approve the SBMIC internal transfer application, to contract for the sale of SBMIC shares and/or

MICROFILMED

water rights to Boise Water and Herrick, and to clarify that the lands, landowners and homeowner associations in the Spring Meadow Subdivisions will not be subject to assessments once the transfers fully implementing this Agreement have been approved.

Agreement

THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

7. Columbia-Willamette to convey shares and water rights to SBMIC. At closing, Columbia-Willamette shall convey to SBMIC all of its shares in SBMIC, and the water rights represented thereby, and all of its entitlement to receive surface waters through the SBMIC facilities.

8. No further assessments. Upon closing, and the conveyance to SBMIC of all of Columbia-Willamette's shares, SBMIC shall permanently cease, and shall not attempt to levy or collect, any future assessment of any kind within the Spring Meadow Subdivisions, or upon the Spring Meadow Master Association or any successor or local associations comprised of or representing landowners within the Spring Meadow Subdivisions, in connection with SBMIC's operations, the delivery of waters under the decreed rights or the use of the SBMIC facilities. The parties recognize that SBMIC has no basis for asserting or collecting any assessments apart from the actual delivery of water to the lands of those individuals to be assessed pursuant to the ownership of shares in SBMIC, and further recognize that Columbia-Willamette's rights and responsibilities under this Agreement may be assigned to the master association or local associations which represent the landowners in the Spring Meadow Subdivisions, and that Columbia-

(5)

The 11 acres added per addition to AHML B in original transfer file should be added to S. 24 NWSE, not NESW.

This results in same total # acres in 00243B.

Also " " total of 37 acres in S. 24 NWSE:

3 ac - 00282

34 ac - 00243B

This appears feasible from 14-2 photo

Therefore 148 acres in 00243B are available for transfer

* just need to correct Attachment A in original transfer & part 2 (P/U) in transfers for parts 00243C & D.



(2)

III. Amount of H₂O Available

① cfs

② hdyt. volume

③ cons. volume

For BWC 00243 C

irrig to municipal

148 m³ - 9 for Herrick = 139 acres

Here - Key is total # acres available for transfer
as noted in pg 1, item II - ①.

total available - 9 acres (Herrick) = _____ acres available
at .02365 cfs/ac

For Herrick 00243 D

Desires 9 acres @ .20 cfs

each acre in 00243B = .02365 cfs

(9)(.02365) = .22 cfs, so should be able to

approx. .20 cfs w/o problems to 00243B

but g. water permit 63-10761 is limited

to .18 cfs. Address this if necessary

in transfer approval conditions.

MICROFILMED

OCT 19 1990

② Review of 1980 G-2 photo, A.Had. P. in earlier transfer

S. 24

NE5W flows

reflows 23 m³
00282 w/
00243B

removal of 23 acres

Sr. flow to be replaced

w/ 23 "

Jr. "

1000 10 m³
00282

10 acres to remain

total of 33 irrigated acres

①

I.

63

Over

Formal acre problem:

S. 24 NWSE = 34
NESW = 23

instead of vice versa as shown on
Attch. A (land lit) in SBMIC original 4/1-10/31
transfer

3.
14
31

See 1980 U-2 photo.

Thanks for taking this - I owe
you one. - Steve

Steve -

See my note
on the copy
of Attachment A

ry, arguable
the right.

II.

Plu other saving right on same land in plu 63-00243 B
after initial SBMIC transfer is approved.

①

3N 2E S. 24 NESW 10 acres 63-00282 = Senior
" 34 acres 63-00243 B = Junior

no govt. lots so at least 4 acres overlap.

See P 2
III ②

Therefore, in this transfer need to remove the
common acre from 63-00282? *

or Leave the 4+ acres in common to be irrigated by
Sr. & Jr. rights? If so, residue acre available
for new transfer from 144 to 144.

