

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4629A V2

WATER RIGHT NUMBER:

63-4629A V2

Owner Type

Name and Address

Original Owner

WILDERNESS RANCH LTD
6065 KAREN DR
MERIDIAN, ID 83642
(208)344-3373

Original Owner

MRS STANLEY M JONES
1625 WARM SPRINGS
BOISE, ID 83702

Attorney

GIVENS PURSLEY LLP
C/O MIKE CREAMER
PO BOX 2720
BOISE, ID 83701-2720
(208) 388-1200

Current Owner

WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE, ID 83716
(208)342-4554

Priority Date: 09/06/1899

09/06/1899

Basis: Beneficial Use

Benefi

Status: Active

Source

Tributary

GROUND WATER
MORES CREEK

BOISE RIVER

Beneficial Use IRRIGATION

Diversion Rate

03/15 to 11/15

0.450 CFS

112.40 AF

Total Diversion:

0.450 CFS

112.40 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4

Sec. 28, Twp 04N, Rge 04E, B.M.

BOISE County

MORES CREEK

SE1/4SW1/4

Sec. 28, Twp 04N, Rge 04E, B.M.

BOISE 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	
04N	04E	16													
04N	04E	17			X										
04N	04E	20	X	X	X		X					X	X	X	

IDAHO DEPARTMENT OF WATER RESOURCES

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04N 04E 21			X	X		X	X	X	X		X	X		
04N 04E 28			X	X		X	X	X	X		X	X		
04N 04E 29		X			X							X		

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Quantity The total instantaneous diversion of water from all points of diversion under Right 63-4629A shall not exceed 0.45 cfs, nor total combined annual volume of 112.4 af.
2. Explanatory Right holder shall comply with any applicable injection or shallow injection well permit requirements of Sections 42-3903 and 42-3903A, Idaho Code.
3. Explanatory Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3.2.1 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE.
5. General Surface water diverted from Mores Creek will be treated to drinking water standards and placed in the single community pipeline network supplying the Wilderness Ranch Subdivision. During periods when the flow of water treated exceeds flow demand for the community, treated water will be injected into the infiltration galleries.
6. General Treated surface water injected to ground water through the infiltration galleries is considered to be totally used by the water right holder. The volume of water injected to the infiltration galleries is a portion of and is counted against the 112.4 acre-feet that is authorized for annual diversion by this water right.
7. Explanatory 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.
8. Explanatory Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
9. General DIVERSION OF GROUNDWATER AND SURFACE WATER FROM MORES CREEK IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM DAGGETT CREEK AT THE ORIGINAL POINT OF DIVERSION LOCATED IN THE NWSE, S16, T04N, R04E.
10. Explanatory Failure of the right holder to comply with the conditions of Transfer No. 69320 is cause for the Director to rescind approval of the transfer.
11. General Prior to diversion of water under Transfer No. 69320, the water right holder shall provide a location and means of measurement acceptable to the Department for measuring the flow in Daggett Creek to confirm compliance with the above condition.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4629A V2

12. Period of Use 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 Watermaster 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 Lucky Peak Reservoir or Lake Lowell as decreed in SRBA Case No. 39576.
13. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR IRRIGATION OF THE LAND.
14. Explanatory PROPERTY IS ALSO KNOWN AS WILDERNESS RANCH SUBDIVISION.

Comments:

1. jshurte 8/11/2003 Objec tion Resolution

Comment: SF5 prepared this date added in the Season of Use (period of use) paragraph for BOR and Boise Project settlement to their objections. This paragraph is the agreed upon settlement language at this time and Mike Creamer, attorney for Wilderness Ranch has agreed to this language. SF5 emailed to state office for distribution this date.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 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

SF5 Water Right No. 63-4629A

08/11/2003

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

RIGHT NUMBER: 63-4629A

NAME AND ADDRESS: WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716

SOURCE: GROUND WATER
MORES CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.450 CFS
112.400 AFY

The total instantaneous diversion of water from all points of diversion under Right 63-4629A shall not exceed 0.45 cfs, nor total combined annual volume of 112.4 af.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the land.

PRIORITY DATE: 09/06/1899

POINT OF DIVERSION:

T04N R04E S28 SESW Within BOISE County
T04N R04E S28 SESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.450 CFS 112.40 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 Watermaster 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 Lucky Peak Reservoir or Lake Lowell as decreed in SRBA Case No. 39576.

SF5 Water Right No. 63-4629A

PLACE OF USE:

IRRIGATION Within BOISE County

T04N R04E S16	SESW	T04N R04E S16	NWSE
T04N R04E S16	SWSE	T04N R04E S17	SWNE
T04N R04E S17	SENE	T04N R04E S17	NESW
T04N R04E S17	NWSW	T04N R04E S17	SWSW
T04N R04E S17	SESW	T04N R04E S17	NESE
T04N R04E S17	NWSE	T04N R04E S17	SWSE
T04N R04E S17	SESE	T04N R04E S20	NENE
T04N R04E S20	NWNE	T04N R04E S20	SWNE
T04N R04E S20	SENE	T04N R04E S20	NENW
T04N R04E S20	NWNW	T04N R04E S20	SENW
T04N R04E S20	SESW	T04N R04E S20	NESE
T04N R04E S20	NWSE	T04N R04E S20	SWSE
T04N R04E S20	SESE	T04N R04E S21	NWNE
T04N R04E S21	SWNE	T04N R04E S21	NENW
T04N R04E S21	NWNW	T04N R04E S21	SWNW
T04N R04E S21	SENW	T04N R04E S21	NESW
T04N R04E S21	NWSW	T04N R04E S21	SWSW
T04N R04E S21	SESW	T04N R04E S21	NWSE
T04N R04E S21	SWSE	T04N R04E S28	NWNE
T04N R04E S28	SWNE	T04N R04E S28	NENW
T04N R04E S28	NWNW	T04N R04E S28	SWNW
T04N R04E S28	SENW	T04N R04E S28	NESW
T04N R04E S28	NWSW	T04N R04E S28	SWSW
T04N R04E S28	SESW	T04N R04E S29	NENE
T04N R04E S29	SENE	T04N R04E S29	NESE

This right is limited to the irrigation of 32.1 acres within the place of use described above.

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

Surface water diverted from Mores Creek will be treated to drinking water standards and placed in the single community pipeline network supplying the Wilderness Ranch Subdivision. During periods when the flow of water treated exceeds flow demand for the community, treated water will be injected into the infiltration galleries.

Treated surface water injected to ground water through the infiltration galleries is considered to be totally used by the water right holder. The volume of water injected to the infiltration galleries is a portion of and is counted against the 112.4 acre-feet that is authorized for annual diversion by this water right.

SF5 Water Right No. 63-4629A

Diversion of groundwater and surface water from Mores Creek is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T04N, R04E.

Prior to diversion of water under Transfer No. 69320, the water right holder shall provide a location and means of measurement acceptable to the Department for measuring the flow in Daggett Creek to confirm compliance with the above condition.

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

EXPLANATORY MATERIAL: Beneficial Use

Right holder shall comply with any applicable injection or shallow injection well permit requirements of Sections 42-3903 and 42-3903A, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

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 water right will be regulated by the watermaster of State Water District No. 63, Boise River.

Failure of the right holder to comply with the conditions of Transfer No. 69320 is cause for the Director to rescind approval of the transfer.

Property is also known as Wilderness Ranch Subdivision.

Shurte, Jan

From: Hamlin Nygard, Susan
Sent: Wednesday, July 16, 2003 1:52 PM
To: Shurte, Jan; Harvey, Becky
Subject: FW: Wilderness Ranch SF5



SF5-63-4629A.rtf 63-4629A sf 5.doc

I have incorporated the recent changes by BOR into the stipulation. I am still waiting to hear back from Al Barker before finalizing. We should start to route for signature if we don't hear from him soon.

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

07/11/2003

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

RIGHT NUMBER: 63-4629A

NAME AND ADDRESS: WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716

SOURCE: GROUND WATER
MORES CREEK

QUANTITY: 0.450 CFS
112.400 AFY

TRIBUTARY: BOISE RIVER
TRIBUTARY: BOISE RIVER

The total instantaneous diversion of water from all points of diversion under Right 63-4629A shall not exceed 0.45 cfs, nor total combined annual volume of 112.4 af.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the land.

PRIORITY DATE: 09/06/1899

POINT OF DIVERSION:

T04N R04E S28 SESW Within BOISE County
T04N R04E S28 SESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.450 CFS 112.40 AFY

Diversion under this water right prior to April 1 shall occur only as authorized by the Water District 63 Watermaster whenever water is being released 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 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 amendments made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 shall be subordinated to water rights for storage in Lake Lowell as decreed in SRBA Case No. 39576.

PLACE OF USE:

IRRIGATION Within BOISE County

T04N R04E S16	SESW	T04N R04E S16	NWSE
T04N R04E S16	SWSE	T04N R04E S17	SWNE
T04N R04E S17	SENE	T04N R04E S17	NESW
T04N R04E S17	NWSW	T04N R04E S17	SWSW
T04N R04E S17	SESW	T04N R04E S17	NESE
T04N R04E S17	NWSE	T04N R04E S17	SWSE
T04N R04E S17	SESE	T04N R04E S20	NENE
T04N R04E S20	NWNE	T04N R04E S20	SWNE
T04N R04E S20	SENE	T04N R04E S20	NENW
T04N R04E S20	NWNW	T04N R04E S20	SENW

T04N R04E S20	SESW	T04N R04E S20	NESE
T04N R04E S20	NWSE	T04N R04E S20	SWSE
T04N R04E S20	SESE	T04N R04E S21	NWNE
T04N R04E S21	SWNE	T04N R04E S21	NENW
T04N R04E S21	NWNW	T04N R04E S21	SWNW
T04N R04E S21	SENW	T04N R04E S21	NESW
T04N R04E S21	NWSW	T04N R04E S21	SWSW
T04N R04E S21	SESW	T04N R04E S21	NWSE
T04N R04E S21	SWSE	T04N R04E S28	NWNE
T04N R04E S28	SWNE	T04N R04E S28	NENW
T04N R04E S28	NWNW	T04N R04E S28	SWNW
T04N R04E S28	SENW	T04N R04E S28	NESW
T04N R04E S28	NWSW	T04N R04E S28	SWSW
T04N R04E S28	SESW	T04N R04E S29	NENE
T04N R04E S29	SENE	T04N R04E S29	NESE

This right is limited to the irrigation of 32.1 acres within the Place of use described above.

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

Prior to diversion of water under Transfer No. 69320, the water right holder shall provide a location and means of measurement acceptable to the Department for measuring the flow in Daggett Creek to confirm compliance with the above condition.

Surface water diverted from Mores Creek will be treated to drinking water standards and placed in the single community pipeline network supplying the Wilderness Ranch Subdivision. During periods when the flow of water treated exceeds flow demand for the community, treated water will be injected into the infiltration galleries.

Treated surface water injected to ground water through the infiltration galleries is considered to be totally used by the water right holder. The volume of water injected to the infiltration galleries is a portion of and is counted against the 112.4 acre-feet that is authorized for annual diversion by this water right.

Diversion of groundwater and surface water from Mores Creek is limited to those times water is available for Diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T04N, R04E.

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

EXPLANATORY MATERIAL: Beneficial Use

Right holder shall comply with any applicable injection or shallow injection well permit requirements of Sections 42-3903 and 42-3903A, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

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 water right will be regulated by the watermaster of State Water District No. 63, Boise River.

Failure of the right holder to comply with the conditions of Transfer No. 69320 is cause for the Director to rescind approval of the transfer.

Property is also known as Wilderness Ranch Subdivision.

Shurte, Jan

From: Hamlin Nygard, Susan
Sent: Thursday, July 10, 2003 3:25 PM
To: Shurte, Jan
Subject: SF5-63-4629A RTF



SF5-63-4629A.rtf

Jan, I took the extension remark out because the remark in the explanatory material covers it: "Failure of the right holder to comply with the conditions of Transfer No. 69320 is cause for the Director to rescind approval of the transfer"
If you agree let me know and I will forward on to parties again.

Jan - See my email on this one.

*Thanks,
Jan*

P.S. The did send her changed one to Mike Cueman. I hope this is it. I told her you would fix the database. Please return to me so I can relink accurate.

Thanks again

Harris, Lori

From: Shurte, Jan
Sent: Thursday, July 10, 2003 5:41 PM
To: Harris, Lori
Subject: FW: SF5-63-4629A.RTF

Lori - I told Susan to go ahead and send this with her changes. Would you make sure the changes get into the ECVR recommendation. She put her changes in red on the attachment. Don't worry about sending her anything since it looks like she is going to forward it from there. I will put this file on your desk with this email from Susan.

Thanks,
Jan

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

From: Hamlin Nygard, Susan
Sent: Thursday, July 10, 2003 3:25 PM
To: Shurte, Jan
Subject: SF5-63-4629A.RTF



SF5-63-4629A.rtf

Jan, I took the extension remark out because the remark in the explanatory material covers it: "Failure of the right holder to comply with the conditions of Transfer No. 69320 is cause for the Director to rescind approval of the transfer"

If you agree let me know and I will forward on to parties again.

07/10/2003

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

RIGHT NUMBER: 63-4629A

NAME AND ADDRESS: WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716

SOURCE: GROUND WATER
MORES CREEK
TRIBUTARY: BOISE RIVER

QUANTITY: 0.450 CFS
112.400 AFY

The total instantaneous diversion of water from all points of diversion under Right 63-4629A shall not exceed 0.45 cfs, nor total combined annual volume of 112.4 af.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the land.

PRIORITY DATE: 09/06/1899

POINT OF DIVERSION:

T04N R04E S28 SESW Within BOISE County
T04N R04E S28 SESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.450 CFS 112.40 AFY

Diversion under this water right prior to April 1 shall occur only as authorized by the Water District 63 Watermaster whenever water is being released 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 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 amendments made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 shall be subordinated to water rights for storage in Lake Lowell as decreed in SRBA Case No. 39576.

PLACE OF USE:

IRRIGATION Within BOISE County

T04N R04E S16	SESW	T04N R04E S16	NWSE
T04N R04E S16	SWSE	T04N R04E S17	SWNE
T04N R04E S17	SENE	T04N R04E S17	NESW
T04N R04E S17	NWSW	T04N R04E S17	SWSW
T04N R04E S17	SESW	T04N R04E S17	NESE
T04N R04E S17	NWSE	T04N R04E S17	SWSE
T04N R04E S17	SESE	T04N R04E S20	NENE
T04N R04E S20	NWNE	T04N R04E S20	SWNE
T04N R04E S20	SENE	T04N R04E S20	NENW
T04N R04E S20	NWNW	T04N R04E S20	SENW
T04N R04E S20	SESW	T04N R04E S20	NESE
T04N R04E S20	NWSE	T04N R04E S20	SWSE
T04N R04E S20	SESE	T04N R04E S21	NWNE
T04N R04E S21	SWNE	T04N R04E S21	NENW
T04N R04E S21	NWNW	T04N R04E S21	SWNW
T04N R04E S21	SENW	T04N R04E S21	NESW
T04N R04E S21	NWSW	T04N R04E S21	SWSW

T04N R04E S21	SESW	T04N R04E S21	NWSE
T04N R04E S21	SWSE	T04N R04E S28	NWNE
T04N R04E S28	SWNE	T04N R04E S28	NENW
T04N R04E S28	NWNW	T04N R04E S28	SWNW
T04N R04E S28	SENW	T04N R04E S28	NESW
T04N R04E S28	NWSW	T04N R04E S28	SWSW
T04N R04E S28	SESW	T04N R04E S29	NENE
T04N R04E S29	SENE	T04N R04E S29	NESE

This right is limited to the irrigation of 32.1 acres within the place of use described above.

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

Prior to diversion of water under Transfer No. 69320, the water right holder shall provide a location and means of measurement acceptable to the Department for measuring the flow in Daggett Creek to confirm compliance with the above condition.

Surface water diverted from Mores Creek will be treated to drinking water standards and placed in the single community pipeline network supplying the Wilderness Ranch Subdivision. During periods when the flow of water treated exceeds flow demand for the community, treated water will be injected into the infiltration galleries.

Treated surface water injected to ground water through the infiltration galleries is considered to be totally used by the water right holder. The volume of water injected to the infiltration galleries is a portion of and is counted against the 112.4 acre-feet that is authorized for annual diversion by this water right.

~~The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval or May 28, 2004.~~

Diversion of groundwater and surface water from Mores Creek is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T04N, R04E.

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

EXPLANATORY MATERIAL: Beneficial Use

Right holder shall comply with any applicable injection or shallow injection well permit requirements of Sections 42-3903 and 42-3903A, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

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 water right will be regulated by the watermaster of State Water District No. 63, Boise River.

~~Failure of the right holder to comply with the conditions of Transfer No. 69320 this transfer is cause for the Director to rescind approval of the transfer.~~

Property is also known as Wilderness Ranch Subdivision.

**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

)

Subcase No. 63-4629A

Case No. 39576

)

)

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. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(S)/RESPONDENT:
Wilderness Ranch Owners Assn Inc.

OBJECTOR(s):
USDI/Bureau of Reclamation

Michael C. Creamer
Attorney for claimant/respondent

Date

David Gehlert
Trial Attorney, General Litigation Section
U.S. Dept. of Justice

Date

STANDARD FORM 5 – 63-4629A

OBJECTOR(s):

Boise Project Board of Control

	Date
Albert P. Barker Attorney for Objector(s)	

IDWR Concurrence:

	Date
Jan Shurte Adjudication Supervisor	
Susan Hamlin Nygard Deputy Attorney General	

CERTIFICATE OF MAILING

I certify that on _____, 2003, 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:

USDI Bureau of Reclamation
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Michael C. Creamer
Givens Pursley LLP
P.O. Box 2720
Boise, ID 83701-2720

Albert P. Barker
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

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

Signature of person or attorney mailing the form

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 69320)
IN THE NAME OF WILDERNESS RANCH)
OWNERS ASSN INC)

ORDER GRANTING
EXTENSION OF TIME TO
COMPLETE TRANSFER

FINDINGS OF FACT

1. On May 28, 2002, the Department of Water Resources (Department) approved Application for Transfer No. 69320 (transfer) in the name of Wilderness Ranch Owners Assn. Inc. (right holder) with the following condition of approval:

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

2. On April 30, 2003, the right holder requested an extension of time to May 28, 2004 for completion of the transfer and has shown reasonable cause for the delay.

CONCLUSIONS OF LAW

3. The Department should grant an extension of time in which to complete the change authorized by the transfer.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the time period within which Transfer No. 69320 must be accomplished is extended to May 28, 2004.

Dated this 1st day of May, 2003.



L. GLEN SAXTON
Chief, Water Allocation Bureau

Post-it® Fax Note	7671	Date	7-9	# of pages	1
To	JAN	From	KAY		
Co./Dept.		Co.			
Phone #	Western	Phone #	502		
Fax #		Fax #			

MICROFILMED

JUL 21 2003

Shurte, Jan

From: Shurte, Jan
Sent: Wednesday, July 09, 2003 12:28 PM
To: Hamlin Nygard, Susan
Subject: RE: Wilderness Ranch SF5

Sure can. I was wondering what was going to happen on this one - I have no problem with it. It just adds another check for us. We have never thought to check for an extension of time within which to complete the changes approved per a transfer. I am going to get a copy of that extension for the file, plus I should make sure it was exactly one year from May 28, 2003. Do you want me to email this to you or to Becky?

Jan

-----Original Message-----
From: Hamlin Nygard, Susan
Sent: Wednesday, July 09, 2003 11:19 AM
To: Shurte, Jan
Cc: Harvey, Becky
Subject: FW: Wilderness Ranch SF5

Jan, Can you make this change per dave's response and do a new print out?

-----Original Message-----
From: Tuthill, Dave
Sent: Monday, July 07, 2003 8:56 AM
To: Hamlin Nygard, Susan
Cc: 'mcc@givenspursley.com'
Subject: RE: Wilderness Ranch SF5

Susan,

I would support a modification of this changed provision as a part of the SF5 -- this might be the most convenient approach...

Dave

-----Original Message-----
From: Michael C. Creamer
To: Albert Barker (E-mail); David Gehlert (E-mail); Kathleen Carr (E-mail); E. Gail McGarry (E-mail); 'Kmarioncarr (E-mail); SHAMLIN@idwr.state.id.us
Cc: Tuthill, Dave; Harvey, Becky; Shurte, Jan
Sent: 7/3/2003 5:46 PM
Subject: RE: Wilderness Ranch SF5

Susan:

I have reviewed the proposed stipulated language re: season of use and believe it sufficiently reflects our agreement.

I have one new concern of my own, however, that needs now to be addressed in this stipulation: The recommendation/stipulation contains language carried over from the transfer approval as "other provisions necessary for administration. . .," which includes a provision that the transfer must be "completed" by May 28, 2003. Because of permitting issues for the WROA point of diversion (bull trout BA, 404 permit, etc)

.the planned diversion structure is not finished -- although water is being diverted at the POD under these rights. Consequently, in April, Wilderness Ranch filed a request for extension of time of one additional year to "complete the transfer" and that extension was granted. Hence, the language proposed to be decreed to the effect that the transfer must be completed by May 28, 2003 is incorrect, and should be reworded or removed altogether. Otherwise, the partial decree will contain a "necessary for delivery" provision grafted from a prior transfer that is incorrect and could place a cloud on deliveries.

Hopefully changing or removing this provision should not create an issue for the objectors. If so, however, I would be happy to speak with them about it. I will be out of the office July 7, 8 and 9 and back in the office on the 10th.

Sincerely,

Mike Creamer

--- Original Message---

To: "Michael C. Creamer (E-mail)" <mcc@givenspursley.com>, "Albert Barker (E-mail)" <apb@idahowaters.com>, "David Gehlert (E-mail)" <David.Gehlert@usdoj.gov>, "Kathleen Carr (E-mail)" <KCARR@pn.usbr.gov>, "E. Gail McGarry (E-mail)" <EMCGARRY@pn.usbr.gov>, "Kmarioncarr (E-mail)" <kmarioncarr@yahoo.com>
Cc: "Tuthill, Dave" <DTUTHILL@idwr.state.id.us>, "Harvey, Becky" <BHARVEY@idwr.state.id.us>, "Shurte, Jan" <JShurte@idwr.state.id.us>
From: "Hamlin Nygard, Susan" <SHAMLIN@idwr.state.id.us>
Sent: 7/03/2003 5:03PM
Subject: Wilderness Ranch SF5

>> Attached is a draft SF5 for the Season of Use Objection to the
>> Wilderness Ranch right. You will note there is a small change to the
>> stipulated language. It was recently brought to our attention
>> concern
>> regarding identification of specific water right numbers in the
>> subordination language. As these numbers are the subjects of ongoing
>> objections and there is a possibility that the numbers may change
>> prior to
>> being decreed. To address this concern we have made the language
>> more
>> general and have taken out reference to the numbers.
>>
>> If you find the attached settlement to be acceptable please let
>> me
>> know and I will have Becky finalize and route for signature. Once
>> this
>> settlement is acceptable we will start preparing the SF5s for the
>> remaining
>> 80+/- objections.
>>
>> Also note the court has agreed to postpone the initial hearing
>> on
>> the season of use objections for an additional 30 days, thus giving
>> us time
>> to finalize the global settlement. An order vacating the initial
>> hearing
>> should go out next week.
>>
>>
>>
>> Thanks, Susan
>>
>> Susan Hamlin Nygard
>> Deputy Attorney General
>> Idaho Department of Water Resources

.>> (208) 327-7900
>> fax (208) 327-5400
>>
>>
>> > Here is the cover sheet and the recommendation page for 63-4629A.
>> >
>> >
>> >
>> >
>> >
>> >
>> >
>> >
>> >
>> >
>> <<63-4629A.doc>> <<63-4629A sf 5.doc>>
>>
>>

Shurte, Jan

From: Michael C. Creamer [mcc@givenspursley.com]
Sent: Thursday, July 03, 2003 5:46 PM
To: Albert Barker (E-mail); David Gehlert (E-mail); Kathleen Carr (E-mail); E. Gail McGarry (E-mail); 'Kmarioncarr (E-mail); SHAMLIN@idwr.state.id.us
Cc: Tuthill, Dave; Harvey, Becky; Shurte, Jan
Subject: RE: Wilderness Ranch SF5

Susan:

I have reviewed the proposed stipulated language re: season of use and believe it sufficiently reflects our agreement.

I have one new concern of my own, however, that needs now to be addressed in this stipulation: The recommendation/stipulation contains language carried over from the transfer approval as "other provisions necessary for administration. . .," which includes a provision that the transfer must be "completed" by May 28, 2003. Because of permitting issues for the WROA point of diversion (bull trout BA, 404 permit, etc) the planned diversion structure is not finished -- although water is being diverted at the POD under these rights. Consequently, in April, Wilderness Ranch filed a request for extension of time of one additional year to "complete the transfer" and that extension was granted. Hence, the language proposed to be decreed to the effect that the transfer must be completed by May 28, 2003 is incorrect, and should be reworded or removed altogether. Otherwise, the partial decree will contain a "necessary for delivery" provision grafted from a prior transfer that is incorrect and could place a cloud on deliveries.

Hopefully changing or removing this provision should not create an issue for the objectors. If so, however, I would be happy to speak with them about it. I will be out of the office July 7, 8 and 9 and back in the office on the 10th.

Sincerely,

Mike Creamer

--- Original Message---

To: "Michael C. Creamer (E-mail)" <mcc@givenspursley.com>, "Albert Barker (E-mail)" <apb@idahowaters.com>, "David Gehlert (E-mail)" <David.Gehlert@usdoj.gov>, "Kathleen Carr (E-mail)" <KCARR@pn.usbr.gov>, "E. Gail McGarry (E-mail)" <EMCGARRY@pn.usbr.gov>, "Kmarioncarr (E-mail)" <kmarioncarr@yahoo.com>
Cc: "Tuthill, Dave" <DTUTHILL@idwr.state.id.us>, "Harvey, Becky" <BHARVEY@idwr.state.id.us>, "Shurte, Jan" <JShurte@idwr.state.id.us>
From: "Hamlin Nygard, Susan" <SHAMLIN@idwr.state.id.us>
Sent: 7/03/2003 5:03PM
Subject: Wilderness Ranch SF5

>> Attached is a draft SF5 for the Season of Use Objection to the
>> Wilderness Ranch right. You will note there is a small change to the
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>> regarding identification of specific water right numbers in the
>> subordination language. As these numbers are the subjects of ongoing
>> objections and there is a possibility that the numbers may change
prior to
>> being decreed. To address this concern we have made the language
more

>> general and have taken out reference to the numbers.

>> If you find the attached settlement to be acceptable please let
me know and I will have Becky finalize and route for signature. Once
this settlement is acceptable we will start preparing the SF5s for the
remaining
>> 80+/- objections.

>> Also note the court has agreed to postpone the initial hearing
on the season of use objections for an additional 30 days, thus giving
us time
>> to finalize the global settlement. An order vacating the initial
hearing
>> should go out next week.

>> Thanks, Susan

>> Susan Hamlin Nygard
>> Deputy Attorney General
>> Idaho Department of Water Resources
>> (208) 327-7900
>> fax (208) 327-5400

>> Here is the cover sheet and the recommendation page for 63-4629A.

>> <<63-4629A.doc>> <<63-4629A sf 5.doc>>

Post-It® Fax Note	7671	Date	7/3	# of pages	6
To	Jan Shurte	From	Bec Harvey		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

DRAFT

**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

Subcase No. 63-4629A

Case No. 39576

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. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/RESPONDENT:
Wilderness Ranch Owners Assn Inc.

OBJECTOR(s):
USDI/Bureau of Reclamation

Michael C. Creamer
Attorney for claimant/respondent

David Gehlert
Trial Attorney, General Litigation Section
U.S. Dept. of Justice

STANDARD FORM 5 - 63-4629A

OBJECTOR(s):
Boise Project Board of Control

<u>Albert P. Barker</u> Attorney for Objector(s)	<u>Date</u>
---	-------------

IDWR Concurrence:

<u>Jan Shurte</u> Adjudication Supervisor	<u>Date</u>
<u>Susan Hamlin Nygard</u> Deputy Attorney General	<u>Date</u>

CERTIFICATE OF MAILING

I certify that on 2003, 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:

USDI Bureau of Reclamation
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Michael C. Creamer
Givens Pursley LLP
P.O. Box 2720
Boise, ID 83701-2720

Albert P. Barker
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

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

Signature of person or attorney mailing the form

DRAFT

07/03/2003

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

RIGHT NUMBER: 63-4629A

NAME AND ADDRESS: WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716SOURCE: GROUND WATER
MORES CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.450 CFS
112.40 AFY

The total instantaneous diversion of water from all points of diversion under Right 63-4629A shall not exceed 0.45 cfs, nor total combined annual volume of 112.4 af.

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR IRRIGATION OF THE LAND.

PRIORITY DATE: 09/06/1999

POINT OF
DIVERSION:T04N R04E S28 SE5W Within BOISE County
T04N R04E S28 SE5W Within BOISE CountyPURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.450 CFS 112.40 AFY

Diversion under this water right prior to April 1 shall occur only as authorized by the Water District 61 Watermaster whenever water is being released 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 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 amendments made thereto pursuant to state or federal procedures or law provided that any such use of this water right prior to April 1 shall be subordinated to water rights for storage in Lake Lowell as decreed in SRBA Case No. 39576.

PLACE OF USE:

IRRIGATION Within BOISE County

T04N R04E S16	SE5W	T04N R04E S16	NWSE
T04N R04E S16	SW5E	T04N R04E S17	SWNE
T04N R04E S17	SENE	T04N R04E S17	NESW
T04N R04E S17	NWSW	T04N R04E S17	SWSW
T04N R04E S17	SE5W	T04N R04E S17	NESE

SF5 - 63-4629A

DRAFT

07/03/2003

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

T04N R04E S17	NWSE	T04N R04E S17	SWSE
T04N R04E S17	SESE	T04N R04E S20	NENE
T04N R04E S20	NWNE	T04N R04E S20	SWNE
T04N R04E S20	SENE	T04N R04E S20	NENW
T04N R04E S20	NNNW	T04N R04E S20	SENW
T04N R04E S20	SESW	T04N R04E S20	NESE
T04N R04E S20	NWSE	T04N R04E S20	SWSE
T04N R04E S20	SESE	T04N R04E S21	NWNE
T04N R04E S21	SWNE	T04N R04E S21	NENW
T04N R04E S21	NNNW	T04N R04E S21	SWNW
T04N R04E S21	SENW	T04N R04E S21	NESW
T04N R04E S21	NWSW	T04N R04E S21	SWSW
T04N R04E S21	SESW	T04N R04E S21	NWSE
T04N R04E S21	SWSE	T04N R04E S28	NWNE
T04N R04E S28	SWNE	T04N R04E S28	NENW
T04N R04E S28	NNNW	T04N R04E S28	SWNW
T04N R04E S28	SENW	T04N R04E S28	NESW
T04N R04E S28	NWSW	T04N R04E S28	SWSW
T04N R04E S28	SESW	T04N R04E S29	NENE
T04N R04E S29	SENE	T04N R04E S29	NESE

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32.1 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE.

DRAFT

07/03/2003

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

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

DIVERSION OF GROUNDWATER AND SURFACE WATER FROM MORES CREEK IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM DAGGETT CREEK AT THE ORIGINAL POINT OF DIVERSION LOCATED IN THE NWSE, S16, T04N, R04E.

Prior to diversion of water under transfer No. 69320, the water right holder shall provide a location and means of measurement acceptable to the Department for measuring the flow in Daggett Creek to confirm compliance with the above condition.

Surface water diverted from Mores Creek will be treated to drinking water standards and placed in the single community pipeline network supplying the Wilderness Ranch subdivision. During periods when the flow of water treated exceeds flow demand for the community, treated water will be injected into the infiltration galleries.

Treated surface water injected to ground water through the infiltration galleries is considered to be totally used by the water right holder. The volume of water injected to the infiltration galleries is a portion of and is counted against the 112.4 acre-feet that is authorized for annual diversion by this water right.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval or May 28, 2003.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right holder shall comply with any applicable injection or shallow injection well permit requirements of Sections 42-3903 and 42-3903A, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

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 water right will be regulated by the watermaster of State Water District No. 63, Boise River.

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

PROPERTY IS ALSO KNOWN AS WILDERNESS RANCH SUBDIVISION.

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)
)
)
)
)
)
)

A. Subcase Number: See Attachment A
(insert water right number)

**STANDARD FORM 1
OBJECTION RECEIVED**

JAN 31 2003

Department of Water Resources

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise Project Board of Control acting on its own behalf and on behalf of
and for the following individual entities:

New York Irrigation District, Nampa & Meridian Irrigation District, Wilder
Irrigation District, Boise-Kuna Irrigation District, Big Bend Irrigation
District

Address: 2465 Overland Road
Boise, Idaho 83705
Phone: (208) 344-1141

Name & Address of Attorney, if any:

Albert P. Barker, ISB # 2867
Amy D. Chestnut, ISB # 5904
Barker Rosholt & Simpson, LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: 208-336-0700
Facsimile: 208-344-6034

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: See Attachment B

Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☒ **Period of Year**
Should be: April 1 to November 1
9. ☐ **Place of Use**
Should be:

11. I object because:

- ☐ This water right should not exist.
☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S): The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow injury to the objector's water rights and diminution of contract water reliability.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Albert P. Barker
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 30, 2003



Brenda L. Hinnenkamp
Brenda L. Hinnenkamp
Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 9/11/2004

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 30, 2003, I mailed the original and copies of this objection, 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, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: See Attachment B
Address:

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

Attachment A

63-3540	63-7984A	63-7984B
63-8624	63-10279	63-31335
63-31336	63-7119	63-7115
63-148B	63-15395	63-2472
63-7529	63-7037	63-2026
63-7207	63-31077	63-5102
63-5192	63-318A	63-318C
63-4629A	63-4797	63-4810
63-5101	63-31074	63-31289
63-31328	63-19A	63-19B
63-378	63-4636	63-5057
63-31124	63-31173	63-31174
63-31319	63-31320	63-31397
63-4548	63-3125	63-15093
63-15677	63-31317	63-5332
63-5334	63-4071	63-31380
63-5235	63-4629C	63-31454
63-5408	63-2171	63-5167
63-317B	63-320A	63-7613D
63-30310	63-97	63-15409
63-3447D	63-3447B	63-3447C
63-5161B	63-15101	63-4731
63-3422B	63-5161C	63-3422A
63-5251	63-5250	63-15684
63-5108	63-15427	63-15094
63-15206	63-15373	63-2252

63-3540

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-7984A

Teresa L Raschke
Steven L Raschke
2095 Panama St
Boise ID 83705

63-7984B

Lawrence Poisson
Sheila Poisson
3193 Highway 21
Idaho City ID 83716

63-8624

Randall A Ambuehl
HC 33 Box 1610
Boise ID 83706

63-10279

Cumer L Green
PO Box 2597
Boise ID 83701

63-31335

Val Dean Schroeder
13 Blacksmith Road
Boise ID 83716

63-31336

Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-7119

Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-7115

Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-148B

South Boise Water Co
PO Box 6005
Boise ID 83707

63-15395

Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-2472

Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-7529

Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-7037

Blue Jay Creek Water & Road Users Inc
C/O Robert O Walker
129 Blue Jay Creek Rd
Boise ID 83706

63-2026

Hilda Larson
3015 Silver St
Boise ID 83703

63-2026

James E Bryant
1915 N 11th
Boise ID 83712

63-7207

Barbara W Little
1980 Myers Rd
Boise ID 83706

63-31077

State of Idaho
Dept of Parks & Recreation
PO Box 83720
Boise ID 83720-0065

63-5102

Laura LA May Holmes
2391 Sheri Dr
Emmett ID 83617

63-5192

David Steadman
Lynae Steadman
8873 Ottawa Ct
Boise ID 83709

63-318A

Ranch Subdivision Property Owners
Assn
26 Burnett Dr
Boise ID 83716

63-318C

Paula E Lewis
Stephen E Lewis
PO Box 4002
Boise ID 83711-4002

63-4629A

Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-4797

Connie Jo Cooper
Douglas S Cooper
2268 Highway 21
Boise ID 83716

63-4810

Walter S Nichols
Sara A Nichols
12 Cougar Ln
Boise ID 83716

63-5101

Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-31074

Barry Marcus
737 N 7th St
Boise ID 83702

63-31289

Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-31328

Michael C Perry
Tami J Perry
10 Cougar Ln
Boise ID 83716

63-19A

Larry R Smith
Alda L Smith
8442 W Beachside Ct
Boise ID 83703

63-19B

Rosemary Swanstrum
Philip Swanstrum
2708 Columbus
Boise ID 83705

63-5057

Francis Mangum
Shirley Mangum
17 Old Mill Rd
Boise ID 83716

63-31174

Michal Sweeney
28 N Fork Clear Creek Rd
Boise ID 83716

63-31397

Michael E Claus
Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-15093

Gail G Allen
Robert P Allen
14 Allen Ln
Boise ID 83716

63-5332

Osprey Land Co
737 N 7th St
Boise ID 83702

63-5235

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-5408

Scott R Nicholson, Thomas Emil Nicholson,
Christine Nicholson et al
C & T Ranches Inc
PO Box 690
Meridian ID 83680-0690

63-317B

Richard A Stull
K Gail Richardson
13 Robie Creek Ln
Boise ID 83716

63-97

L G Davison & Sons Inc
1969 Prairie Rd
Prairie ID 83647-9803

63-378

Dirk L Marcum
14364 E Highway 21
Boise ID 83716

63-31124

Allen Cupit
Diana Cupit
25 Old Mill Rd
Boise ID 83716

63-31319

Sandra Miner
1512 Apache Dr Unit D
Chula Vista CA 91910-8160

63-4548

James R Stringfellow
787 David Way
North Salt Lake UT 84054

63-15677

Barry Marcus
737 N 7th St
Boise ID 83702

63-4071

Robert P. Perez
Laurie A. Perez
20 Colleen Lane
Boise, ID 83716

63-4629C

Sherry Smith
James C Smith
7 Mores Creek Cir
Boise ID 83716

63-2171

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-320A

Wade C Woolery
1902 Thompson Street
Richland WA 99352

63-15409

Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-4636

Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-31173

Hide Associates Partnership
Boise Holcomb Inc
737 N 7th St
Boise ID 83702

63-31320

David Peterson
Toni Peterson
14 Homestead Ct
Boise ID 83716

63-3125

State of Idaho
Dept of Fish & Game
PO Box 25
Boise ID 83707

63-31317

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31380

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31454

Jay D Hollinger
Carol L Hollinger
51 Daggett Creek Rd
Boise ID 83716

63-5167

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-7613D

Marvenna S Hodgins
Marilyn E Dawson
PO Box 6466
Boise ID 83707

63-30310

Steven D Cummings
545 Robie Creek
Boise ID 83716

63-3447B

Biff Eshelman
31 Sonshine Lane
Boise ID 83716

63-15101

Steven D Cummings
545 Robie Creek
Boise ID 83716

63-5161C

Sterling Turner
Debbie Turner
328 Robie Creek Rd.
Boise ID 83716

63-5250

Jan Blum
27 Idaho City Stage Rd
Boise ID 83716

63-15684

Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-15094

Gail G Allen
Robert P Allen
14 Allen Ln
Boise ID 83716

63-2252

Twin Springs Resort LLC
PO Box 3994
Ketchum ID 83340

63-3447C

Aian K Johnson
3929 Overland Rd #840
Boise ID 83715

63-4731

Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-3422A

Mary Lou Pote
William W H Pote
27 Idaho City Stage Rd
Boise ID 83716

63-5251

Mary Lou Pote
William W H Pote Jr
27 Idaho City Stage Rd
Boise ID 83716

63-5108

Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-15206

Val Dean Schroeder
13 Blacksmith Rd
Boise ID 83716

63-3447D

Joan Stephens
James R Stephens
3939 S Transport
Boise ID 83705

63-5161B

Dwaine Wright
Lizabeth Wright
4 Larkspur Lane
Boise, ID 83716

63-3422B

Virginia M Cafferty
Allan E Cafferty
2121 S Eagleson
Boise ID 83705

63-15427

Maurice Brown
11 Hoover Dr
Boise ID 83716

63-5334

Osprey Land Co
737 N 7th Street
Boise, ID 83702

63-15373

Rex E. Lanham
2630 Highway 21
Boise ID 83716

Amended Director's Report Right No. 63-4629A

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

RIGHT NUMBER: 63-4629A

NAME AND ADDRESS: WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716

SOURCE: GROUND WATER
MORES CREEK
TRIBUTARY: BOISE RIVER

QUANTITY: 0.450 CFS
112.400 AFY

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER RIGHT 63-4629A SHALL NOT EXCEED 0.45 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 112.4 AF.

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR IRRIGATION OF THE LAND.

PRIORITY DATE: 09/06/1899

POINT OF DIVERSION:

T04N R04E S28 SESW Within BOISE County
T04N R04E S28 SESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.450 CFS 112.40 AFY

PLACE OF USE:

IRRIGATION Within BOISE County

T04N R04E S16	SESW	T04N R04E S16	NWSE
T04N R04E S16	SWSE	T04N R04E S17	SWNE
T04N R04E S17	SENE	T04N R04E S17	NESW
T04N R04E S17	NWSW	T04N R04E S17	SWSW
T04N R04E S17	SESW	T04N R04E S17	NESE
T04N R04E S17	NWSE	T04N R04E S17	SWSE
T04N R04E S17	SESE	T04N R04E S20	NENE
T04N R04E S20	NWNE	T04N R04E S20	SWNE
T04N R04E S20	SENE	T04N R04E S20	NENW
T04N R04E S20	NWNW	T04N R04E S20	SENW
T04N R04E S20	SESW	T04N R04E S20	NESE
T04N R04E S20	NWSE	T04N R04E S20	SWSE
T04N R04E S20	SESE	T04N R04E S21	NWNE
T04N R04E S21	SWNE	T04N R04E S21	NENW
T04N R04E S21	NWNW	T04N R04E S21	SWNW
T04N R04E S21	SENW	T04N R04E S21	NESW
T04N R04E S21	NWSW	T04N R04E S21	SWSW

T04N R04E S21	SESW	T04N R04E S21	NWSE
T04N R04E S21	SWSE	T04N R04E S28	NWNE
T04N R04E S28	SWNE	T04N R04E S28	NENW
T04N R04E S28	NWNW	T04N R04E S28	SWNW
T04N R04E S28	SENW	T04N R04E S28	NESW

Water Right 63-4629A

Amended Director's Report Right No. 63-4629A

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

T04N R04E S28	NWSW	T04N R04E S28	SWSW
T04N R04E S28	SESW	T04N R04E S29	NENE
T04N R04E S29	SENE	T04N R04E S29	NESE

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32.1 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE.

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

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY THIS TRANSFER WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL OR MAY 28, 2003.

DIVERSION OF GROUNDWATER AND SURFACE WATER FROM MORES CREEK IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM DAGGETT CREEK AT THE ORIGINAL POINT OF DIVERSION LOCATED IN THE NWSE, S16, T04N, R04E.

PRIOR TO DIVERSION OF WATER UNDER TRANSFER NO. 69320, THE WATER RIGHT HOLDER SHALL PROVIDE A LOCATION AND MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT FOR MEASURING THE FLOW IN DAGGETT CREEK TO CONFIRM COMPLIANCE WITH THE ABOVE CONDITION.