MICROFILMED

OCT 19 1990

$\frac{3.54 \text{ ac}}{148 \text{ ac}} = .02365 \text{ ac/acre}$

→ 144 acres = 3.41- acs available under this scenario

* can be
addressed in
new per
memo

②

63-02392 Manage Dist. chs (Main A, B, B.1, E) for
some of same lands.

Does ignore this in transfer process since it's
questionable if this license constitutes a
valid & functioning right? Copy of license in overlap
material

SRBA

claim
AG 3-02392
Filed 3/24/90
Remarks in
B.1, B.2
Concl

see
claim
B.1, B.2
Concl



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 20, 1990

Jeffrey C. Fereday, Esq.
GIVENS, PURSLEY, WEBB & HUNTLEY
Suite 200, Park Place
277 N. 6th St.
P.O. Box 2720
Boise, ID 83701

RE: Applications for Transfer in the Names of Herrick and Boise Water Corporation

Dear Jeff:

Earlier this week I told you that I anticipated we would forward the above-referenced applications to our state office by today. I regret to say that we will not be able to achieve that goal. As described in the enclosed memorandum, we are missing some needed information for the computation of the transferable number of acre-feet.

Also, I need to clarify one item. It was my understanding that when you called about the "extra" 0.02 cfs on the Herrick application, that you wanted us to delete this amount from the Herrick application so that it might be available to convey to another party, because we will be recommending that the Herrick right be approved for 0.18 cfs rather than 0.20 cfs. As I review the files, however, it appears that the real limiter in these water rights is acres irrigated rather than rate of flow. The key to computing the amount of water to be conveyed to Boise Water Corporation, for example, is the number of acres irrigated. In this case, we are showing that Mr. Herrick will receive 9 acres out of the 148 acre total, and that Boise Water Corporation will receive the water from the remaining 139 acres.

If this assessment is not correct, please advise Steve Lester, who will be preparing the volume computation documents. If we do not hear from you, we will assume that this is how you wish for us to proceed.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Enclosure: Memorandum

MICROFILMED

OCT 19 1990

MEMORANDUM

TO: Bob Sutter, State Office
FROM: Dave Tuthill, Western Region
DATE: July 20, 1990
RE: Request for Data on the Boise River

We are presently in the process of computing the volume of water that can be transferred from an irrigation water right to a municipal water right on the Boise River. The water right in this case is relatively junior, and we need to compute its average historical availability.

As we have done in the past, by averaging the computerized data for 1986 (a good water year) and 1987 (a poor water year), we can approximate the data for an average water year. In this manner would you please compute the average dates of full availability of a May 1, 1889 water right in the Bubb Canal at 100%, 75% and 60% full?

Thanks for your assistance.

Dave

MICROFILMED
OCT 19 1990

CONVERSATION MEMORANDUM

DATE 8/1/90FILE 63-00243BNAME OF PARTY Jeff FaradayEMPLOYEE Steve LasterRE: Jeff F. called Tim Luke in response to DAT
letter of 7/20/90. Tim called me & I called Jeff.

The client does not have any concerns about the
average disbursement in the 7/20/90 letter. Jeff F. requested
that we process the transfer a.s.a.p. in the interests
of promoting future irrev. → municipal or other non-irrev. transfers.
He hopes to show client that this is workable &
not too lengthy of a process.

I told him that we will make every effort to
move the transfer process along.

MICROFILMED

OCT 19 1990

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 63-243D
Date Received: 11/8/1989
Receipt No: AMENDED
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

GERALD D HERRICK Phone: (208)336-8719

2242 WHITE PINE PL
BOISE ID USA 83707

2. Date of Priority: 05/01/1889

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	24	NE SE 4	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	4/01	10/31	0.18	

7. Total Quantity Appropriated is:
0.18 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03N	02E	24	NE SE	IRRIGATION	9
				Section Acres	9
				Total Acres	9

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS A SPLIT OF A63-243B BY APPROVED TRANSFER 3757.

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.

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

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-243D

WATER RIGHT NUMBER: 63-243D

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SOUTH BOISE MUTUAL IRRIGATION CO LTD C/O DALE MILTON 1120 CHAMBERLAIN BOISE, ID 83706
Current Owner	GERALD D HERRICK 2242 WHITE PINE PL BOISE, ID 83707 (208)336-8719

Priority Date: 05/01/1889

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	4/01 to 10/31	0.180 CFS	
	<u>Total Diversion:</u>	0.180 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L4 (NE1/4SE1/4)	Sec. 24, Twp 03N, Rge 02E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T03N R02E S24 NESE 9.0

Total Acres: 9

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. 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. General Prior to diversion and use of water under this transfer, a lockable controlling device and totalizing flow measuring device acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Comments:

1. CURTIS 1/29/1993 Trans. #3757
Comment: Trans. #3757 was filed to change the point of diversion and place of use of a portion of Right 63-00243.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 375

APPLICATION FOR TRANSFER OF WATER RIGHT

OCT 23 1990

PART 1

APPROVED

Department of Water Resources
Name of applicant: Gerald D. Herrick

Phone 336-8719

Post Office address 2242 White Pine Place, Boise, Idaho 83707

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 ^{0.18*} To change the place of use and point of diversion for 0.20 cfs currently diverted through the South Boise Mutual Irrigation Company's system. This transfer will make these waters available for diversion by Mr. Herrick through his alluvial well near the Boise River.

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|------------------------|----------|--------------------|---------------|-----------------------|
| 63-002438 ^D | 5/1/1889 | 0.20 cfs
0.18* | irrigation | April 1 to October 31 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
2. Total amount of water being transferred ~~0.20~~ 0.18* 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	
4		NE	SE	24	3N	2E	Ada	Herr

See addendum on 1st transfer (#3755) increasing H₂O from 3.030 (due 2 transfer to 3.5 (adding to 3.48))

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				Lot 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	
3N	2E	24													9				9

*Per telephonic request from Jeffrey C. Fereday 7/3/1990 Total acres 9

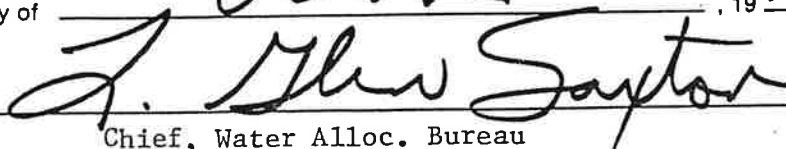
PART 1**6: General Information:**

- a. Description of diversion system The Herrick well draws groundwater from the alluvium at a point near the south bank of the Boise River in East Boise. The system consists of a 70'-deep well, 8" in diameter, equipped with a 7 1/2 HP pump, lines and sprinkle
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes _____ 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:
The lands historically irrigated by this portion of right no. 63-00243 are being, or have been, developed for subdivisions and other non-agricultural purposes. No further irrigation is occurring on these lands except for lawn and shrub sprinkling with water from the municipal supply system.
- d. Remarks:
See Attachment A.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-0243D
And said application is hereby APPROVED, subject to the following limitations and conditions:
See attached sheet for conditions of approval.

Witness my hand this

15th day ofOctober, 19 90

Chief, Water Alloc. Bureau

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 *After Trans. No. 3755 filed on 3/3/89 is approved*

1. Right evidenced by:

- a. Decree No. 63-00243B Decreed to South Boise Mutual Irrigation Co., Ltd.
in case of Farmers Cooperative Ditch Co. vs. Riverside Irrigation District
dated May 11, 1925 in 7th Judicial District county of Canyon
- 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 See Attachment B

3. Source of water Boise River tributary to Snake River

4. Date or priority May 1, 1889

5. Water is used for the following purpose:

amount 3.50 cfs for irrigation purposes from MARCH 15 April 1 to NOVEMBER 15 October 31
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____

6. Total amount of water under right 3.50 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
		SE	NW	30	3N	3E	Ada	Bubb Canal (South Boise Mutual Irrigation Co., Ltd.)