SURFACE WATER DIVERTED FROM MORES CREEK WILL BE TREATED TO DRINKING WATER STANDARDS AND PLACED IN THE SINGLE COMMUNITY PIPELINE NETWORK SUPPLYING THE WILDERNESS RANCH SUBDIVISION. DURING PERIODS WHEN THE FLOW OF WATER TREATED EXCEEDS FLOW DEMAND FOR THE COMMUNITY, TREATED WATER WILL BE INJECTED INTO THE INFILTRATION GALLERIES.

TREATED SURFACE WATER INJECTED TO GROUND WATER THROUGH THE INFILTRATION GALLERIES IS CONSIDERED TO BE TOTALLY USED BY THE WATER RIGHT HOLDER. THE VOLUME OF WATER INJECTED TO THE INFILTRATION GALLERIES IS A PORTION OF AND IS COUNTED AGAINST THE 112.4 ACRE-FEET THAT IS AUTHORIZED FOR ANNUAL DIVERSION BY 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.

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

EXPLANATORY MATERIAL: Beneficial Use

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

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE TRANSFER.

RIGHT HOLDER SHALL COMPLY WITH ANY APPLICABLE INJECTION OR SHALLOW INJECTION WELL PERMIT REQUIREMENTS OF SECTIONS 42-3903 AND 42-3903A, IDAHO CODE.

USE OF WATER UNDER THIS APPROVAL SHALL COMPLY WITH APPLICABLE WATER QUALITY STANDARDS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

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.

PROPERTY IS ALSO KNOWN AS WILDERNESS RANCH SUBDIVISION.

DRAFT - AWAITING RESPONSE
FROM NICK

01/15/2003

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

RIGHT NUMBER: 63-4629A
NAME AND ADDRESS: WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716
SOURCE: GROUND WATER
MORES CREEK
QUANTITY: 0.450 CFS
112.400 AFY

TRIBUTARY:
TRIBUTARY: BOISE RIVER

The total instantaneous diversion of water from all points of diversion under
Right
af.
63-4629A shall not exceed 0.45 cfs, nor total combined annual volume of 112.4

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR IRRIGATION OF
THE LAND.

PRIORITY DATE: 09/06/1899
POINT OF DIVERSION:

T04N R04E S28 SESW Within BOISE County
T04N R04E S28 SESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.450 CFS 112.40 AFY

PLACE OF USE:

IRRIGATION Within BOISE County

T04N R04E S16	SESW	T04N R04E S16	NWSE
T04N R04E S16	SWSE	T04N R04E S17	SWNE
T04N R04E S17	SENE	T04N R04E S17	NESW
T04N R04E S17	NWSW	T04N R04E S17	SWSW
T04N R04E S17	SESW	T04N R04E S17	NESE
T04N R04E S17	NWSE	T04N R04E S17	SWSE
T04N R04E S17	SESE	T04N R04E S20	NENE
T04N R04E S20	NWNE	T04N R04E S20	SWNE
T04N R04E S20	SENE	T04N R04E S20	NENW
T04N R04E S20	NWNW	T04N R04E S20	SENW
T04N R04E S20	SESW	T04N R04E S20	NESE
T04N R04E S20	NWSE	T04N R04E S20	SWSE
T04N R04E S20	SESE	T04N R04E S21	NWNE
T04N R04E S21	SWNE	T04N R04E S21	NENW
T04N R04E S21	NWNW	T04N R04E S21	SWNW
T04N R04E S21	SENW	T04N R04E S21	NESW
T04N R04E S21	NWSW	T04N R04E S21	SWSW
T04N R04E S21	SESW	T04N R04E S21	NWSE
T04N R04E S21	SWSE	T04N R04E S28	NWNE

T04N R04E S28	SWNE	T04N R04E S28	NENW
T04N R04E S28	NWNW	T04N R04E S28	SWNW
T04N R04E S28	SENW	T04N R04E S28	NESW

Water Right 63-4629A

01/13/2003

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

T04N R04E S28	NWSW	T04N R04E S28	SWSW
T04N R04E S28	SESW	T04N R04E S29	NENE
T04N R04E S29	SENE	T04N R04E S29	NESE

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32.1 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE.

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval or May 28, 2003.

DIVERSION OF GROUNDWATER AND SURFACE WATER FROM MORES CREEK IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM DAGGETT CREEK AT THE ORIGINAL POINT OF DIVERSION LOCATED IN THE NWSE, S16, T04N, R04E.

Prior to diversion of water under Transfer No. 69320, the water right holder shall provide a location and means of measurement acceptable to the Department for measuring the flow in Daggett Creek to confirm compliance with the above condition.

Surface water diverted from Mores Creek will be treated to drinking water standards and placed in the single community pipeline network supplying the Wilderness Ranch Subdivision. During periods when the flow of water treated exceeds flow demand for the community, treated water will be injected into the infiltration galleries.

Treated surface water injected to ground water through the infiltration galleries is considered to be totally used by the water right holder. The volume of water injected to the infiltration galleries is a portion of and is counted against the 112.4 acre-feet that is authorized for annual diversion by this water right.

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

EXPLANATORY MATERIAL: Beneficial Use

01/13/2003

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

Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.

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

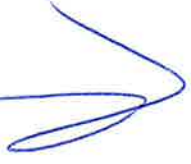
Use of water under this right may be affected by an agreement between the protestant and the right holder.

Right holder shall comply with any applicable injection or shallow injection well permit requirements of Sections 42-3903 and 42-3903A, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

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.

PROPERTY IS ALSO KNOWN AS WILDERNESS RANCH SUBDIVISION.



*Any question whether to include
pending Nick Spencer's review
of MPA Cuamei's letter dated rec'd.*

1-10-03

*NICK SAID TO REMOVE IT. DONE !
SENT 1-22-03. J*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRE KEMPTER
GOVERNOR

KARLA L. DUEZ-PAZ
DIRECTOR

FAX Transmittal Cover Sheet

Number of pages including this one: 14

Date: 1-6-03

To: JAN SHURTE

Fax No.: 334-2348

From: NICK SPENCER

Fax No.: 327-5400

Phone No.: 327-7930

Subject: WILDERNESS RANCH. JAN-MIKE CREAMER CALLED TO REMIND
ME OF THIS. LOOK OVER MY IDEAS OF WHICH CONDITION GOES WHERE
AND GET BACK TO ME WITH COMMENTS/ CONCERNS/ DISAGREEMENTS.
THANKS. NBS

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page:

<http://www.idwr.state.id.us>

From that link, select "Snake River Basin Adjudication" toward the lower left hand of the screen. Then select "Map" or "Text" on the next page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search"

"MAP" allows you to search water rights graphically.

Use the tools on the left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place in question, different layers will appear on the right side of the screen.

A HELP function is available within the application or you can call 1-800-451-4129 or (208) 327-7906 for help.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69320

This is to certify that: WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716
(208)342-4554

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
63-4229A	A/C/Beneficial Use	09/06/1899	0.45 cfs	112.4 af		N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)	Date	Initials	Signature

Current Number	Split	POD	POB	Add POC	Period of Use	Nature of Use
63-4629A	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changes portion)	Transfer Rate	Transfer Volume	Acro. Limit	Total Acres	New No. (remaining portion)	Remaining Volume	Remaining Acro Limit	Remaining Total Acres
53-4629A 63-4529A	0.45 cfs	112.4 af	32.1	N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	0.45 cfs	112.4 af	32.1	N/A	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 28 day of May, 2002
Z. Owen Sauter

Chief, Water Allocation Bureau

Chief, Water Allocation Bureau:

Q = PUT IT UNDER QUANTITY ELEMENT
POU = PUT IT UNDER PLACE OF USE ELEMENT
OPN = PUT IT UNDER OTHER PROVISIONS NECESSARY ELEMENT
EX = PUT IT IN EXPLANATORY MATERIAL
DELETE = PROBABLY NOT NECESSARY

Page 2 of 3

WATER RIGHT NO. 63-4629A
As Modified by Transfer No. 69320

In accordance with the approval of Transfer No. 69320, Water Right No. 63-4629A is now described as follows.

Right Holder: WILDERNESS RANCH OWNERS ASSN INC
 46 WILDERNESS RANCH RD
 BOISE ID 83716

Priority Date: 09/06/1995

Source: MORES CREEK
 GROUND WATER

Tributary: BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15/10	4/1/15	0.45 CFS	112.4 AF
			0.45 CFS	112.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 28 Twp 04N	Rge 04E	BOISE County
GROUND WATER	SESW	Sec. 28 Twp 04N	Rge 04E	BOISE County
MORES CREEK	SESW	Sec. 28 Twp 04N	Rge 04E	BOISE County

PLACE OF USE: Twp Rge Sec	IRRIGATION								SE		Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	
04N 04E 16											
04N 04E 17			X	X							
04N 04E 20		X	X	X							
04N 04E 21		X	X	X							
04N 04E 23		X	X	X							
04N 04E 26		X									

CONDITIONS OF APPROVAL

This right is limited to the irrigation of 32.1 acres annually within the place of use described above.

The total instantaneous diversion of water from all points of diversion under Right 63-4629A shall not exceed 0.45 cfs, nor total combined annual volume of 112.4 af.

Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.

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.

Page 3 of 3

WATER RIGHT NO. 63-4629A
As Modified by Transfer No. 69320

CONDITIONS OF APPROVAL

- ~~OPN 5.~~ Diversion of groundwater and surface water from Mores Creek is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S10, T4N, R4E.
- ~~OPN 6.~~ Prior to diversion of water under this transfer approval, the water right holder shall provide a location and means of measurement acceptable to the Department for measuring the flow in Daggett Creek to confirm compliance with the above condition.
- ~~OPN 7.~~ Surface water diverted from Mores Creek will be treated to drinking water standards and placed in the single community pipeline network supplying the Wilderness Ranch Subdivision. During periods when the flow of water treated exceeds flow demand for the community, treated water will be injected into the infiltration galleries.
- ~~OPN 8.~~ Treated surface water injected to ground water through the infiltration galleries is considered to be totally used by the water right holder. The volume of water injected to the infiltration galleries is a portion of and is counted against the 112.4 acre-feet that is authorized for annual diversion by this water right.
- ~~EX 9.~~ Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
- ~~EX 10.~~ Right holder shall comply with any applicable injection or shallow injection well permit requirements of Sections 42-3903 and 42-3903A, Idaho Code.
- ~~Q 11.~~ This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 acs per acre at the field headgate for irrigation of the lands above.
- ~~DELETE 12.~~ Use of water under this right may be affected by an agreement between the protestant and the right holder. (MIKE SAYS THIS AGREEMENT COVERS PRIOR TRANSFER. INVOLVING DIFFERENT PROTESTANT AND IS NO LONGER OPERABLE. HE WILL SEND US DOCUMENTATION.)
- ~~EX 13.~~ The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- ~~EX 14.~~ Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ~~DELETE 15.~~ 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

28

day of

May

20

02

[Signature]
Chief, Water Allocation Bureau

LAW OFFICES
277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

RECEIVED

JAN 10 2003

**WATER RESOURCES
WESTERN REGION**

Gary G. Allen
Christopher J. Beeson
Jessica M. Borup
William C. Cole
Michael C. Creamer
Emily MacMaster Durkee
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Fearnside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Deborah K. Kristensen
Anne C. Kunkel
Deborah E. Nelson

Michael C. Orr *
Kenneth L. Pursley
Bradley V. Sneed
Conley E. Ward
Robert B. White

Raymond D. Givens
James A. McClure
Stephanie C. Westermeyer
OF COUNSEL

January 9, 2003

Nicholas B. Spencer, Esq.
Deputy Attorney General
Idaho Department of Water Resources
1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098

John A. Miller, LL.M. **
TAX CONSULTANT

*Licensed in Oregon only
**Licensed in Kentucky only

Re: Wilderness Ranch Owners' Association, Inc.
Our File No. 4477-1

Dear Nick:

As we discussed over the phone, I am attaching copies of the following documents: 1) the original IDWR transfer approval issued in 2000 authorizing the change in point of diversion for this right from Dagget Creek to galleries adjacent to Mores Creek; 2) the May 2002 Stipulation between WROA and Osprey Land Company setting forth terms of Osprey's withdrawal of protest of WROA's second transfer that added a point of diversion for right 63-4629A from Mores Creek; 3) the approved 2002 transfer; and 4) the Department's recommendation for right 63-4629A containing the "may be subject to an agreement" language.

I've attached the original transfer approval because it shows that the "may be subject to an agreement" language was not one of the conditions, indicating that the May 2002 stipulation with Osprey is the "agreement" that IDWR thinks may affect the use of the right, and the source of the inclusion of this "condition" in the explanatory material. As you can see from the Stipulation, it provides for the withdrawal of Osprey's protest of the transfer on the condition that three conditions be included in the IDWR approval—conditions that were included. Therefore, the stipulation does not affect the use of the right. The IDWR conditions do.

If explanatory materials are not included in any way as part of the partial decree, then this may be a minor issue. However, in addition to the points concerning the recommendation for this right raised in my December 18, 2002 letter to you I want to ensure that this particular language does not find its way into the court "record" and become a source of ambiguity or confusion in the future. In particular, I would not want anyone to think that the use of the WROA right may be affected through any means other than administration pursuant to the provisions of the decree.

Nicholas B. Spencer, Esq.
January 9, 2003
Page 2

Thank you for your attention to this. Please call me if I can provide you with anything further in this regard.

Sincerely,



Michael C. Creamer

Enclosures

cc: Jeff Peppersack, IDWR State Office
Jan Shurt, IDWR Western Region
Eric Swanson, WROA
Terry Scanlan

MCC:kdt S:\CLIENTS\4771\MCC Ltr to Nick Spencer re Transfer Docs.DOC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 4815
WATER RIGHT NO. 63-04629A

This is to certify that: WILDERNESS RANCH LTD
6065 KAREN DR
MERIDIAN ID 83642

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	0.45 CFS	112.4 AF

SOURCE

GROUNDWATER *

Priority: 09/06/1899

LOCATION OF POINT(S) OF DIVERSION:

SESW, Sec. 28, Township 04N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION **

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 04E 16	SESW	NWSE	SWSE
17	SWNE	SENE	NESW
	NWSW	SWSW	SESW
	NESE	NWSE	SWSE
20	SESE		
	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SENW	SESW	NESE
	NWSE	SWSE	SESE
21	NWNE	SWNE	NENW
	NWNW	SWNW	SENW
	NESW	NWSW	SWSW
	SESW	NWSE	SWSE
28	NWNE	SWNE	NENW
	NWNW	SWNW	SENW
	NESW	NWSW	SWSW
29	SESW		
	NENE	SENE	NESE

TRANSFER NO. 4815
WATER RIGHT NO. 63-04629A

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of Transfer 4815 does not confirm Claimed Right 63-04629A.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
- * 3. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T04N, R04E.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Daggett Creek at the original point of diversion.
5. 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.
- ** 6. Right 63-04629A is limited to the irrigation of 32.1 acres within the place of use described above also known as the Wilderness Ranch Subdivision.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this 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 the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 20 day of

January

2000.

J. Glen Saylor
Chief, Water Allocation Bureau

CONFIRMATION COPY

Michael C. Creamer (DSB # 4030)
GIVENS PURSLEY LLP

P.O. Box 2720

277 No. 6th Street, Suite 200
Boise, Idaho 83701

Telephone: (208) 388-1200

Facsimile: (208) 388-1300

S:\Clients\4477\Osprey Stipulation for Withdrawal of Protest.doc

Attorneys for Wildermess Ranch Owners' Association, Inc.

RECEIVED

MAY 07 2002

WATER RESOURCES
WESTERN REGION

RECEIVED

MAY 10 2002

Givens Pursley, LLP

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION)
FOR TRANSFER OF WATER RIGHT)
63-4629A IN THE NAME OF WILDERNESS) STIPULATION
RANCH OWNERS' ASSOCIATION, INC.)

Applicant Wildermess Ranch Owners' Association, Inc. ("WROA") and Protestants Osprey Land Company and Chapman Ranch L.L.C., through their respective attorneys, stipulate as follows:

1. WROA has filed a transfer application ("Transfer Application") with the Department to add a point of diversion for water right no. 63-4629A, which right is authorized for irrigation use on 52.1 acres within the Wildermess Ranch Subdivision. The current source and point of diversion for right 63-4629A is from ground water using infiltration galleries immediately adjacent to Mores Creek.
2. Protestants hold water rights with points of diversion from Corral Creek and Minnehaha Creek, which are tributaries to Mores Creek, and have applied to the Department to add a point of diversion for their water rights from Mores Creek. Each of such points of diversion is located upstream from the WROA points of diversion.

WED -07-02 TUEI 08 28 GIVENS RSLE

TEL:208 3 1500

P.003

3. WROA and Protestants agree that the following conditions of transfer approval will provide reasonable assurance of non-injury to the Protestants' water rights:

- a) Diversion from Mores Creek under Right No. 63-4629A is limited to those times when water is available for diversion under such right and priority from Daggett Creek at the original point of diversion located in the NWSE Section 16, T4N, R4E., B.M.
- b) Prior to diversion of water under the transfer approval, WROA shall provide a location and method of measurement reasonably acceptable to the Department for measuring the flow in Daggett Creek to confirm compliance with the above condition.
- c) The diversion rate under right 63-4629A from Mores Creek for irrigation shall not exceed a total of 0.45 cubic feet per second ("cfs") nor 0.02 cfs for each acre actually irrigated within the authorized place of use within the Wilderness Ranch Subdivision, not to exceed 32.1 acres.

4. Provided the Department will incorporate the above conditions in substantially the form set forth herein in any approval of the Transfer Application, Protestants hereby agree to withdraw their protest to the Transfer Application.

DATED this 7 day of May, 2002.

GIVENS PURSLEY LLP

BY:



Michael C. Creamer
Attorneys for Applicant, Wilderness Ranch
Owners' Association, Inc.

MARCUS, MERRICK, CHRISTIAN & HARDEE

BY:



Barry Marcus
Attorneys for Protestants Osprey Land
Company and Chapman Ranch LLC.

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May, 2002, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Hand Delivery _____
U.S. Mail _____
Overnight Mail _____
Facsimile X

Barry Marcus
Marcus, Merrick, Christian & Hardee
737 North 7th Street
Boise, ID 83702

Hand Delivery _____
U.S. Mail _____
Overnight Mail _____
Facsimile _____

Michael C. Creamer
Givens Pursley LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720

Hand Delivery _____
U.S. Mail _____
Overnight Mail _____
Facsimile _____

Michael C. Creamer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69320

This is to certify that: WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716
(208)342-4554

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
63-4629A	AJC/Beneficial Use	09/06/1899	0.45 cfs	112.4 af		N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-4629A	NO	NO	NO	YES	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	Total Acres
63-4629A	63-4629A	0.45 cfs	112.4 af	32.1	N/A		N/A	N/A	N/A	N/A
TOTALS		0.45 cfs	112.4 af	32.1	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 28 day of May, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 63-4629A
As Modified by Transfer No. 69320

In accordance with the approval of Transfer No. 69320, Water Right No. 63-4629A is now described as follows.

Right Holder: WILDERNESS RANCH OWNERS ASSN INC
 46 WILDERNESS RANCH RD
 BOISE ID 83716

Priority Date: 09/06/1899

Source: MORES CREEK Tributary: BOISE RIVER
 GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15		0.45 CFS	112.4 AF
			0.45 CFS	112.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 28 Twp 04N	Rge 04E	BOISE County
GROUND WATER	SESW	Sec. 28 Twp 04N	Rge 04E	BOISE County
MORES CREEK	SESW	Sec. 28 Twp 04N	Rge 04E	BOISE County

PLACE OF USE:			IRRIGATION												Totals	
Twp	Rge	Sec	NE			NW			SW			SE			SE	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
04N	04E	16													X	
04N	04E	17			X					X	X				X	X
04N	04E	20		X	X				X					X	X	X
04N	04E	21		X	X		X	X	X	X	X			X	X	
04N	04E	28		X	X		X	X	X	X	X					
04N	04E	29	X											X		

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 32.1 acres annually within the place of use described above which is also known as Wilderness Ranch Subdivision.
2. The total instantaneous diversion of water from all points of diversion under Right 63-4629A shall not exceed 0.45 cfs, nor total combined annual volume of 112.4 af.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
4. 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.

WATER RIGHT NO. 63-4629A
As Modified by Transfer No. 69320

CONDITIONS OF APPROVAL

5. Diversion of groundwater and surface water from Mores Creek is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T4N, R4E.
6. Prior to diversion of water under this transfer approval, the water right holder shall provide a location and means of measurement acceptable to the Department for measuring the flow in Daggett Creek to confirm compliance with the above condition.
7. Surface water diverted from Mores Creek will be treated to drinking water standards and placed in the single community pipeline network supplying the Wilderness Ranch Subdivision. During periods when the flow of water treated exceeds flow demand for the community, treated water will be injected into the infiltration galleries.
8. Treated surface water injected to ground water through the infiltration galleries is considered to be totally used by the water right holder. The volume of water injected to the infiltration galleries is a portion of and is counted against the 112.4 acre-feet that is authorized for annual diversion by this water right.
9. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
10. Right holder shall comply with any applicable injection or shallow injection well permit requirements of Sections 42-3903 and 42-3903A, Idaho Code.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
12. Use of water under this right may be affected by an agreement between the protestant and the right holder.
13. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 28th day of May, 2002



Chief, Water Allocation Bureau

09/24/2002

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

RIGHT NUMBER:

63-4629A

NAME AND ADDRESS:

WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716

SOURCE:

GROUND WATER
MORES CREEK

TRIBUTARY:
TRIBUTARY: BOISE RIVER

QUANTITY:

0.450 CFS
112.40 AFY

Right
af.
The total instantaneous diversion of water from all points of diversion under
63-4629A shall not exceed 0.45 cfs, nor total combined annual volume of 112.4

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR IRRIGATION OF
THE LAND.