8. Lands irrigated or place of use: Right No. 63-243B

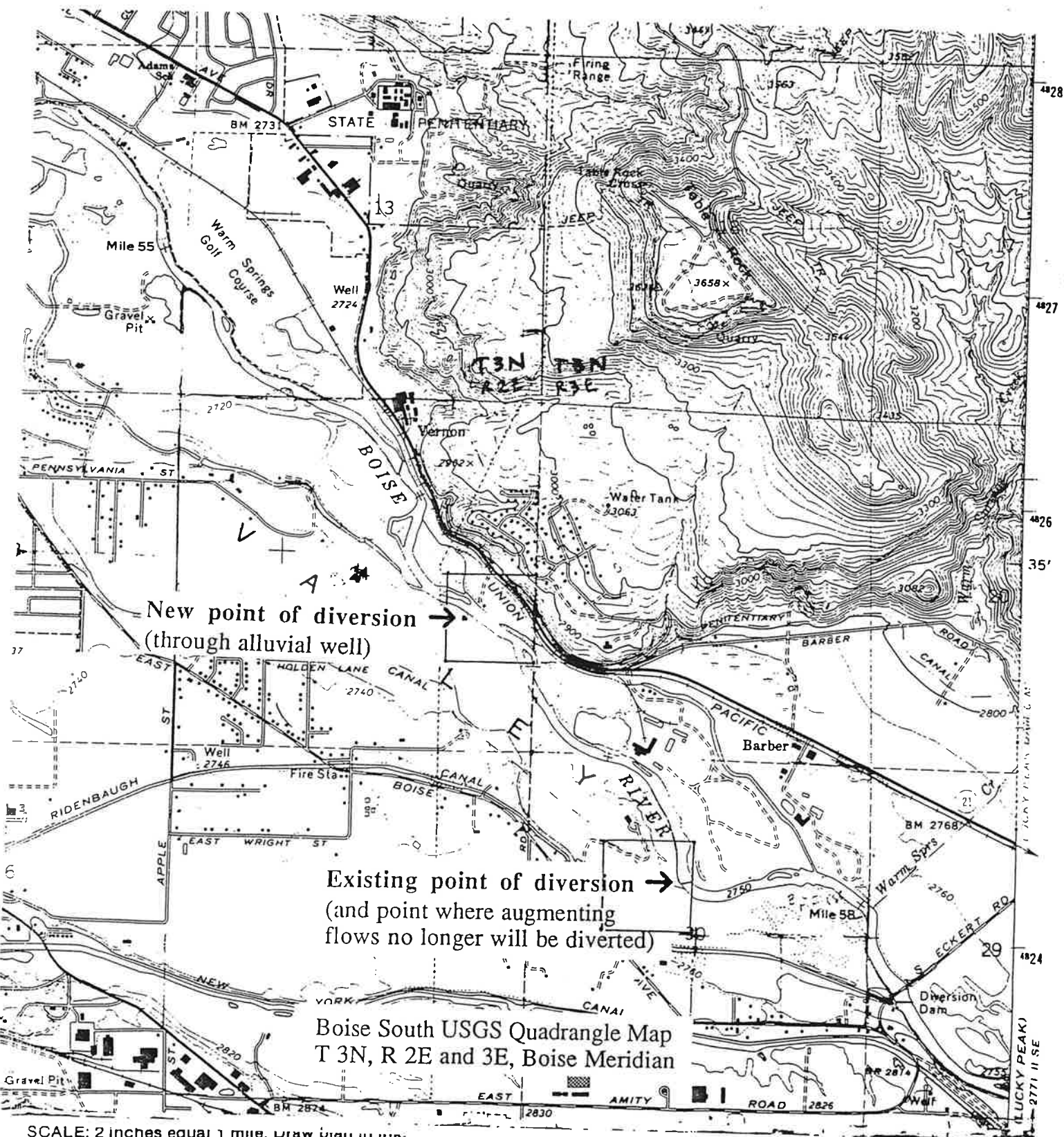
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	3E	19											L. 6 5						5
		30						L. 4 21	L. 3 1										22
3N	2E	24									64 23	26			L. 4 1	L. 5 23 3/4	3	L. 4 28	115
		25	6																6

Total acres 148

9. Describe any other water rights used for the same purpose as described above 63-00243A, 63-00280,
63-00282, 63-00283, 63-00284

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.



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

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	Irrigation	0-20 cfs 0.18*	24 hours/day	April 1 to October 31
				to
				to

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

Approximately one-half of the diversions will return to the Boise River as return flows.

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

None anticipated. This transfer has been designed to leave ample carriage water in the South Boise Mutual system. Although this application seeks a transfer of point of diversion, it effectively describes a plan for augmentation whereby Herrick's junior well depletions will be replenished by release of these senior surface rights to the river.

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.

DATE:

Gerald D. Herrick
(Signature of Applicant)

Subscribed and sworn to before me this 16th day of March, 19 90.

Susan A. Brown
(Notary Public)

My commission expires March 19, 1991

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 5 attachments

Received by DM Date 4/03/90 Protest filed by -

Prelim. check by SL Fee 50⁰⁰ → 30⁰⁰

Receipted by C. Wong #C016068 Date 4/03/90

Published in T.D. STATESMAN Copies of protest forwarded by -

Pub. dates 5/3 & 5/10/1990 Hearing held by - Date -

Watermaster recommendation requested on 3/29/90 Recommended for ☒ approval ☐ denial

- rec'd. 4/21/90 by DRT Bay

Copy of transfer sent to lien holder -

*Per telephonic request from Jeffrey C. Fereday, 7/3/1990

CONDITIONS OF APPROVAL

Transfer of Water Right No. 63-0243D

1. Prior to diversion and use of water under this transfer, a lockable controlling device and totalizing flow measuring device acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Diversion of water under this right is limited to a maximum rate of flow of 0.02 cfs per acre, for the irrigation of a maximum of nine acres.
3. Use of water under this right is subject to control by the watermaster of State Water District 63, Boise River.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. 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.

Dated this 15th of October, 1990.


Chief, Water Alloc. Bureau

*243C
forfeited amount
0.023cfs
243B is now
D*

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: A63-00243B
Date Received: 11/08/1989
Receipt No: W006754
Received By: DRC

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: SOUTH BOISE MUTUAL IRRIGATION CO., LTD. 208-344-9492
Address: C/O RICHARD D. HARLAND
1507 GARFIELD
BOISE, ID 83706

2. Date of Priority: MAY 01, 1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	03E	29	NW	SW		6	ADA
		30	SE	NW			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	03/15	11/15	3.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	02E	24	NE	SW		IRR	23.0
			NW	SW		IRR	26.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	24	NE	SE	4	IRR	1.0
			NW	SE	5	IRR	23.0
			SW	SE		IRR	3.0
			SE	SE	4	IRR	28.0
						Section Acres	104.0
		25	NE	NE		IRR	6.0
						Section Acres	6.0
	03E	19	SW	SW	6	IRR	5.0
						Section Acres	5.0
		30	NW	NW	4	IRR	21.0
			SW	NW	3	IRR	1.0
						Section Acres	22.0
						Total Acres	137.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am President of (SBMIC) Title SOUTH BOISE NATURAL IRA COLITA Organization that I have signed the foregoing document in the space below as President of Title SBMIC Organization and that the statements contained in the foregoing document are true and correct.

Richard D. Halstead
Signature of Authorized Agent

President SBMIC
Title and Organization

11/20/89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of Nov 19 89

D. C. T. T. T. T. T.
Notary Public

Seal

Residing at Boise Id

My Commission Expires 9/15/94