PRIORITY DATE:

09/06/1899

POINT OF
DIVERSION:

T04N R04E S28 SESW Within BOISE County
T04N R04E S28 SESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.450 CFS
		112.40 AFY
	03/15 11/15	0.450 CFS
		112.40 AFY
	03/15 11/15	0.450 CFS
		112.40 AFY

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

PLACE OF USE:

IRRIGATION Within BOISE County

T04N R04E S16	SESW	T04N R04E S16	NWSE
T04N R04E S16	SWSE	T04N R04E S17	SWNE
T04N R04E S17	SENE	T04N R04E S17	NESW
T04N R04E S17	NWSW	T04N R04E S17	SWSW
T04N R04E S17	SESW	T04N R04E S17	NESE
T04N R04E S17	NWSE	T04N R04E S17	SWSE
T04N R04E S17	SESE	T04N R04E S20	NENE
T04N R04E S20	NWNE	T04N R04E S20	SWNE
T04N R04E S20	SENE	T04N R04E S20	NENW
T04N R04E S20	NWNW	T04N R04E S20	SENW
T04N R04E S20	SESW	T04N R04E S20	NESE
T04N R04E S20	NWSE	T04N R04E S20	SWSE
T04N R04E S20	SESE	T04N R04E S21	NWNE
T04N R04E S21	SWNE	T04N R04E S21	NENW
T04N R04E S21	NWNW	T04N R04E S21	SWNW
T04N R04E S21	SENW	T04N R04E S21	NESW
T04N R04E S21	NWSW	T04N R04E S21	SWSW
T04N R04E S21	SESW	T04N R04E S21	NWSE
T04N R04E S21	SWSE	T04N R04E S28	NWNE
T04N R04E S28	SWNE	T04N R04E S28	NENW
T04N R04E S28	NWNW	T04N R04E S28	SWNW
T04N R04E S28	SENW	T04N R04E S28	NESW
T04N R04E S28	NWSW	T04N R04E S28	SWSW
T04N R04E S28	SESW	T04N R04E S29	NENE
T04N R04E S29	SENE	T04N R04E S29	NESE

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32.1 ACRES WITHIN THE PLACE OF USE DESCRIBED WHICH IS ALSO KNOWN AS THE WILDERNESS RANCH SUBDIVISION.

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval or May 28, 2003.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

DIVERSION OF GROUNDWATER AND SURFACE WATER FROM MORES CREEK IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM DAGGETT CREEK AT THE ORIGINAL POINT OF DIVERSION LOCATED IN THE NWSE, S16, T04N, R04E.

Prior to diversion of water under this transfer approval, the water right holder shall provide a location and means of measurement acceptable to the Department for measuring the flow in Daggett Creek to confirm compliance with the above condition.

Treated surface water injected to ground water through the infiltration galleries is considered to be totally used by the water right holder. The volume of water injected to the infiltration galleries is a portion of and is counted against the 112.4 acre-feet that is authorized for annual diversion by this water right.

Right holder shall comply with any applicable injection or shallow injection well permit requirements of Sections 42-3903 and 42-3903A, Idaho Code.

Surface water diverted from Mores Creek will be treated to drinking water standards and placed in the single community pipeline network supplying the Wilderness Ranch Subdivision. During periods when the flow of water treated exceeds flow demand for the community, treated water will be injected into the infiltration galleries.

Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.

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

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

09/24/2002

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

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 may be affected by an agreement between the protestant and the right holder.

LAW OFFICES

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OF COUNSEL
John A. Miller, LL.M. **
TAX CONSULTANT

*Licensed in Oregon only
**Licensed in Kentucky only

December 18, 2002

Nicholas B. Spencer, Esq.
Deputy Attorney General
Idaho Department of Water Resources
1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098

Re: Wilderness Ranch Owners' Association, Inc.
Our File No. 4477-1

Dear Nick:

I am writing on behalf of our client Wilderness Ranch Owners' Association, Inc. ("WROA") concerning the Department's recommendation to the SRBA Court for water right claim A63-04629A (enclosed). When the Department's preliminary recommendation (enclosed) for this right was issued in March of this year, a transfer application affecting the right was pending before the Department. The preliminary recommendation, therefore, did not contain items that WROA would have had reason to object to and address by means of the notice of error process. However, the Department subsequently approved the transfer with conditions. WROA does have concerns about the way this right ultimately was recommended since it does not accurately reflect the intent, purpose and actual authorizations of the transfer. Inasmuch as WROA did not have an opportunity to review this in a preliminary format, and in the hope of avoiding having to file an objection in the SRBA and thereby become engaged in litigation, WROA is requesting that the Department issue an amended recommendation for 63-4629A.

Some history about this right is in order. 63-4629A was developed with an 1899 priority for irrigation using surface water diverted from Daggett Creek, a tributary to Mores Creek. Through a transfer proceeding initiated by the developer of the Wilderness Ranch Subdivision, the point of diversion of this right was moved from Daggett Creek downstream to galleries immediately adjacent to Mores Creek (enclosed). The change in "source" for this water from Daggett Creek to ground water was approved by the Department because of the direct interconnection of the shallow ground water intercepted by the galleries with Mores Creek, and provided that diversions from the galleries for irrigation would only be permitted when there was sufficient water at the original point of diversion on Daggett Creek to fill the right.

RECEIVED

DEC 19 2002

**WATER RESOURCES
WESTERN REGION**

Due to the recent drought conditions and a decrease in natural and incidental recharge to the alluvium in the past two years, infiltration into the galleries has not been sufficient to meet WROA's domestic and irrigation requirements. Because of the direct relationship between the ground and surface water sources, and because right 63-4629A originally had been diverted from the stream, WROA filed transfer 69320 to include an alternate point of diversion from Mores Creek and to include ground water recharge as a purpose of use. The transfer was approved on May 28, 2002.

The transfer approval did not, however, include ground water recharge (injection to ground water) as an additional purpose of use. But significantly, the transfer approval did contain the following conditions that WROA believes are integral to the transfer, and necessary to define and administer the right, including conditions related to the requested ability to inject surface water to ground water:

1. This right is limited to the irrigation of 32.1 acres within the place of use described which is also known as the Wilderness Ranch Subdivision.
2. The total instantaneous diversion of water from all points of diversion under right 63-4629A shall not exceed 0.45 cfs, nor total combined annual diversion volume of 112.4 af.
3. Diversion of ground water and surface water from Mores Creek is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T4N, R4E.
4. Surface water diverted from Mores Creek will be treated to drinking water standards and placed in the single community pipeline network supplying the Wilderness Ranch Subdivision. During periods when the flow of water treated exceeds flow demand for the community, treated water will be injected into the infiltration galleries.
5. Treated surface water injected to ground water through the infiltration galleries is considered to be totally used by the water right holder. The volume of water injected to the infiltration galleries is a portion of and is counted against the 112.4 acre-feet that is authorized for annual diversion by this water right.

Of the above conditions, only the first was included as part of the actual recommendation of the water right (as a provision necessary for the definition or administration of the right). All the

Nicholas B. Spencer, Esq.
December 18, 2002
Page 3

other above-listed conditions were included only in the explanatory materials, which as you are aware, will not be incorporated into the decree.¹

If WROA had been given an opportunity to review a preliminary recommendation of right 63-4629A incorporating the effect of Transfer 69320, these issues could have been addressed then through an informal notice of error process. Because the Department's recommendation does not correctly reflect the effect of Transfer 69320 and because WROA did not have the opportunity to raise this issue informally before the recommendation was filed, WROA requests that the Department, on its own initiative, file an amended recommendation with the Court now to allow the above conditions to be included as part of the decreed water right.

Because the deadline for filing objections to recommendations is January 31, 2003, a prompt response will be greatly appreciated.

Sincerely,


Michael C. Creamer

Enclosures

cc: Jeff Peppersack, IDWR State Office
Jan Shurt, IDWR Western Region
Eric Swanson, WROA
Terry Scanlan

MCC:kdt S:\CLIENTS\44771\MCC Letter to Nick Spencer.DOC

¹ The transfer approval also included other conditions (i.e., transfer to be completed within one year of approval, failure to comply with conditions grounds for rescission of approval, use of water to comply with IDEQ water quality standards, etc) that WROA does not believe are necessary to define or administer this right and do not need to be included.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 27, 2002

RECEIVED

SEP 27 2002

Givens Pursley, LLP

RE: Water Rights in Reporting Area 13, Basin 63
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right claim(s) in Basin 63 for the Boise River drainage basin above Lucky Peak dam. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note that you have until January 31, 2003, in which to review your water rights or those of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in Boise, Fairfield, Idaho City, and Mountain Home, and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed early next year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

09/24/2002

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

RIGHT NUMBER: 63-4629A

NAME AND ADDRESS: WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716

SOURCE: GROUND WATER
MORES CREEK
TRIBUTARY: BOISE RIVER

QUANTITY: 0.450 CFS
112.40 AFY

Right
af.
The total instantaneous diversion of water from all points of diversion under
63-4629A shall not exceed 0.45 cfs, nor total combined annual volume of 112.4

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR IRRIGATION OF
THE LAND.

PRIORITY DATE: 09/06/1899

POINT OF
DIVERSION: T04N R04E S28 SESW Within BOISE County
T04N R04E S28 SESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.450 CFS
		112.40 AFY
	03/15 11/15	0.450 CFS
		112.40 AFY
	03/15 11/15	0.450 CFS
		112.40 AFY

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

PLACE OF USE:	IRRIGATION Within BOISE County		
T04N R04E S16	SESW	T04N R04E S16	NWSE
T04N R04E S16	SWSE	T04N R04E S17	SWNE
T04N R04E S17	SENE	T04N R04E S17	NESW
T04N R04E S17	NWSW	T04N R04E S17	SWSW
T04N R04E S17	SESW	T04N R04E S17	NESE
T04N R04E S17	NWSE	T04N R04E S17	SWSE
T04N R04E S17	SESE	T04N R04E S20	NENE
T04N R04E S20	NWNE	T04N R04E S20	SWNE
T04N R04E S20	SENE	T04N R04E S20	NENW
T04N R04E S20	NWNW	T04N R04E S20	SENW
T04N R04E S20	SESW	T04N R04E S20	NESE
T04N R04E S20	NWSE	T04N R04E S20	SWSE
T04N R04E S20	SESE	T04N R04E S21	NWNE
T04N R04E S21	SWNE	T04N R04E S21	NENW
T04N R04E S21	NWNW	T04N R04E S21	SWNW
T04N R04E S21	SENW	T04N R04E S21	NESW
T04N R04E S21	NWSW	T04N R04E S21	SWSW
T04N R04E S21	SESW	T04N R04E S21	NWSE
T04N R04E S21	SWSE	T04N R04E S28	NWNE
T04N R04E S28	SWNE	T04N R04E S28	NENW
T04N R04E S28	NWNW	T04N R04E S28	SWNW
T04N R04E S28	SENW	T04N R04E S28	NESW
T04N R04E S28	NWSW	T04N R04E S28	SWSW
T04N R04E S28	SESW	T04N R04E S29	NENE
T04N R04E S29	SENE	T04N R04E S29	NESE

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32.1 ACRES WITHIN THE PLACE OF USE DESCRIBED WHICH IS ALSO KNOWN AS THE WILDERNESS RANCH SUBDIVISION.

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval or May 28, 2003.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412 (6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

DIVERSION OF GROUNDWATER AND SURFACE WATER FROM MORES CREEK IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM DAGGETT CREEK AT THE ORIGINAL POINT OF DIVERSION LOCATED IN THE NWSE, S16, T04N, R04E.

Prior to diversion of water under this transfer approval, the water right holder shall provide a location and means of measurement acceptable to the Department for measuring the flow in Daggett Creek to confirm compliance with the above condition.

Treated surface water injected to ground water through the infiltration galleries is considered to be totally used by the water right holder. The volume of water injected to the infiltration galleries is a portion of and is counted against the 112.4 acre-feet that is authorized for annual diversion by this water right.

Right holder shall comply with any applicable injection or shallow injection well permit requirements of Sections 42-3903 and 42-3903A, Idaho Code.

Surface water diverted from Mores Creek will be treated to drinking water standards and placed in the single community pipeline network supplying the Wilderness Ranch Subdivision. During periods when the flow of water treated exceeds flow demand for the community, treated water will be injected into the infiltration galleries.

Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.

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

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

09/24/2002

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

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 may be affected by an agreement between the protestant and the right holder.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 29, 2002

DIRK KEMPTHORNE

Governor

KARL J. DREHER

Director

WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716

RE: Transfer No.: 69320 - Water Right 63-4629A - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Camila S. Skaggs

Jeff Peppersack, Manager
Water Rights Permits Section

JP:kit

Enclosure(s)

cc: Barry Marcus, Marcus, Merrick, Christian & Hardee

CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69320 - WATER RIGHT 63-4629A

**WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716**

**OSPREY LAND CO & CHAPMAN RANCH
C/O BARRY MARCUS
MARCUS MERRICK CHRISTIAN & HARDEE
737 N 7TH ST
BOISE ID 83702**


Kari Lynn Townsend
Secretary

ADDITIONAL NOTE:

COPY FAXED TO MIKE CREAMER AT 388-1300 ON 5-29-2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69320

This is to certify that: WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716
(208)342-4554

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

Rights	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
63-4829A	A/C/Beneficial Use	09/06/1899	0.45 cfs	112.4 af		N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)	Date of Transfer	Amount of Transfer	Balance
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
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Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]
Transfer to [Name]	[Date]	[Amount]	[Balance]

Current Number	Split	POB	POW	AddFOQ	Period of Use	Nature of Use
63-4629A	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acro Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acro Limit	Remaining Total Acres
53-4629A	53-4629A	0.45 cfs	112.4 af	32.1	N/A		N/A	N/A	N/A	N/A
TOTALS		0.45 cfs	112.4 af	32.1	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this _____ day of _____

May 20, 2002
J. Owen Soper
Chief, Water Allocation Bureau

WATER RIGHT NO. 63-4629A
As Modified by Transfer No. 69320

In accordance with the approval of Transfer No. 69320, Water Right No. 63-4629A is now described as follows.

Right Holder: WILDERNESS RANCH OWNERS ASSN INC
 46 WILDERNESS RANCH RD
 BOISE ID 83716

Priority Date: 09/06/1899

Source: MORES CREEK
 GROUND WATER
 Tributary: BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15/10	11/15	0.45 CFS	112.4 AF
			0.45 CFS	112.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 28 Twp 04N	Rge 04E	BOISE County
GROUND WATER	SESW	Sec. 28 Twp 04N	Rge 04E	BOISE County
MORES CREEK	SESW	Sec. 28 Twp 04N	Rge 04E	BOISE County

PLACE OF USE:		IRRIGATION								Totals	
Twp	Rge	Sec	NE	NW	SE	SW	NE	NW	SE	SW	SE
04N	04E	16	X	X	X	X	X	X	X	X	X
04N	04E	17	X	X	X	X	X	X	X	X	X
04N	04E	20	X	X	X	X	X	X	X	X	X
04N	04E	21	X	X	X	X	X	X	X	X	X
04N	04E	28	X	X	X	X	X	X	X	X	X
04N	04E	29	X	X	X	X	X	X	X	X	X

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 32.1 acres annually within the place of use described above which is also known as Wilderness Ranch Subdivision.
2. The total instantaneous diversion of water from all points of diversion under Right 63-4629A shall not exceed 0.45 cfs, nor total combined annual volume of 112.4 af.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
4. 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.

WATER RIGHT NO. 63-4629A
As Modified by Transfer No. 69320

CONDITIONS OF APPROVAL

5. Diversion of groundwater and surface water from Mores Creek is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T4N, R4E.
6. Prior to diversion of water under this transfer approval, the water right holder shall provide a location and means of measurement acceptable to the Department for measuring the flow in Daggett Creek to confirm compliance with the above condition.
7. Surface water diverted from Mores Creek will be treated to drinking water standards and placed in the single community pipeline network supplying the Wilderness Ranch Subdivision. During periods when the flow of water treated exceeds flow demand for the community, treated water will be injected into the infiltration galleries.
8. Treated surface water injected to ground water through the infiltration galleries is considered to be totally used by the water right holder. The volume of water injected to the infiltration galleries is a portion of and is counted against the 112.4 acre-feet that is authorized for annual diversion by this water right.
9. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
10. Right holder shall comply with any applicable injection or shallow injection well permit requirements of Sections 42-3903 and 42-3903A, Idaho Code.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
12. Use of water under this right may be affected by an agreement between the protestant and the right holder.
13. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 28 th day of May 2003



Chief, Water Allocation Bureau

03/01/2002

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

RIGHT NUMBER: 63-4629A

NAME AND ADDRESS: WILDERNESS RANCH OWNERS ASSOCIATION INC
46 WILDERNESS RANCH RD
BOISE ID 83716

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.450 CFS
112.40 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR IRRIGATION OF
THE LAND.

PRIORITY DATE: 09/06/1899

POINT OF DIVERSION:

T04N R04E S28 SESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.450 CFS 112.40 AFY

PLACE OF USE:

IRRIGATION Within BOISE County

T04N R04E S16	SESW	T04N R04E S16	NWSE
T04N R04E S16	SWSE	T04N R04E S17	SWNE
T04N R04E S17	SENE	T04N R04E S17	NESW
T04N R04E S17	NWSW	T04N R04E S17	SWSW
T04N R04E S17	SESW	T04N R04E S17	NESE
T04N R04E S17	NWSE	T04N R04E S17	SWSE
T04N R04E S17	SESE	T04N R04E S20	NENE
T04N R04E S20	NWNE	T04N R04E S20	SWNE
T04N R04E S20	SENE	T04N R04E S20	NENW
T04N R04E S20	NWNW	T04N R04E S20	SENW
T04N R04E S20	SESW	T04N R04E S20	NESE
T04N R04E S20	NWSE	T04N R04E S20	SWSE
T04N R04E S20	SESE	T04N R04E S21	NWNE
T04N R04E S21	SWNE	T04N R04E S21	NENW
T04N R04E S21	NWNW	T04N R04E S21	SWNW
T04N R04E S21	SENW	T04N R04E S21	NESW
T04N R04E S21	NWSW	T04N R04E S21	SWSW
T04N R04E S21	SESW	T04N R04E S21	NWSE
T04N R04E S21	SWSE	T04N R04E S28	NWNE
T04N R04E S28	SWNE	T04N R04E S28	NENW
T04N R04E S28	NWNW	T04N R04E S28	SWNW
T04N R04E S28	SENW	T04N R04E S28	NESW
T04N R04E S28	NWSW	T04N R04E S28	SWSW
T04N R04E S28	SESW	T04N R04E S29	NENE
T04N R04E S29	SENE	T04N R04E S29	NESE

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32.1 ACRES WITHIN THE PLACE OF
USE DESCRIBED WHICH IS ALSO KNOWN AS THE WILDERNESS RANCH
SUBDIVISION.

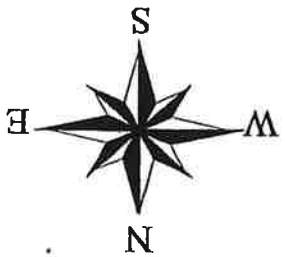
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARAGRAPAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

DIVERSION OF GROUNDWATER IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM DAGGETT CREEK AT THE ORIGINAL POINT OF DIVERSION LOCATED IN THE NWSE, S16, TO4N, R04E.

IDAHO DEPARTMENT OF WATER RESOURCES T04N, R04E, S16, S17, S20, S21, S28 & S29



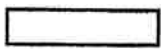
1987 NAPP PHOTO

POINT OF DIVERSION



PLACE OF USE

1/4 1/4 LINES



SECTION LINES



6 ACRES

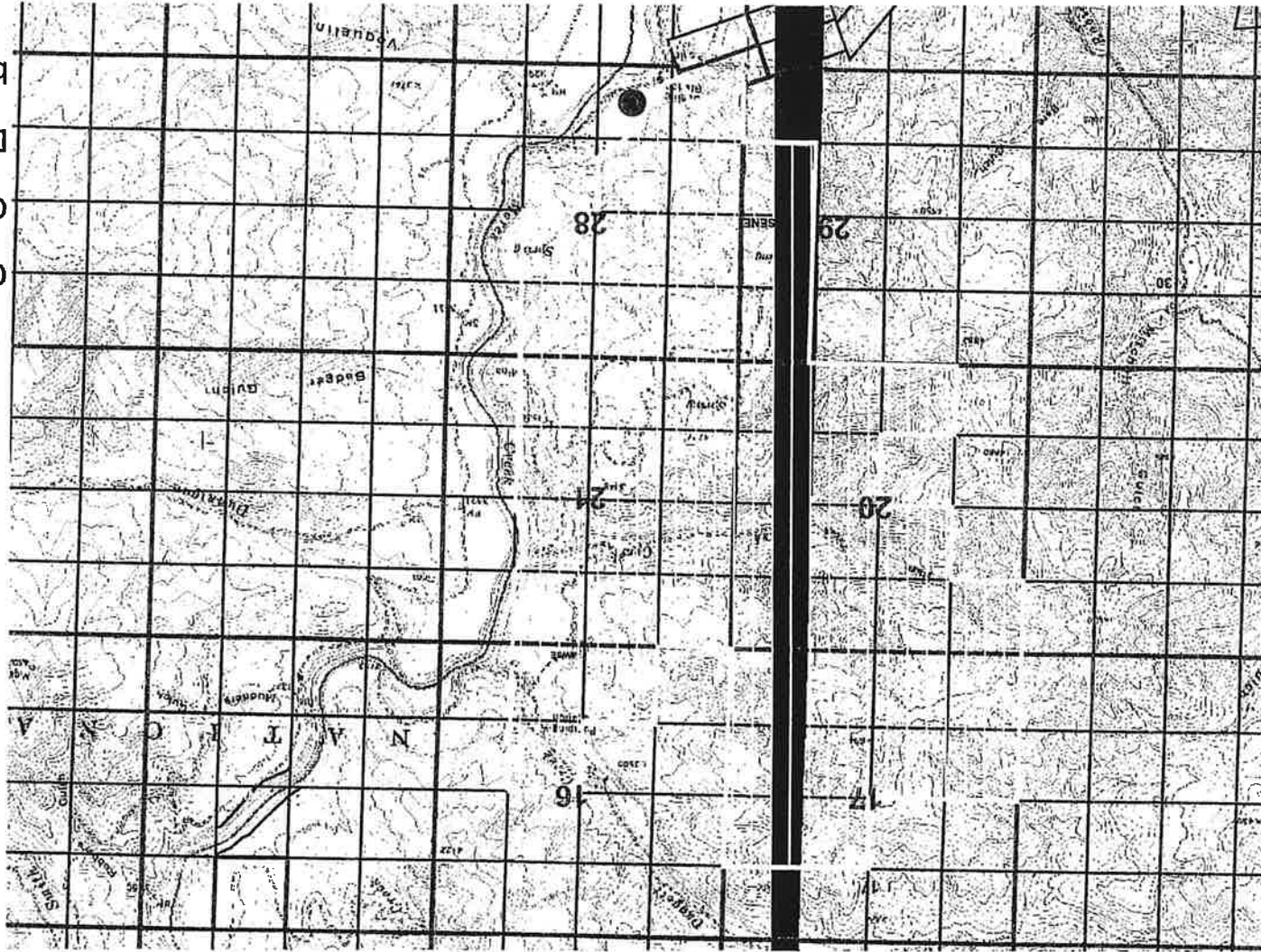
6 SECTION NUMBERS

CLAIM(S): 63-4629A

OWNER(S) : WILDERNESS RANCH I

DATE: JANUARY 10, 2002

by: Mel Schulte



RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

MAR 13 2002

NAME OF APPLICANT: Wilderness Ranch Owners Association, Inc.
WATER RESOURCES: WESTERN REGION
PHONE: 342-4554

Post Office address 46 Wilderness Ranch Road, Boise, ID 83716

1. PURPOSE OF TRANSFER

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

AMENDED

2. Describe the reason for the proposed changes Applicant proposes constructing surface water treatment plant for public water system. Water diverted from Mores Creek will be pumped directly into public water system or will be pumped into shallow aquifer for later redirection from infiltration galleries.

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

- | <u>Right Number</u> | <u>Priority</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
|--|-----------------|---------------------------|----------------------|----------------------|
| 63-4629A | 09/06/1899 | 0.45/112.4 | irrigation | 3/15 to 11/15 |
| | | | groundwater recharge | 3/15 to 11/15 |
| | | | | to _____ |
| | | | | to _____ |
| | | | | _____ |
|
Total amount of water being transferred 0.45 cubic feet per second and/or 112.4 acre-feet per annum. | | | | |
| Source of water | Mores Creek | | tributary to | Boise River |
| Point(s) of Diversion: | ground water | | tributary to | N.A. |

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	SW	28	4N	4E	Boise	Mores Creek pump
		SE	~~SW~~	28	4N	4E	Boise	* East Infiltration Gallery
		SE	SW	28	4N	4E	Boise	* West Infiltration Gallery

* = also points of redirection

5. Lands irrigated or place of use:

[illegible]

I=irrigation, E=groundwater recharge

Total Acres 32.1

PART 1

6. General Information:

a. Description of diversion system⁽¹⁾ Pump from Mores Creek to surface water treatment plant

(2) pump or gravity from surface water treatment plant to infiltration gallery
or booster pump station, (3) pump from infiltration galleries to booster
pump station, (4) booster pump station to distribution.

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. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or
contract agreeing to the proposed changes. NA

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NA

d. Remarks:

see attached 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 the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____ vs. _____
in case of _____ dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-4629A on file with the Idaho Department of Water Resources.
- d. Transfer No. 4815 which produced this right

2. Attach 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 groundwater tributary to _____

4. Date or priority 9/6/1899

5. Water is used for the following purposes:
amount 0.45/112.4 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 0.45 cubic feet per second and/or 112.4 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	SW	28	4N	4E		Boise	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4			NW 1/4			SW 1/4			SE 1/4			Total:
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4E	16													
		17			I	I									
		20	I	I	I	I					I	I	I	I	
		28	I	I	I	I	I	I	I	I	I	I	I	I	
		29	I			I									

Total Acres 32.1

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

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 _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes 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

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes 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

3. Lands irrigated or place of use:

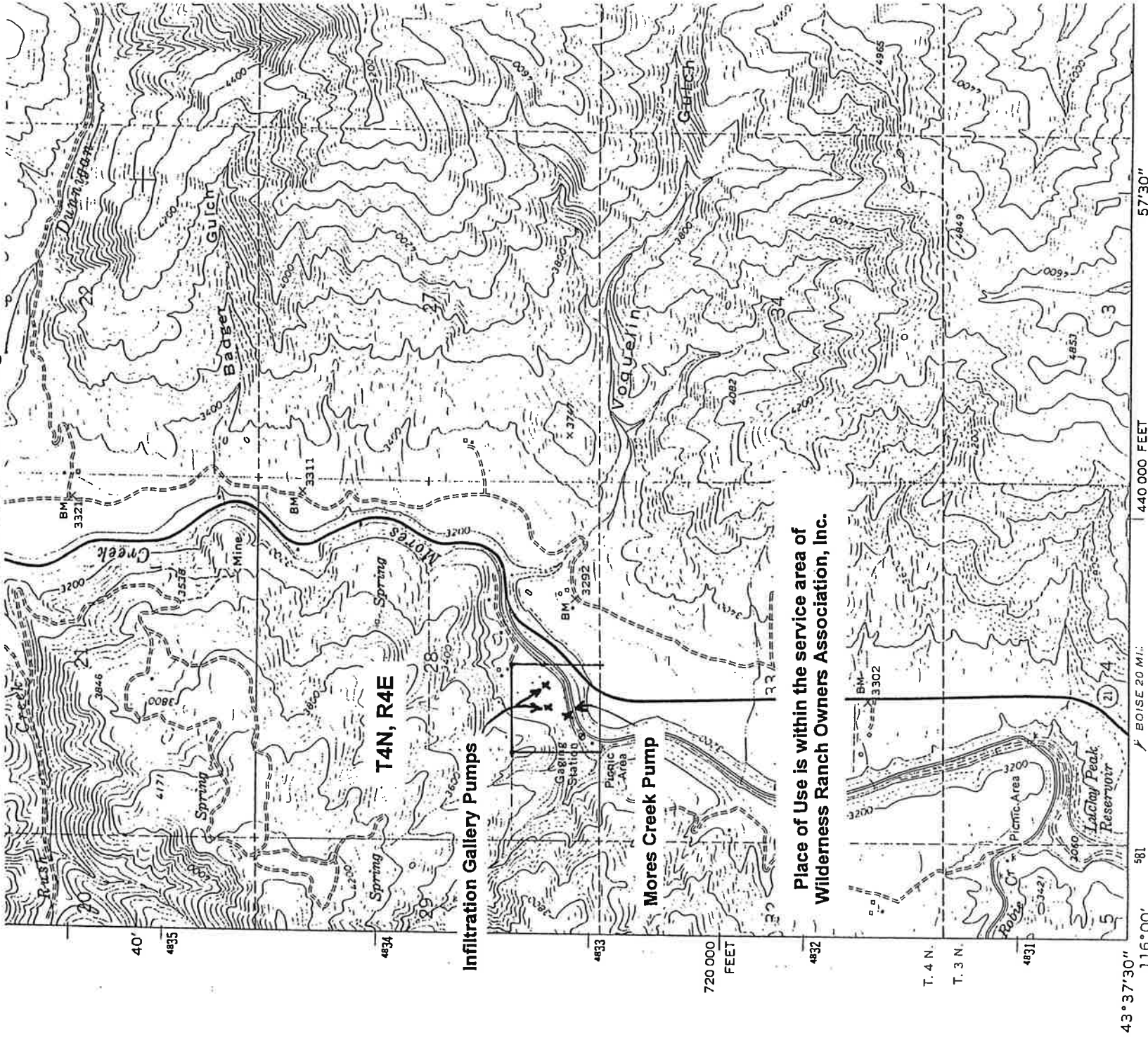
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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 the right described in part 1. Clearly depict the land by section, township and range number.



Place of Use is within the service area of
Wilderness Ranch Owners Association, Inc.

43° 37' 30" N
116° 00' W

1" = 20 MI.

440 000 FEET

57' 30"

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
groundwater recharge 0.45 / 112.4 variable 3/15 to 11/15
 to

2. Quantity and quality of return flows and location of discharge:
none

3. Describe effects on other water uses resulting from the proposed change:
none

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.

Arthur Lubben Res. WROA
 (Signature of Applicant)

Subscribed and sworn to before me this 12th day of March, 2002

(Notary Public)

My commission expires December 2, 2003

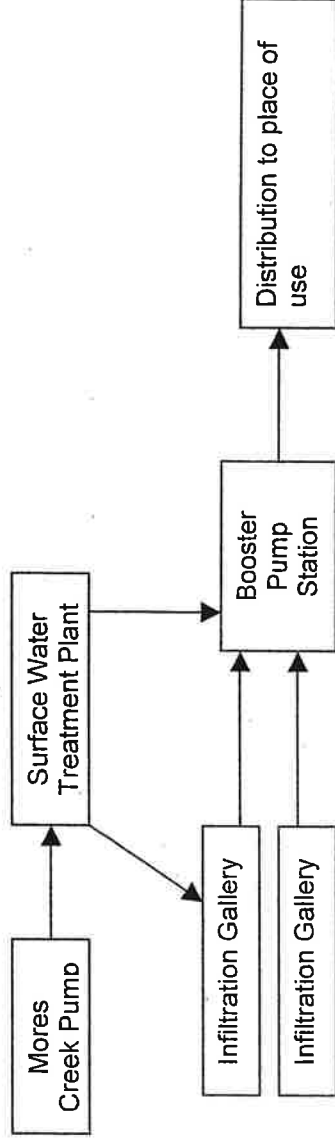
FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments
 Received by Jarin Fontaine Date 3/13/02 Protest filed by _____
 Prelim. Check by KE Fee 250
 Received by KE Date 8/2/01 W028119
 Published in IDAHO WORLD Copies of protest forwarded by _____
 Pub. Dates 4-17 + 24-02 Hearing held by _____ Date _____
 Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
 _____ received _____ by _____

Copy of transfer sent to lien holder _____

Part 1.B.6. – Remarks

1. Diversion rate in combination with 63-10318 will not exceed 0.45 cfs.
2. Annual diversion volume in combination with 63-10318 will not exceed 315.2, provided that recovery of recharged groundwater will not count toward the annual volume during the calendar year in which it is recharged.
3. This water right historically was diverted from Daggett Creek (tributary to Mores Creek upstream from proposed new diversion point). The transfer proposes to relocate a diversion point to the surface water source. Diversion from Mores Creek will be limited to those times water is available from Daggett Creek at the original point of diversion located in the NWSE Section 16, T4N, R4E.
4. Groundwater recharge will provide temporary storage for treated surface water. Use of groundwater recharge with subsequent redirection of water from the infiltration galleries will allow the surface water treatment plant to run at a relatively constant rate, rather than cycle based on demands within the water system.
5. The diversion system for 63-4629A and 63-10318 is shown schematically below.



SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

APR 05 2002

WATER RESOURCES
WESTERN REGION

April 3, 2002

Lori Graves
Senior Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Wilderness Ranch Owners Association (WROA) Application for Transfer

Dear Lori:

On behalf of WROA, this letter responds to the questions in your letter of April 2, 2002 to Mike Creamer.

1. *Why weren't both water rights 63-4629A and 63-10318 included on the transfer?*

Water right 63-10318 is a 1985-priority municipal groundwater right that is diverted on a year-around basis for municipal purposes (primarily in-home domestic use). The water right was developed from groundwater sources. Water right 63-4629A was historically a surface water right diverted from Daggett Creek (tributary to Mores Creek) with a priority date of 1899. Water right 63-4629A was transferred to the groundwater source several years ago, but we have determined that the groundwater source is not capable during drought years of supporting the authorized diversion volume under both water rights. Thus, it makes sense to utilize surface water diverted under 63-4629A in a manner consistent with its historical diversion and use during the peak use period (irrigation season) to supplement the groundwater right diverted under 63-10318.

2. *How will Mores Creek water be injected for ground water recharge?*

We anticipate that the treated Mores Creek water will be injected by gravity flow from the proposed surface water treatment plant into one of the existing infiltration galleries (i.e., horizontal wells) that are each approximately 100 feet long and less than 18 feet deep. The diversion method to recharge will probably be a simple overflow pipe from a treated-water storage tank to one of the infiltration galleries.

Recharge will occur at times when instantaneous water system demand is less than the water treatment plant production rate. For instance, if the water treatment plant is treating 0.25 cfs of surface water on a 24-hour continuous basis, but the water system is only utilizing 0.1 cfs on an instantaneous basis (such as during late evening periods), then the remaining 0.15 cfs can be diverted to groundwater recharge. At other times during the day (such as the afternoon peak-

hour demand period) when instantaneous water system demand increases to a maximum of 0.45 cfs, then 0.25 cfs of treated surface water can be diverted into the water system from Mores Creek under 63-4629A, and, as necessary, the balance of 0.20 cfs can be diverted into the water system from the infiltration galleries under water right 63-4629A (and 63-10318).

The shallow groundwater source (infiltration galleries) is currently used as the only source of water supply for the public water system serving Wilderness Ranch Subdivision. We anticipate that groundwater recharge using water diverted under water right 63-4629A will supplement the aquifer supply. Injected water will meet drinking water standards.

3. *Please describe the recharge/storage/recovery relationship between Mores Creek and ground water. In describing the relationship please answer the following questions.*

How much Mores Creek water will be diverted for recharge?

How long will recharge be stored in the galleries?

How much recharge water will be lost to seepage?

How much recharge water is recoverable?

The groundwater source is a shallow alluvial aquifer located adjacent to Mores Creek. We estimate that the aquifer has an effective area of less than 30 acres, and an average depth of less than 15 feet. The aquifer is underlain by low-permeability granitic bedrock of the Idaho Batholith. There is probably some hydraulic communication between Mores Creek and groundwater. However, it is obvious that the hydraulic link with the Creek is not adequate to keep the aquifer recharged during the late summer. Furthermore, previous investigations have indicated that the aquifer is tributary to the Creek (at least at certain times of the year) and that water produced from the aquifer (i.e., the infiltration galleries) does not show any quality impacts (turbidity, bacteria, etc.) from the Creek.

To prevent any enlargement, the transfer proposes limiting annual diversion from Mores Creek under water right 63-4629A to no more than the currently authorized 112.4 acre feet. All water diverted from Mores Creek under 63-4629A will be diverted through the proposed surface water treatment plant. The majority of the water that is treated will be discharged directly into the Wilderness Ranch distribution system. Any treated water in excess of instantaneous water system demands can be spilled to the infiltration galleries for recharge purposes. This method of operation will improve overall efficiency by allowing Wilderness Ranch to operate the surface water treatment plant at a relatively constant rate, rather than continually cycling the treatment plant to meet the variable demands of the water system.

The recharged water will be stored in the aquifer for less than one year, generally for less than one month, and often for less than one day. As a result, essentially all of the recharged water will be recoverable. Since the water will be recharged into the aquifer during the peak demand summer months, we anticipate that only a small percentage of the recharged water will be lost to seepage back into Mores Creek. The proposed system will be operated to utilize Mores Creek to satisfy the irrigation demand during summer months and to utilize groundwater primarily to satisfy in-home domestic use on a year-around basis.

To simplify accounting of water diversion under these water rights we propose the following conditions.

- Diversion volume from Mores Creek under water right 63-4629A shall not exceed 112.4 af annually.
 - Combined diversion volume into the Wilderness Ranch subdivision water system under water rights 63-4629A and 63-10318 shall not exceed 315.2 af annually.
 - Instantaneous combined diversion volume under water rights 63-4629A and 63-10318 from all sources shall not exceed 0.45 cfs.
 - Consistent with a condition of the original transfer, diversions from Mores Creek under water right 63-4692A will occur only when water would otherwise be available to fill the right from Daggett Creek.
4. *Adding a new use to a water right, without a corresponding reduction to an existing use, has not been approved by IDWR in the past. An application for transfer of water rights for ground water recharge and a companion application for a new water right were recently approved for Micron Technology. The transfer approved recharge using the old water right. Recovery was authorized by a new water right. The Micron approvals are a model for recharge/storage/recovery proposals. Please explain why this process should not be followed by WROA. Alternatively, please file the appropriate application for water right to authorize recovery of water recharged.*

The WROA transfer seeks authority to recharge the shallow aquifer (i.e., the infiltration gallery) for short-term (i.e., same season) recovery under existing water rights. No increase in diversion rate or annual diversion volume under the existing water rights is proposed. Although WROA proposes adding a new use (recharge), there will be no increase in authorized diversion rate or diversion volume, and no change in consumptive use. WROA's existing water rights already provide adequate diversion rate and volume to meet current and projected future water demands at Wilderness Ranch. In contrast, Micron's project proposes (1) credit for storage of water in the aquifer and (2) increasing the total authorized diversion rate and volume from groundwater sources to recover the recharged water. Micron's project also intends that water injected into the aquifer may not necessarily be recovered in the same year.

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Mike Creamer
Terry Baird

06/10/2002

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

RIGHT NUMBER: 63-4629A
NAME AND ADDRESS: WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716
SOURCE: GROUND WATER
MORES CREEK
QUANTITY: 0.45 CFS
112.4 AFY
TRIBUTARY: BOISE RIVER
TRIBUTARY: BOISE RIVER

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER RIGHT 63-4629A SHALL NOT EXCEED 0.45 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 112.4 AF.

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR IRRIGATION OF THE LAND.

PRIORITY DATE: 09/06/1899

POINT OF DIVERSION:

T04N R04E S28 SESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.450 CFS 112.40 AFY

PLACE OF USE: IRRIGATION Within BOISE County

T04N R04E S16	SESW	T04N R04E S16	NWSE
T04N R04E S16	SWSE	T04N R04E S17	SWNE
T04N R04E S17	SENE	T04N R04E S17	NESW
T04N R04E S17	NWSW	T04N R04E S17	SWSW
T04N R04E S17	SESW	T04N R04E S17	NESE
T04N R04E S17	NWSE	T04N R04E S17	SWSE
T04N R04E S17	SESE	T04N R04E S20	NENE
T04N R04E S20	NWNE	T04N R04E S20	SWNE
T04N R04E S20	SENE	T04N R04E S20	NENW
T04N R04E S20	NWNW	T04N R04E S20	SENW
T04N R04E S20	SESW	T04N R04E S20	NESE
T04N R04E S20	NWSE	T04N R04E S20	SWSE
T04N R04E S20	SESE	T04N R04E S21	NWNE
T04N R04E S21	SWNE	T04N R04E S21	NENW
T04N R04E S21	NWNW	T04N R04E S21	SWNW
T04N R04E S21	SESW	T04N R04E S21	NESW
T04N R04E S21	SESW	T04N R04E S21	SWSW
T04N R04E S21	SWSE	T04N R04E S21	NWSE
T04N R04E S28	SWNE	T04N R04E S28	NWNE
T04N R04E S28	NWNW	T04N R04E S28	NENW
T04N R04E S28	SESW	T04N R04E S28	SWNW
T04N R04E S28	NWSW	T04N R04E S28	NESW
T04N R04E S28	SESW	T04N R04E S29	SWSW
T04N R04E S29	SENE	T04N R04E S29	NENE
		T04N R04E S29	NESE

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32.1 ACRES WITHIN THE PLACE OF USE DESCRIBED WHICH IS ALSO KNOWN AS THE WILDERNESS RANCH SUBDIVISION.

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

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY THIS TRANSFER WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL OR MAY 28, 2003.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

DIVERSION OF GROUNDWATER AND SURFACE WATER FROM MORES CREEK IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM DAGGETT CREEK AT THE ORIGINAL POINT OF DIVERSION LOCATED IN THE NWSE, S16, T04N, R04E.

PRIOR TO DIVERSION OF WATER UNDER THIS TRANSFER APPROVAL, THE WATER RIGHT HOLDER SHALL PROVIDE A LOCATION AND MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT FOR MEASURING THE FLOW IN DAGGETT CREEK TO CONFIRM COMPLIANCE WITH THE ABOVE CONDITION.

TREATED SURFACE WATER INJECTED TO GROUND WATER THROUGH THE INFILTRATION GALLERIES IS CONSIDERED TO BE TOTALLY USED BY THE WATER RIGHT HOLDER. THE VOLUME OF WATER INJECTED TO THE INFILTRATION GALLERIES IS A PORTION OF AND IS COUNTED AGAINST THE 112.4 ACRE-FEET THAT IS AUTHORIZED FOR ANNUAL DIVERSION BY THIS WATER RIGHT.

RIGHT HOLDER SHALL COMPLY WITH ANY APPLICABLE INJECTION OR SHALLOW INJECTION WELL PERMIT REQUIREMENTS OF SECTIONS 42-3903 AND 42-3903a, IDAHO CODE.

SURFACE WATER DIVERTED FROM MORES CREEK WILL BE TREATED TO DRINKING WATER STANDARDS AND PLACED IN THE SINGLE COMMUNITY PIPELINE NETWORK SUPPLYING THE WILDERNESS RANCH SUBDIVISION. DURING PERIODS WHEN THE FLOW OF WATER TREATED EXCEEDS FLOW DEMAND FOR THE COMMUNITY, TREATED WATER WILL BE INJECTED INTO THE INFILTRATION GALLERIES.

USE OF WATER UNDER THIS APPROVAL SHALL COMPLY WITH APPLICABLE WATER QUALITY STANDARDS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

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

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE TRANSFER.

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 MAY BE AFFECTED BY AN AGREEMENT BETWEEN THE PROTESTANT AND THE RIGHT HOLDER.

MEMORANDUM

DATE: 3/22/02
FROM: Lori Graves
TO: X-fer File No. 69320
RE: Wilderness Ranch Owners Association (WROA)

Attachments

- A. Application remarks
- B. Consultant's Response Letter Dated 4/3/2002

Brief

Applicant proposes adding a P/D on Mores Creek for the WROA's public water system to be used in conjunction with ground water. Applicant will construct a treatment plant for the proposed surface water. Excess water diverted through the treatment plant will be used for ground water recharge when WROA's instantaneous water system demand is less than the water treatment plant production rate.

The transfer was prepared and submitted by applicant's consultant, Terry Scanlan, and attorney, Mike Creamer.

History

Transfer no. 4815 was approved in 1999 resulting in water right no.63-4629A. The transfer changed a portion of right 63-4629 to reflect WROA's current irrigation use of a ground water collection system installed when the subdivision was developed. WROA uses the ground water collection facility instead of the Daggett Creek diversion listed on the original claim. The implied source interconnection between Daggett Creek and the ground water collection system was recognized by the Dept. because the collection system was adjacent to Moores Creek, which is the tributary source for Daggett Creek.

The P/U was also changed, listing all the qtr-qtrs within the subdivision to allow for irrigation flexibility.

Acceptable Proposal?

Additional information was requested from applicants 4/2/02. In a response letter (Attachment B), Terry Scanlan explained that because of low water production from the ground water collection system, applicants now wish to include Mores Creek for diversion of their Daggett Creek water. The treated Creek water that is not directly

diverted to the WROA's public water system will be diverted to the ground water infiltration gallery for temporary storage. This will allow the water treatment plant to run at a relatively constant and efficient rate, rather than cycling continuously based on the variable demands of the water system. Applicants included ground water recharge on their transfer application to cover this use.

Previous investigations have indicated that the aquifer is tributary to the Creek and that water produced from the infiltration galleries does not show any quality impacts from the Creek. Since the water will be used for recharge only during peak demand summer months, applicant's anticipate only a small amount of recharged water will be lost to seepage back to the Creek.

The diversion method to recharge will be a simple overflow pipe from treated-water storage tank to one of the infiltration galleries. Recharge will occur at times when instantaneous water system demand is less than the water treatment production rate. Injected recharge water will meet drinking water standards and will often be stored for only a short time period, often less than one day.

Adding a new use to a water right, without a corresponding reduction to an existing use, has not been approved by IDWR in the past. Applicants also did not file an accompanying application for the right to recover the recharged water.

Terry explained that although WROA proposes adding a new use (recharge), there would be no increase in authorized diversion rate or diversion volume, and no change in consumptive use under the existing water rights. Also, water used for recharge would be recovered soon after it was injected. WROA's existing rights provide adequate diversion rate and volume to meet current and projected future water demands at Wilderness Ranch. Unlike a similar Micron project, WROA is not asking for credit of stored water in the aquifer and is not asking to increase the diversion rate and volume from ground water sources to recover recharged water. Micron's project also intends that the water injected into the aquifer may not necessarily be recovered the same year, whereas the applicants plan quick recovery.

Overlaps

License 63-10318 uses the same collection and distribution system as 63-4629A to cover WROA's internal domestic uses. When the two rights are combined, diversion rate is limited to .45 cfs and volume is limited to 315.2 afa. Terry Scanlan explained that the reason both rights were not included on the transfer is because 63-10318 is a year round right developed from ground water, whereas 63-4629A was historically a surface water right diverted from Daggett Creek during the irrigation season only. The right was then transferred to ground water, however during drought years the ground water source has not been able to support the authorized diversion volume under both water rights. Terry stated this is why it makes sense to utilize surface water diverted under 63-4629A in a manner consistent with its historical diversion and use during the irrigation season peak use period to supplement the ground water right diverted under 63-10318.

Recommendations

The two ground water collection galleries need to be listed as diversion points and also as re-diversion points.

A measuring device is required on the Mores Creek diversion, prior to treatment.

A measuring device is required on each ground water diversion (collection gallery).

Diversion volume from Mores Creek under this water right shall not exceed 112.4 afa.

Combined diversion volume into Wilderness Ranch Subdivision water system under this right and 63-10318 from all sources shall not exceed 315.2 afa.

Instantaneous combined diversion rate under this right and 63-10318 from all sources shall not exceed .45 cfs.

Diversion from Mores Creek under this water right will occur only when water would otherwise be available to fill the right from Daggett Creek.

WATER RIGHT NO. 63-4629A
As Modified by Transfer No. 69320

In accordance with the approval of Transfer No. 69320, Water Right No. 63-4629A is now described as follows.

Right Holder: WILDERNESS RANCH OWNERS ASSN INC
 46 WILDERNESS RANCH RD
 BOISE ID 83716

Priority Date: 09/06/1899

Source: MORES CREEK
 GROUND WATER

Tributary: BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.45 CFS	112.4 AF
			0.45 CFS	112.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 28 Twp 04N	Rge 04E	BOISE County
GROUND WATER	SESW	Sec. 28 Twp 04N	Rge 04E	BOISE County
MORES CREEK	SESW	Sec. 28 Twp 04N	Rge 04E	BOISE County

<u>PLACE OF USE:</u>			<u>IRRIGATION</u>								<u>Totals</u>			
<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>		<u>NW</u>		<u>SE</u>		<u>SW</u>		<u>SE</u>			
			<u>NE</u>	<u>NW</u>	<u>SE</u>	<u>SW</u>	<u>NE</u>	<u>NW</u>	<u>SE</u>	<u>SW</u>	<u>NE</u>	<u>NW</u>	<u>SE</u>	
04N	04E	16										X	X	
04N	04E	17			X					X	X	X	X	
04N	04E	20		X	X				X		X	X	X	
04N	04E	21			X			X	X	X	X	X	X	
04N	04E	28		X	X			X	X	X	X	X	X	
04N	04E	29	X								X			

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 32.1 acres annually within the place of use described above which is also known as Wilderness Ranch Subdivision.
2. The total instantaneous diversion of water from all points of diversion under Right 63-4629A shall not exceed 0.45 cfs, nor total combined annual volume of 112.4 af.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
4. 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.

WATER RIGHT NO. 63-4629A
As Modified by Transfer No. 69320

CONDITIONS OF APPROVAL

5. Diversion of groundwater and surface water from Mores Creek is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T4N, R4E.
6. Prior to diversion of water under this transfer approval, the water right holder shall provide a location and means of measurement acceptable to the Department for measuring the flow in Daggett Creek to confirm compliance with the above condition.
7. Surface water diverted from Mores Creek will be treated to drinking water standards and placed in the single community pipeline network supplying the Wildemess Ranch Subdivision. During periods when the flow of water treated exceeds flow demand for the community, treated water will be injected into the infiltration galleries.
8. Treated surface water injected to ground water through the infiltration galleries is considered to be totally used by the water right holder. The volume of water injected to the infiltration galleries is a portion of and is counted against the 112.4 acre-feet that is authorized for annual diversion by this water right.
9. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
10. Right holder shall comply with any applicable injection or shallow injection well permit requirements of Sections 42-3903 and 42-3903A, Idaho Code.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
12. Use of water under this right may be affected by an agreement between the protestant and the right holder.
13. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 28 day of May, 2002



Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69320

This is to certify that: WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716
(208)342-4554

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
63-4629A	AJC/Beneficial Use	09/06/1899	0.45 cfs	112.4 af		N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add:POD	Period of Use	Nature of Use
63-4629A	NO	NO	NO	YES	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	Total Acres
63-4629A	63-4629A	0.45 cfs	112.4 af	32.1	N/A		N/A	N/A	N/A	N/A
TOTALS		0.45 cfs	112.4 af	32.1	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 28 day of May, 2002

 Chief, Water Allocation Bureau

RECEIVED
JUN 05 2002
WATER RESOURCES
WESTERN REGION

Western

IDAHO DEPARTMENT OF WATER RESOURCES 01/11/2002

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

63-4629A

NAME AND ADDRESS: WILDERNESS RANCH OWNERS ASSOCIATION INC
 46 WILDERNESS RANCH RD
 BOISE ID 83716

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.45 CFS
 112.4 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR IRRIGATION OF THE LAND.

PRIORITY DATE: 09/06/1899

POINT OF DIVERSION:

 T04N R04E S28 SESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.450 CFS 112.40 AFY

PLACE OF USE:

IRRIGATION Within BOISE County

T04N R04E S16	SESW	T04N R04E S16	NWSE
T04N R04E S16	SWSE	T04N R04E S17	SWNE
T04N R04E S17	SENE	T04N R04E S17	NESW
T04N R04E S17	NWSW	T04N R04E S17	SWSW
T04N R04E S17	SESW	T04N R04E S17	NESE
T04N R04E S17	NWSE	T04N R04E S17	SWSE
T04N R04E S17	SESE	T04N R04E S20	NENE
T04N R04E S20	NWNE	T04N R04E S20	SWNE
T04N R04E S20	SENE	T04N R04E S20	NENW
T04N R04E S20	NWNW	T04N R04E S20	SESW
T04N R04E S20	SESW	T04N R04E S20	NESE
T04N R04E S20	NWSE	T04N R04E S20	SWSE
T04N R04E S20	SESE	T04N R04E S21	NWNE
T04N R04E S21	SWNE	T04N R04E S21	NENW
T04N R04E S21	NWNW	T04N R04E S21	SWNW
T04N R04E S21	SESW	T04N R04E S21	NESW
T04N R04E S21	NWSW	T04N R04E S21	SWSW
T04N R04E S21	SESW	T04N R04E S21	NWSE
T04N R04E S21	SWSE	T04N R04E S28	NWNE
T04N R04E S28	SWNE	T04N R04E S28	NENW
T04N R04E S28	NWNW	T04N R04E S28	SWNW
T04N R04E S28	SESW	T04N R04E S28	NESW
T04N R04E S28	NWSW	T04N R04E S28	SWSW
T04N R04E S28	SESW	T04N R04E S29	NENE
T04N R04E S29	SENE	T04N R04E S29	NESE

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32.1 ACRES WITHIN THE PLACE OF USE DESCRIBED WHICH IS ALSO KNOWN AS THE WILDERNESS RANCH SUBDIVISION.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Statutory Claim

DIVERSION OF GROUNDWATER IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM DAGGETT CREEK AT THE ORIGINAL POINT OF DIVERSION LOCATED IN THE NWSE, S16, T04N, R04E.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). AK3-4629A _____

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: Add attorney ok
☒ No Change ADDRESS
☐ NEW ADDRESS: _____

2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: 9-6-1899
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use	_____	From	_____	To	_____	Amount	_____	CFS	_____	AFA
Use	_____	From	_____	To	_____	Amount	_____	CFS	_____	AFA
Use	_____	From	_____	To	_____	Amount	_____	CFS	_____	AFA

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use:	_____	Township	_____	Range	_____	Section	_____	1/4	_____
Use:	_____	Township	_____	Range	_____	Section	_____	1/4	_____
Use:	_____	Township	_____	Range	_____	Section	_____	1/4	_____
Use:	_____	Township	_____	Range	_____	Section	_____	1/4	_____

Remarks: (Comments pertinent to field examination) See additional attachment

Based on approved transfer 4815

C18, - 3 conditions from transfer 4815

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☒ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER:

_____ Print Name

Mal Schulte
_____ Signature

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 4815
WATER RIGHT NO. 63-04629A

This is to certify that: WILDERNESS RANCH LTD
6065 KAREN DR
MERIDIAN ID 83642

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.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	0.45 CFS	112.4 AF

SOURCE

GROUNDWATER *

Priority: 09/06/1899

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 28, Towns..p 04N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION **	ACRES	ACRES	ACRES	TOTAL
04N 04E 16	SESW	NWSE	SWSE	
17	SWNE	SENE	NESW	
	NWSW	SESW	SESW	
	NESE	NWSE	SWSE	
	SESE			
20	NENE	NWNE	SWNE	
	SENE	NENW	NWNW	
	SESW	SESW	NESE	
	NWSE	SWSE	SESE	
21	NWNE	SWNE	NENW	
	NWNW	SWNW	SESW	
	NESW	NWSW	SWSW	
	SESW	NWSE	SWSE	
28	NWNE	SWNE	NENW	
	NWNW	SWNW	SESW	
	NESW	NWSW	SWSW	
	SESW			
29	NENE	SENE	NESE	

TRANSFER NO. 4815
WATER RIGHT NO. 63-04629A

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of Transfer 4815 does not confirm Claimed Right 63-04629A.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
- * 3. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T04N, R04E.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Daggett Creek at the original point of diversion.
5. 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.
- ** 6. Right 63-04629A is limited to the irrigation of 32.1 acres within the place of use described above also known as the Wilderness Ranch Subdivision.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this 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 the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 20th day of January, 2000.


Chief, Water Allocation Bureau

Mr. Steve Lester
April 15, 1997
Page 9

cfs of its Daggett Creek right to Hollinger/Bradshaw. The Hollinger/Bradshaw SRBA claim is for 0.12 cfs, with a point of diversion from Daggett Creek in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, T. 4N., R. 4E., B.M., Boise County, Idaho. The water is for irrigation of 5.6 acres.

A second claim to this water right has been filed by James C. Smith, Claim No. A63-04629C, for 0.04 cfs with a point of diversion from Daggett Creek in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, T. 4N., R. 4E., B.M., Boise County, Idaho. The water is for irrigation of 2.0 acres, Lots 22 and 23 of WILDERNESS RANCH NO. 1 according to the plat thereof filed as Instrument No. 97070, records of the Boise County Recorder, Boise County, Idaho.

The applicant has filed an amendment to his SRBA claim contemporaneously with the submission of this letter for the purpose of bringing the claim current with the present use being made.

The original right asserted by the applicant is for a priority of September 6, 1899. That right is based upon a Notice of Water Right filed by C. O. Roice which was dated September 6, 1899 and recorded with the Boise County Recorder on September 13, 1899 in Book 3 of Water Rights at page 264. The notice states that the water claimed is to irrigate the "little flat between Daggett Creek and Rush Creek." The original patentee of the land upon which the use was made was Fred S. Roice, son of C. O. Roice. Comprising tab 5 are the following:

- (a) Deed from Wilderness Ranch, Ltd., to Hollinger/Bradshaw;
- (b) Map showing location of Hollinger/Bradshaw property;
- (c) A copy of the Notice of Water Right as filed with the Boise County Recorder;
- (d) A copy of the same Notice of Water Right which has been typed by me for ease of reading;
- (e) Homestead Proof, testimony of claimant, Fred S. Roice as obtained from the patent file in the National Archives;
- (f) Homestead Proof, testimony of witness, Thomas Hedrick, dated February 26, 1906, as obtained from the patent file in the Office of the National Archives;
- (g) Homestead Proof, testimony of witness, Clay Williamson,

RECEIVED

NOV 30 1999

Department of Water Resources

WILLIAM D. COLLINS
Idaho State Bar No. 1054
WESTBERG, McCABE & COLLINS, CTD.
ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
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ATTORNEYS FOR PETITIONER

BEFORE THE DIRECTOR
IDAHO DEPARTMENT OF WATER RESOURCES

In the Matter of Application
for Transfer No. 4815

) Case No.
)
)
)

PETITION FOR RECONSIDERATION
BY WILDERNESS RANCH, LTD.

COMES NOW, WILDERNESS RANCH, LTD., the Applicant for the above transfer through its attorney, William D. Collins of the firm of Westberg, McCabe & Collins, Ctd., and hereby petitions the Director for reconsideration of the decision approving the transfer. The Applicant asserts that the decision is in error for failure to recognize a priority date for the water right of September 13, 1899, and for failure to list as a place of use the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 4 N., R. 4 E., B.M., Boise County, Idaho.

PETITION FOR RECONSIDERATION - 1
wdc\WR.6126\PetRecon.113099

Priority Date.

The claimed priority date of September 13, 1899, is based upon the "Statutory Notice Act" of 1899 which is set forth in the Session Laws of 1899, page 380. This provision of the Idaho law was subsequently repealed when the legislature enacted the permit statutes which exist today in 1903. The then owner of the property, C. O. Roice, recorded with Boise County Recorder the required Notice. A copy of the Notice was attached as Exhibit D to the Application for the Transfer. That Notice was also provided to the Department as Item 5.(c) and (d) in the Supplement to the letter of William D. Collins to the Department dated April 15, 1997 (Supplement). This Notice of Claim was also further supported by Affidavits from the Department of Interior patent files which were attached to the Supplement as Item 5.(e), (f), and (g). Continuing use of the water was further supported by the Affidavits included in the Supplement as Item 1.(b) and Item 1.(c).

The act of assigning the priority to the Transfer Application of March 15, 1960 is believed to occur as a result of the claim to a water right filed with the Department December, 1978 by Mrs. Stanley M. Jones, the then owner of the property pursuant to the provisions of Idaho Code, § 42-225a (which is now Idaho Code, § 42-243). In that claim Mrs. Stanley M. Jones asserted the priority of March 15, 1960. However, she added the following phrase to the

claim:

Water has been diverted from Daggett Creek for this land since 1890 but documentation at this point in time is only available for the listed priority date. If further information becomes available, this claim may be amended to reflect the earlier priority.

Thus, while Mrs. Stanley M. Jones asserted a priority of March 15, 1960, she clearly indicated that the actual priority was much earlier (1890) but did not have the documentation to support the earlier date. It is believed that the information accompanying this Application supports the earlier date of September 13, 1899.

Place of Use.

The Department did not conclude that the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 4 N., R. 4 E., B.M., Boise County, Idaho, is an area where the place of use could be made. It is assumed that this is based upon the staff's conclusion that since no irrigation use had been found on that fractional 40 acre parcel, the transfer would not be approved for that fractional section. Approximately one-half of that 40 acre parcel is outside the Wilderness Ranch Subdivisions. The other half lies within Wilderness Ranch No. 4, according to the plat thereof recorded as Instrument No. 104893, records of the Boise County Recorder, Boise County, Idaho. The part that lies within Wilderness Ranch No. 4 would be roughly that portion which would comprise the northeasterly half of the fractional section. A Map is attached as Exhibit A showing that fractional section in relation to

the three affected lots within Wilderness Ranch No. 4. Lot 61 contains approximately 18.94 acres, Lot 62 contains approximately 26.11 acres and Lot 63 contains approximately 19.34 acres. Water lines have been run to each of those lots terminating on the boundary of each lot in an area which would fall within a fractional section which has been approved as a place of use. However, it is conceivable, but not likely, that the owner of each lot when they construct their residence could construct the residence on that portion of each lot which falls within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29. If this becomes the case, then use of the water would technically be prohibited at the residence. What the Applicant would request is that the Department also approve the transfer as to any part of Lots 61, 62 and 63 of Wilderness Ranch No. 4 which fall within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29.

WHEREFORE, Wilderness Ranch, Ltd., respectfully requests the Department correct the transfer to change the priority date to September 13, 1899 and to also add to the place of use that part of Lots 61, 62 and 63 that fall within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 4 N., R. 4 E., B.M., Boise County, Idaho and simply exclude that portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29 which lies outside of Wilderness Ranch No. 4.

DATED this 30 day of November, 1999.

WESTBERG, MCCABE & COLLINS, CTD.

By William D. Collins
William D. Collins
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30 day of November, 1999, a true and correct copy of the foregoing document was served by first-class mail, postage prepaid, and address to; by FAX transmission addressed to; or by personally delivering to or leaving with a person in charge of the office; or by Federal Express, as indicated below:

Michael C. Creamer
Givens Pursley, LLP
277 N. 6th, Ste. 200
P.O. Box 2720
Boise, ID 83701-2720
(Attorneys for Wilderness Ranch Owners'
Association, Inc.)

☒ U.S. Mail
☐ FAX (208) 388-1201
☐ Hand Delivery
☐ Federal Express

William D. Collins
William D. Collins

MEMO

DATE: 1/6/1999
FROM: Lori Graves
TO: X-fer File 63-04629
RE: Review

Wilderness Ranch, Ltd., filed an application for transfer no. 4815 April, 1996. The transfer is based on statutory claim 63-04629 for irrigation of 80 acres from Daggett Creek.

ATTACHMENTS

- A. Response from William Collins dated 4/15/97 to Steve Lester's 5/2/96 letter.
- B. SRBA filings and maps.
- C. Plat map and system diagrams.
- D. Field notes

CHANGES PROPOSED

1. P/D from Daggett Creek to a buried water collection pipe system.
2. P/U to more accurately reflect irrigation within Wilderness Ranch subdivision.

BENEFICIAL USE FOUND

Water right 63-10318 is a ground water permit for domestic use from the same system. A field exam was conducted in 1998 to determine the extent of beneficial use for the permit and this transfer. Beneficial use found was 338 home sites (178 existing) and 55 acres of lawns (see photos and acreage evaluation, attachment D). Beneficial use was not found in the NESE Section 29 as listed on the transfer. This area consisted of only natural vegetation.

Pumping Capacity Volume

The system diversion capacity is .45 cfs or 200 gpm (see 63-10318 field exam). $288,000\text{gpd} \times \text{pumping capacity} \times 365\text{dys} = 105,120,000\text{gpy}/325,850 = 322.6 \text{ afa.}$

Required Volume

$338 \text{ hms} \times .6 = 202.8 \text{ afa (domestic use)}$
 $55 \text{ acres} \times 3.5 = 192.5 \text{ afa (irrigation use)}$
395.3 afa

Based on the above analysis, there is an apparent water shortage. As a result, Wilderness Ranch installed 217,841 gallons of storage capacity to buffer the subdivision's peak periods. This coupled with the fact that the external domestic use is less than normal due to the subdivision's mountainous location, helps the system meet the subdivision's water needs.

During the field exam, the original diversion system from Daggett Creek developed for statutory claim 63-04629 was verified. The system consisted of two diversion points: an upper and lower ditch. A 40 hp pump system was installed in 1967 and it's location is actually labeled on the topo map. The ditch system above the pump station was abandoned. No pump curves were available for the 40 hp pump. Based on 10' lift and 10 psi, a theoretical calculation showed historical pumping capacity at 7.4 cfs.

After consulting SRBA staff and reviewing napp photos, orthophotoquads, and submitted documentation for statutory claim 63-04629, it was determined that ~60 acres could have been historically irrigated from the gravity ditch or pump system. 55 acres of the original 60 have were found to be irrigated within the last 5 years, dispersed throughout the Wilderness Ranch Subdivision. The other 25 acres listed on the claim were not included as acres available for transfer due to non-irrigation. As advised by the SRBA staff, the early 1899 priority date claimed appeared sufficiently justified per submitted copies of the posted notice and homestead entries (items 5.c-g., attachment A) and supporting affidavits (items 1.b- c., attachment A).

OVERLAPS & SRBA

Three SRBA claims were filed on the statutory right: A63-04629A for Wilderness Ranch, A63-04629B for Hollinger/Bradshaw, and A63-04629C for Smiths (attachment B).

Claim B lists the old pump station as the p/d and 4 acres irrigation. Because the 4 acres are **above** the old pump station at a higher elevation, it is unlikely that these acres received Daggett Creek water after 1967. The 4 acres are not within the 60 acres considered historically irrigated.

Claim C was filed to resolve claimant's protest of the transfer and represents the separate 2 acre split described in the transfer. The 2 acres are within Wilderness Ranch boundaries, but propose a separate (private) diversion system directly from Daggett Creek. The 2 acres are located within the 55 acre area determined to be currently irrigated and are located **below** the old pumping station. No other rights are used.

Applicants submitted sufficient documentation supporting development prior to 1987 and use within the last 5 years (attachment A). No post 1987 changes are being proposed.

SOURCE ISSUES

Per documentation submitted in item 2, attachment A, the first ground water infiltration gallery was installed in late 1984 to serve the early stages of the Wilderness Ranch Development. This appears to be the date when the source was changed from Daggett Creek to ground water, which would constitute an accomplished transfer if the implied source interconnection is recognized by the department. Note: there are no other water rights on Daggett Creek between the old pump station and Mores Creek, except for claim A63-04629C referenced above.

An affidavit from Myrl Schroeder (item 2.a., attachment A) is the only reference to the implied interconnection between the ground water source and Mores Creek. No independent documentation has been provided to support his affidavit.

It is unlikely that future consumptive uses will be allowed for

Wilderness Ranch for surface water &/or ground water because they are located above Star bridge and are tributary to the Boise River. If this transfer is not approved, Wilderness Ranch is irrigating 55 acres without a water right and without the option of obtaining a water right. If this transfer is approved, Wilderness will have a water right for irrigating the 55 acres of lawn found in association with the 178 existing homes. Lawn use for the remaining lots is not included and not allowed under this transfer.

RECOMMENDATIONS

The validity of Myrl Schroeder's affidavit regarding the source interconnection remains a question to be evaluated by IDWR Administration.

Based on water right verification, overlap review, and system capacity, this transfer looks approvable.

Wilderness Ranch: 63-04029A

.45 cfs system capacity

55 acres irrigated (see attachment D for distribution list and map)

55 x 3.5 = 192.5 afa required

.45 cfs x 184 x 1.9835 = 164.2 afa diverted

63-04029A: .45 cfs 164.2 afa (external use)

63-10318: .45 cfs 202.8 afa (internal use)

.45 cfs 322.6 afa (combined capacity)

Balance:	63-04029:	1.60 cfs	80 acres
	<u>-63-04029A:</u>	<u>-.45 cfs</u>	<u>-55 acres</u>
	63-04029B:	1.15 cfs	25 acres

Preliminary SRBA results:

A63-04029A: .45 cfs 55 acres 164.2 afa

A63-04029C: .04 cfs 2 acres 7.0 afa

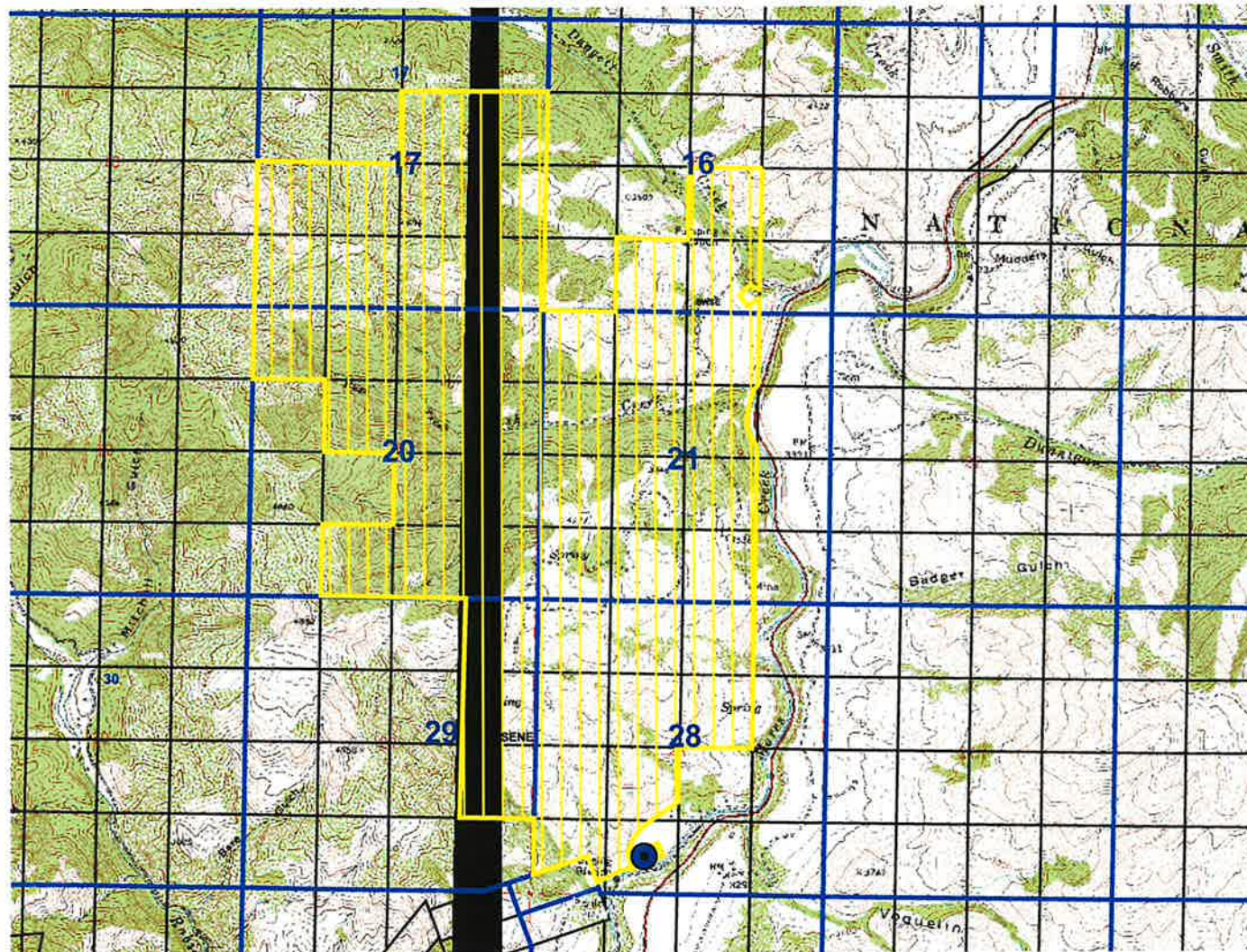
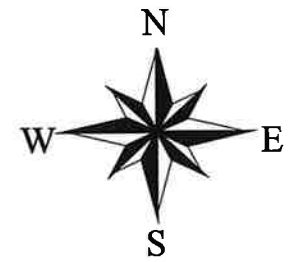
(The 2 acres are part of the 55 acres served by the transfer and should be limited to .02 cfs, 3.5 afa per acre).

A63-04029B: Appears forfeited

CC: A63-04629A, B, C

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S16, S17, S20, S21, S28 & S29



1987 NAPP PHOTO

- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-4629A

OWNER(S) : WILDERNESS RANCH LTD

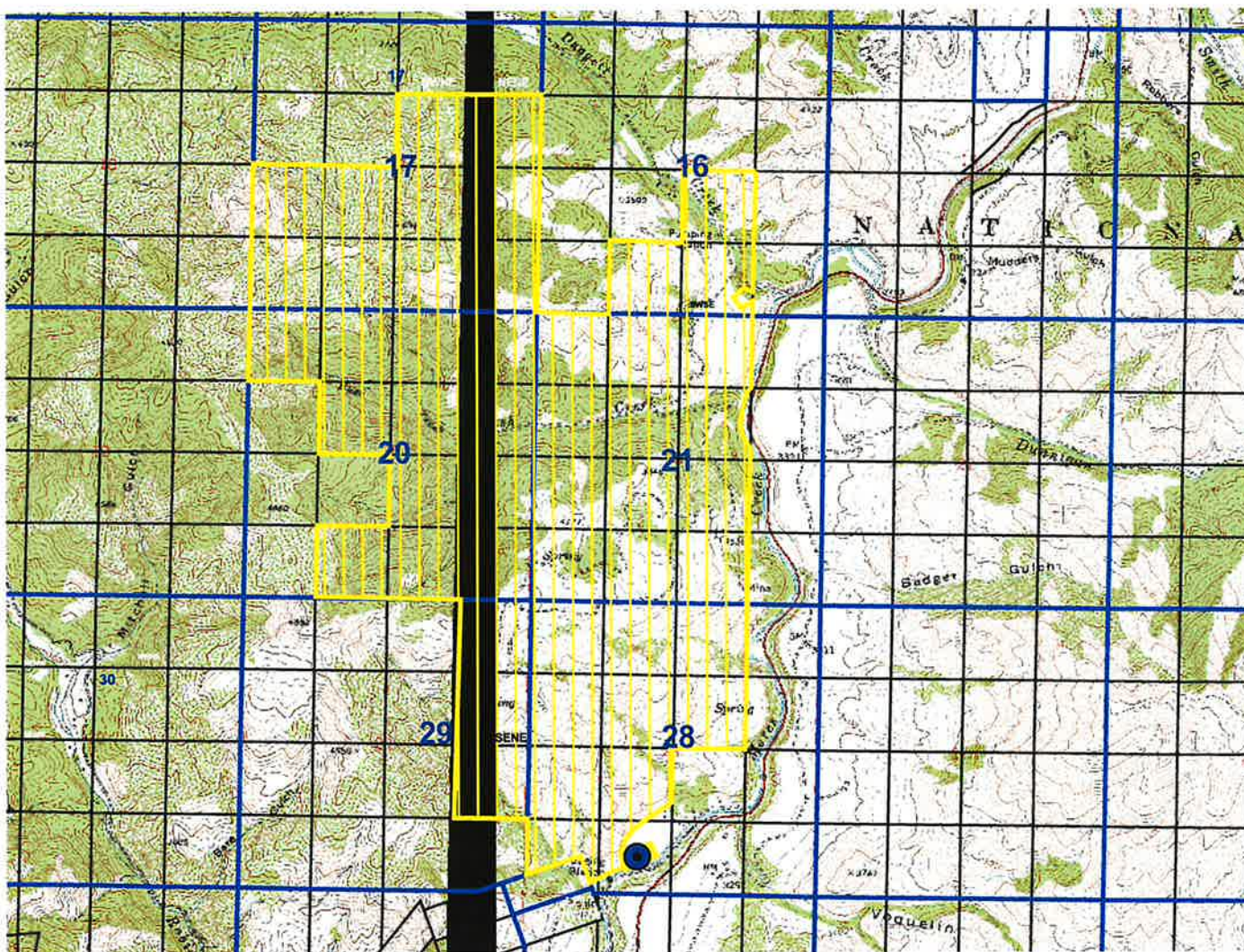
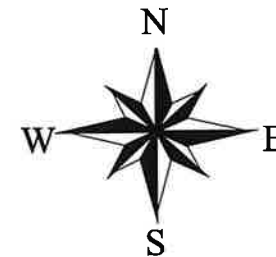
DATE: JANUARY 10, 2002

by: Mel Schulte

0 0.25 0.5 0.75 1 1.25 1.5 1.75 2 2.25 2.5 2.75 3 3.25 3.5 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S16, S17, S20, S21, S28 & S29



1987 NAPP PHOTO

-  POINT OF DIVERSION
-  PLACE OF USE
-  1/4 1/4 LINES
-  SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-4629A

OWNER(S) : WILDERNESS RANCH LTD

DATE: JANUARY 10, 2002

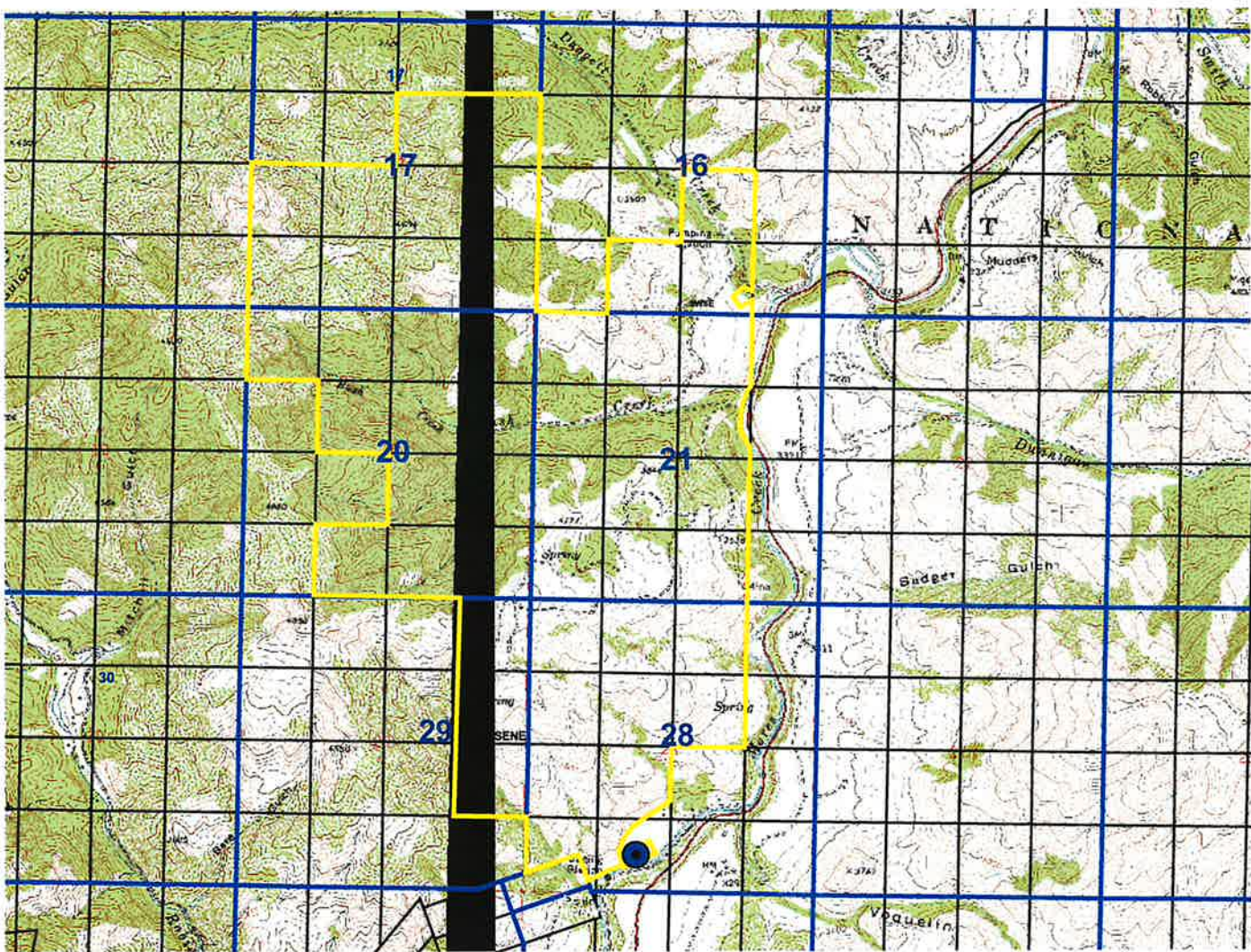
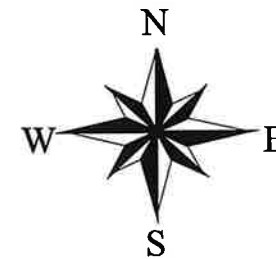
by: Mel Schulte

0 0.25 0.5 0.75 1 1.25 1.5 1.75 2 2.25 2.5 2.75 3 3.25 3.5 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S16, S17, S20, S21, S28 & S29



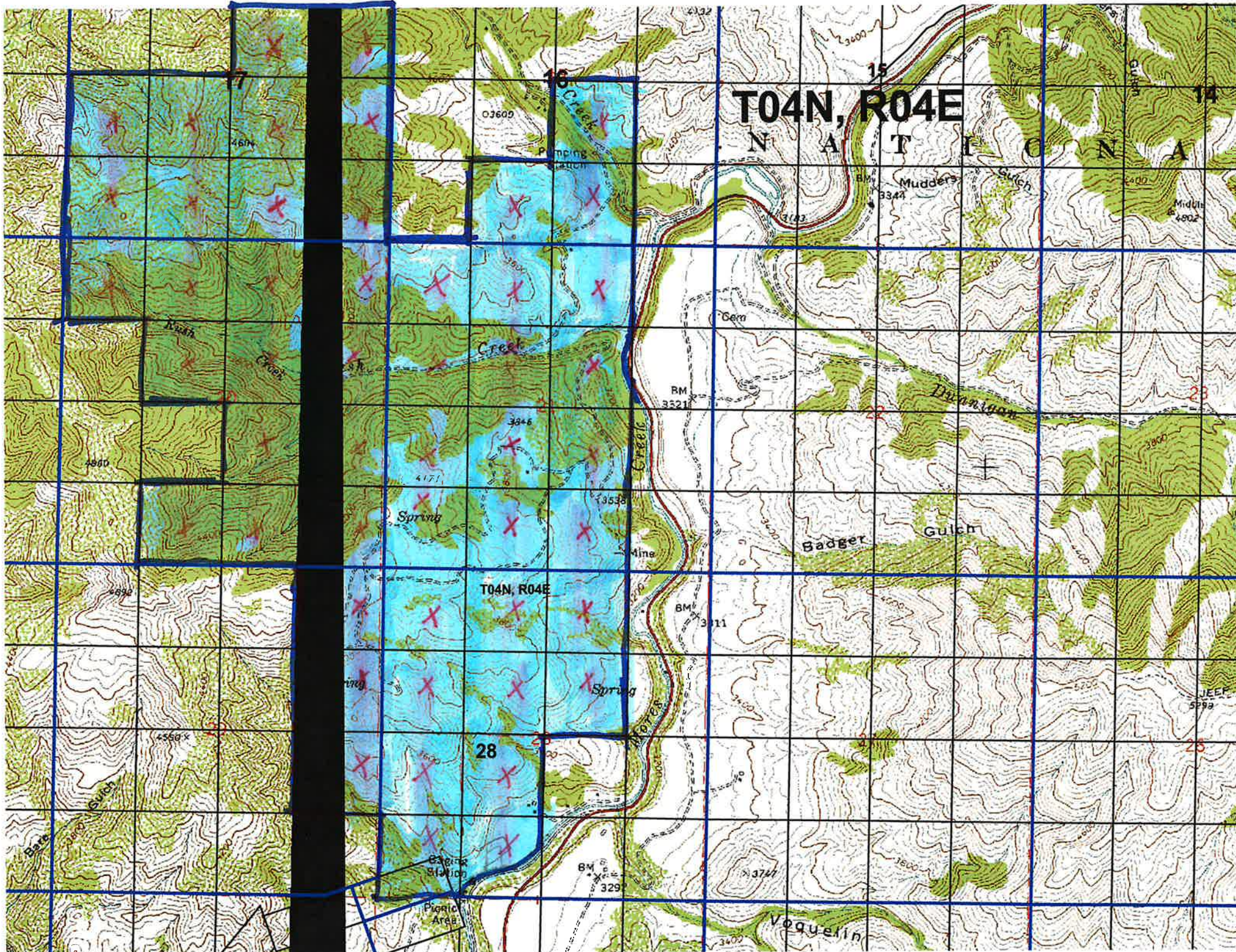
1987 NAPP PHOTO

- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES

6 ACRES
6 SECTION NUMBERS

CLAIM(S): 63-4629A
OWNER(S) : WILDERNESS RANCH LTD
DATE: JANUARY 10, 2002
by: Mel Schulte







State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

WILDERNESS RANCH OWNERS
ASSOCIATION INC
46 WILDERNESS RANCH RD
BOISE, ID 83716

Re: Claim No(s) .63-4629A

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

5

RECEIVED

FEB 07 2001

WATER RESOURCES
WESTERN REGION

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET

P. O. BOX 2836

BOISE, IDAHO 83701-2836

PAULL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

February 7, 2001

HAND DELIVERED

Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

RE: SRVA Claim No. A63-04629A

Dear Sir or Madam:

I am enclosing with this letter a Second Amended Claim regarding the above matter along with a copy of that Second Amended Claim. I would like the copy stamped by your office with the received date and returned to the runner delivering this letter to you.

Idaho Code §42-1409(2) requires that we file this Second Amended Claim because of an approved transfer application, transfer no. 4815, which was approved by the Department January 20, 2000.

This Second Amended Claim does not increase the amount of water claimed, the amount of land irrigated or otherwise change the use so as to require an additional fee to be paid under the provisions of Idaho Code §42-1414. Therefore, I assume that no filing fee is required. If a filing fee is required, please advise my office and I will remit it to you.

Very truly yours,

WESTBERG, McCABE & COLLINS, Ctd.



William D. Collins

WDC:tc



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 2, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM D COLLINS
WESTBERG MCCABE & COLLINS CTD
PO BOX 2836
BOISE ID 83701-2836

RE: TRANSFER APPLICATION NO. 4815 FOR RIGHT NO. 63-004629

Dear Mr. Collins:

Your prompt response dated and received on April 30, 1996 regarding the transfer application for Wilderness Ranch was appreciated. I understand your point about the 1960 versus the 1899 date of priority. I do not see a pressing need to re-advertise the application since the original legal notice did at least refer to the earlier date, and the issue of priority will be included in the department's transfer processing. However, if you think that a clarifying legal notice is necessary, please call me so that we can arrive at a satisfactory solution.

At this time, the normal advertising process will continue, but additional review by this office will be delayed pending your responses to the items enumerated by this letter. The items focus on the historical use and more current verification of use of this right, which must include an airing of the information found in the department's SRBA files, namely SRBA Claim Nos. A63-04629A and A63-04629B.

On a related matter, your letters of October 12 and 13, 1995, submitted with supporting documentation to amend Statutory Claim No. 63-04629, will be included in the review process for the transfer application. Any related SRBA claim will automatically be amended to match the water right as it is defined by the department's transfer process. A claimant always has the chance to further amend a SRBA claim after that claim has been redefined by a completed transfer. For example, if the department does not recognize the earlier priority date in the transfer proceedings and the SRBA claim reflects a later priority date due to the transfer process, the claimant can amend the SRBA claim to include the earlier date, in which case the issue would ultimately be settled by the court. In this manner the water right and SRBA aspects of a situation are inter-related.

For transfer No. 4815, please provide supporting documentation outlined in the enclosed list. The purpose of the information is to explain the historical use of the water right, reconcile any SRBA discrepancies, and verify the extent of beneficial use within the last five year period.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

5-6-96

NOTE: COPIED FROM TRANSFER FILE - ORIG. CORRE SPONSORANCE & AMENDED CLAIM IN TRANSFER FILE. ONCE TRANSFER IS COMPLETED IT WILL AMEND THE CLAIM. THIS IS FOR INFORMATION PURPOSE
(in celebrating our Centennial Year of Service to Idaho 1905-1005 ~ 95)

MICROFILMED
OCT 07 1996

May 2, 1996

CHECKLIST FOR SUBMITTING ADDITIONAL INFORMATION

- 1) Change from ditch to pump - IDWR file information indicates that the Daggett Creek diversion changed from a gravity ditch system to a pump system sometime in the mid-1960's. Are any records available to substantiate the pumping of water from the creek for irrigation use (pump records or tests, power records, etc.)?
- 2) Change in source etc. prior to Nov., 1987 (accomplished transfer in SRBA) - The transfer file indicates that the Daggett Creek pump diversion was changed to a shallow ground water collection system, the same diversion system described in Permit No. 63-10318. That permit includes a "proof of beneficial use" form stating that the diversion and use of ground water was completed by August, 1985 which is prior to the November, 1987 SRBA commencement. This suggests that an accomplished transfer had occurred by 1987 whereby the source, diversion point and apparently the place of use had changed from the historical elements of the water right. See the next paragraph if this a correct conclusion.

What documentation can be submitted to support this accomplished transfer? Power records, pump records, receipts, affidavits, aerial or other photographs, and other similar evidence would be helpful. What evidence validates the implication that the ground water source is tributary to Mores Creek?

- 3) Changes after Nov., 1987 - Have any changes in the water right usage occurred after November, 1987? This refers to completed changes, not proposed changes. If so, to what extent can these changes be documented?
- 4) Verifying use within last five years - To address the forfeiture issue, provide information to verify the maximum extent of beneficial use within the last five irrigation seasons, from 1991 through 1995. Specifically, what information can be gathered to define the maximum rate of flow diverted through the existing diversion and to map the location and number of acres being irrigated?
- 5) Licensing of Permit 63-10318 - It appears that this permit is a duplication of the shallow ground water system but is used for in-house use in the development. The system capacity is apparently .47 cfs. A field examination of the permit system would be useful to coordinate your information-gathering with that by the department as we proceed with the transfer and the permit, which is a likely candidate for licensing (proof already filed, etc.).

To conduct the field exam of the permit, this office would need the following items to be assembled by the permittee and available for use during the exam:

pump curves for any pumps in use, pump records showing actual amounts of water pumped, any other pump test/maintenance records showing pumping capacity, a subdivision plat map showing the distribution network and which lots have been developed plus any lots with stubbed lines (can be credited same as developed lots), and installation of an acceptable measuring device that can measure the rate of flow.

Field examination data collected by this office can be provided to you for use in your checklist regarding the transfer. I will rely on your efforts to coordinate the field examination - this can be done by contacting me to schedule an appointment with someone familiar with the normal system operation.

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OCT 07 1996

May 2, 1996

6) SRBA factors - Please discuss the information included in split SRBA claims related to this water right, namely A63-04629A for the applicant and A63-04629B for Hollinger/Bradshaw, copies attached. Does the applicant maintain that Wilderness Ranch owns and has been using the entire water right (even if it has been reduced to .47 cfs for 47 acres as stated in the transfer application)? If so, what does this mean in relation to the "B" claim for several acres where Daggett Creek is shown as the source of water for separate acres?

7) Summary - Is it correct to state that more changes to the water right are not being proposed? It appears that the applicant seeks to codify changes that have been in place and in use for at least several years. Please be sure that the information submitted in the transfer process, when combined with documentation already submitted, discusses and supports the historical water use, reconciles SRBA factors between split claims and between the claims and the recorded water right, and substantiates the extent of beneficial use within the last five irrigation seasons. All documentation should show the date and source of the information. Some of this data might be available through consultants or other government agencies, e.g. DEQ.

Once the information has been submitted to this office, transfer processing will resume. If you have any questions about this letter and checklist, please call me at your earliest convenience.

MICROFILMED
OCT 07 1996

RECEIVED

OCT 13 1995

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET

P. O. BOX 2836

BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

FAX

(208) 336-2121

TELEPHONE

(208) 336-5200

October 13, 1995

HAND DELIVERED

Idaho Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

RE: Statutory Claim of Water Right, Claim No. 63-4629, Mrs.
Stanley M. Jones

Dear Sir/Madam:

Yesterday I had filed on behalf of my client, Wilderness Ranch, Ltd., an Amendment to the above Statutory Claim. That Amendment contained a typographical error in the number of residences being served by the water system. The Amendment listed 334 residences as being served, that figure should have been 335. Water is also being used in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17 and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T. 4 N., R. 4 E., B.M., Boise County, Idaho, and paragraph 3 is also hereby amended to reflect these changes.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.



William D. Collins

WDC:plc

cc: John F. Lutz
Myrl D. Schroeder
A.J. Bohner

MICROFILMED
OCT 07 1996

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WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836

BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

OCT 12 1995

WATER RESOURCES
WESTERN REGION

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

October 12, 1995

HAND DELIVERED

Idaho Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

RE: Statutory Claim to Water Right, Claim No. 63-4629, Mrs.
Stanley M. Jones

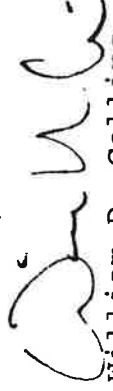
Dear Sir/Madam:

I represent Wilderness Ranch, Ltd. On behalf of my client, I am enclosing with this letter an amendment to the above statutory claim which we would request be filed with that claim.

I have also enclosed two affidavits, one executed by Hilda McAfee Larson, and the other by Horace Chapman in support of the water right claim which we would like filed with that claim also.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.


William D. Collins

WDC:plc

Enclosures

cc: John F. Lutz
Myrl D. Schroeder
A.J. Bohner

MICROFILMED
OCT 07 1996

RECEIVED

OCT 12 1995

WATER RESOURCES
WESTERN REGION

AMENDED
CLAIM TO WATER RIGHT
CLAIM NO. 63-4629

On December 8, 1978, Mrs. Stanley M. Jones, Anna Margaret Jones, filed with the Idaho Department of Water Resources a claim to a water right under Idaho Code §42-225(a). The source of water was listed as Daggett Creek, a tributary of Mores Creek. The claim asserted a water right to 1.6 cfs for irrigation purposes from March 15 to November 15 of each year. The priority asserted was March 15, 1960. However, the remarks section of the claim stated that water had been diverted from Daggett Creek for the land irrigated since 1890, but that documentation was only available for the listed priority date. The claim further stated that if additional information became available, then the claim would be amended to reflect the earlier priority. The water right was for irrigation of 40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ in Section 21, 15 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 16 and 25 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, all within T. 4 N., R. 4 E., B.M., Boise County, Idaho.

The undersigned acquired all of the land where the water had been formerly used and now seeks to amend the claim in accordance with this amendment.

1. Priority Date. The priority date asserted for this claim is September 6, 1899. The priority date is founded upon Notice of Water Right filed by C.O. Roice which was dated September 6, 1899, and recorded with the Boise County Recorder on September 13, 1899. C.O. Roice became the owner of the real property where the place of use was recited. This claim was filed under the Act of February 25, 1899. A copy of that Notice of Claim is attached as Exhibit "A".

In further support of this priority are the statements of Thomas Hedrick, Clay Williamson and Fred S. Roice, taken February 26, 1906, as part of the proof submitted to the Department of Interior at the time of submitting proof for issuance of patent. Those statements are collectively attached as Exhibit "B".

2. Quantity of Water. The applicant amends the claim asserting the reduced quantity of 0.47 cfs for a period of use from April 1 through October 31. This amount is the present capacity of the pumps pumping the water to the place of use.

3. Place of Use. The place of use of the water is amended to the fractional sections as set forth below:

MICROFILMED

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	
4N	4E	16													
4N	4E	17			D				D	D	D	D	D	D	
4N	4E	20	D	D	D	D	D				D	D	D	D	
4N	4E	21		D	D		D	D	D	D		D		D	
4N	4E	28		D	D		D	D	D						
4N	4E	29	D			D						D			

Total acres 334 residences

Each of the above places where water is used is described with a "D" to indicate that the water is being used for irrigation of landscaping (lawns, gardens, trees and shrubs) for 334 residences.

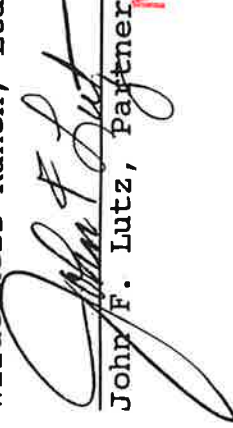
4. Point of Diversion. The point of diversion is changed to the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T. 4 N., R. 4 E., B.M., Boise County, Idaho. The water which had been formerly used was diverted by an open ditch to the place of use. The diversion point was on Daggett Creek which was a tributary of Mores Creek. The present point of diversion is for ground water which is tributary to Mores Creek. The diversion system consists of 300 feet of 4 inch perforated pump buried to a depth of 30 feet. That perforated pipe collects the ground water flow which is then run into a 12 inch vertical pipe and pumped with two 20 horse power (hp) pumps to the place of use. There are also 11 other pumps in the system varying from 2 hp to 7.5 hp.

5. Companion Water Right. This water right when combined with Permit No. 63-10318 would not permit the diversion of water under both rights in excess of approximately 212 gallons per minute (0.47cfs).

DATED this 10th day of October, 1995.

WILDERNESS RANCH, LTD., an
Idaho Limited Partnership

BY: S&L DEVELOPMENT COMPANY,
an Idaho general partnership
and the general partner of
Wilderness Ranch, Ltd.


John F. Lutz, Partner

MICROFILMED
OCT 07 1996

Water Right Number - A63-04629

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WILDERNESS RANCH LTD.1 - C/O JOHN F. LUTZ
2 - HC 33, BOX 3010
3 -
City- BOISE
Phone - 208-344-3373

State- ID Zip- 83706

*** O - ORIGINAL OWNER ***
JONES

MRS. STANLEY M.

1 - 1625 WARM SPRINGS
2 -
3 -
City- BOISE
Phone - 208-000-0000

State- ID Zip- 83702

+ - - Priority Date - - + + - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
03/15/1960 14 WESTERN Z - SEE REMARKS+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
DAGGETT CREEK
SPLIT CLAIM MORES CREEK+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County
04N 04E 16 NW SE (15) BOISE+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 1.600+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.600 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
04N 04E 16 NW SE 15.0 01 IRRIGATION (15) BOISE
04N 04E 16 SW SE 25.0 01 IRRIGATION (15) BOISE
04N 04E 21 NW NE 40.0 01 IRRIGATION (15) BOISE

Total Acres: 80.0

+ - - Diversion Means - PUMP AND DITCHES

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

MICROFILMED
AUG 20 1992

Water right number - A63-04629

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Remarks - - - - -
SEE NO.'S A6304629A AND A6304629B.

+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - - +
01/09/92 HODGES

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 02/17/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- W002217	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
AUG 20 1992

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: **A63-04629A**
Date Received: 2/17/1989
Receipt No: X777777
Received By: _____

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

1. Name: WILDERNESS RANCH LTD
Address: 6065 KAREN DR
MERIDIAN ID 83642

2. Date of Priority: SEP 6, 1899

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township 04N	Range 04E	Section 28	1/4 of 1/4 of 1/4 SE SW	Lot	County BOISE
-----------------	--------------	---------------	----------------------------	-----	-----------------

5. Description of diverting works:
PUMP AND DITCHES

6. Water is used for the following purposes:

Purpose IRRIGATION	From 03/15	To 11/15	C.F.S 0.450	(or)	A.F.A. 112.40
-----------------------	---------------	-------------	----------------	------	------------------

7. Total Quantity Appropriated is:
0.450 C.F.S. (and/or) 112.40 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township 04N	Range 04E	Section 16	1/4 of 1/4 SE SW	Lot	Use IRR	Acres
			NW SE		IRR	
			SW SE		IRR	
		17	SW NE		IRR	
			SE NE		IRR	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04E	17	NE	SW	IRR	
			NW	SW	IRR	
			SW	SW	IRR	
			SE	SW	IRR	
			NE	SE	IRR	
			NW	SE	IRR	
			SW	SE	IRR	
			SE	SE	IRR	
			NE	NE	IRR	
			NW	NE	IRR	
		20	SW	NE	IRR	
			SE	NE	IRR	
			NE	NW	IRR	
			NW	NW	IRR	
			SE	NW	IRR	
			SE	SW	IRR	
			NE	SE	IRR	
			NW	SE	IRR	
			SW	SE	IRR	
			SE	SE	IRR	
		21	NW	NE	IRR	
			SW	NE	IRR	
			NE	NW	IRR	
			NW	NW	IRR	
			SW	NW	IRR	
			SE	NW	IRR	
			NE	SW	IRR	
			NW	SE	IRR	
			SW	SE	IRR	
			SE	SE	IRR	
		28	NW	SE	IRR	
			SW	SE	IRR	
			NW	NE	IRR	
			SW	NE	IRR	
			NE	NW	IRR	
			NW	NW	IRR	
			SW	NW	IRR	
			SE	NW	IRR	
			NE	SW	IRR	
			NW	SW	IRR	
		29	SE	SW	IRR	
			NE	SW	IRR	
			SE	SW	IRR	
			NE	SW	IRR	
			NW	SW	IRR	
			SW	SW	IRR	
			SE	SW	IRR	
			NE	NE	IRR	
			SE	NE	IRR	
			NE	SE	IRR	

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES
13. Other Water Rights Used:
NONE
14. Remarks:
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A63-04629, FEES PAID UNDER RECEIPT NO. W002217.
(CJH 1/9/92)
CLAIM AMENDED PER TRANSFER NO. 4815 APPROVED 11/12/99.
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.
CLAIM AMENDED PER AMENDED TRANSFER NO. 4815 APPROVED 1/20/2000.
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE. LH
15. Basis of Claim: BENEFICIAL USE

RECEIVED

FEB 07 2001

WATER RESOURCES
WESTERN REGION

1 **WILLIAM D. COLLINS**
2 Idaho State Bar No. 1054
3 **WESTBERG, McCABE & COLLINS, CTD.**
4 ATTORNEYS & COUNSELORS AT LAW
5 516 WEST FRANKLIN STREET
6 P.O. BOX 2836
7 BOISE, IDAHO 83701-2836

8 FACSIMILE: (208) 336-2121
9 TELEPHONE: (208) 336-5200

10 Attorneys for Wilderness Ranch, Ltd.

11 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

12 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

13 In Re: The General Adjudication) Civil Case No. 39576
14 of Rights to the Use of Water)
15 From the Snake River Basin) SECOND AMENDED CLAIM
16 Water System) A63-04629A
17)
18)
19)
20)
21)
22)
23)

DATE RECEIVED: _____

RECEIPT NO.: _____

RECEIVED BY: _____

COMES NOW, Wilderness Ranch, Ltd., an Idaho Limited Partnership, and hereby makes this Second Amendment to Claim No. A63-04629A filed in the above action pursuant to the provisions of Idaho Code, §42-1409(2). Under the provisions of that Section of the Idaho Code the Claimant is required to file an amended claim for any water right for which a change was approved by the Director of the Department of Water Resources pursuant to Section 42-222, Idaho Code, if the change was approved prior to filing of the Director's report.

The Claimant filed an Application with the Director pursuant to the provisions of Idaho Code, §42-222, April 1, 1996, to change the point of diversion, place of use and the source of water. The Application was approved January 20, 2000, under Transfer No. 4815.

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The Claim is hereby amended consistent with Transfer 4815 which is attached as Exhibit A. The Amended Claim as amended and filed with the Department April 15, 1997, and February 7, 2001, are hereby incorporated herein as if set out in full except to the extent that the same may be inconsistent with Transfer No. 4815.

STATE OF IDAHO)
) ss.
County of Ada)

I, Myrl D. Schroeder, do solemnly swear or affirm that I am a partner in S&L Development Company, an Idaho General Partnership, who is the General Partner of Wilderness Ranch, Ltd., an Idaho Limited Partnership. That I have signed the foregoing document in the space provided as one of the partners of S&L Development Company, the general partner of Wilderness Ranch, Ltd., an Idaho Limited Partnership, for and on behalf of that limited partnership, and the statements contained in the foregoing document are true and correct.

DATED this 7 day of February, 2001.

S&L DEVELOPMENT COMPANY, an
Idaho General Partnership and
the General Partner of
Wilderness Ranch, Ltd.


Myrl D. Schroeder, Partner

SUBSCRIBED AND SWORN TO before me this 7 day of February, 2001.


Notary Public for State of Idaho
Residing at Boise, Idaho
My Commission Expires: 2-27-2003

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Notice of Appearance:

NOTICE IS HEREBY GIVEN that I, William D. Collins, of the firm of WESTBERG, McCABE & COLLINS, Ctd., will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below:

William D. Collins
Westberg, McCabe & Collins, Ctd.
P.O. Box 2836
Boise, Idaho 83701
Telephone: (208) 336-5200
Facsimile: (208) 336-2121

DATED this 7 day of February, 2001.

WESTBERG, MCCABE & COLLINS, Ctd.



By _____
William D. Collins

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 4815
WATER RIGHT NO. 63-04629A

This is to certify that: WILDERNESS RANCH LTD
6065 KAREN DR
MERIDIAN ID 83642

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	0.45 CFS	112.4 AF

SOURCE

GROUNDWATER *

Priority: 09/06/1899

LOCATION OF POINT(S) OF DIVERSION:

SESW, Sec. 28, Township 04N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION **

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 04E 16	SESW	NWSE	SWSE
17	SWNE	SENE	NESW
	NWSW	SWSW	SESW
	NESE	NWSE	SWSE
	SESE		
20	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SENW	SESW	NESE
	NWSE	SWSE	SESE
21	NWNE	SWNE	NENW
	NWNW	SWNW	SENW
	NESW	NWSW	SWSW
	SESW	NWSE	SWSE
28	NWNE	SWNE	NENW
	NWNW	SWNW	SENW
	NESW	NWSW	SWSW
29	SESW		
	NENE	SENE	NESE

TRANSFER NO. 4815
WATER RIGHT NO. 63-04629A

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of Transfer 4815 does not confirm Claimed Right 63-04629A.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
- * 3. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T04N, R04E.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Daggett Creek at the original point of diversion.
5. 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.
- ** 6. Right 63-04629A is limited to the irrigation of 32.1 acres within the place of use described above also known as the Wilderness Ranch Subdivision.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this 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 the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 20th day of January, 2000.


Chief, Water Allocation Bureau

W extend

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 25 2000

WATER RESOURCES
WESTERN REGION

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 4815
WATER RIGHT NO. 63-04629A

This is to certify that: WILDERNESS RANCH LTD
6065 KAREN DR
MERIDIAN ID 83642

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.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL	
			VOLUME	
IRRIGATION	03/15 to 11/15	0.45 CFS	112.4 AF	/

SOURCE

GROUNDWATER *

Priority: 09/06/1899

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 28, Township 04N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION **

TWN RGE SEC	ACRES	
	ACRES	TOTAL
04N 04E 16	SESW	SWSE
17	SWNE	NESW
	NWSW	SESW
	NESE	SWSE
	SESE	
20	NENE	SWNE
	SENE	NWNW
	SENW	NESE
	NWSE	SESE
21	NWNE	NENW
	NWNW	SENW
	NESW	SWSW
	SESW	SWSE
28	NWNE	NENW
	NWNW	SENW
	NESW	SWSW
29	SESW	NESE
	NENE	

TRANSFER NO. 4815
WATER RIGHT NO. 63-04629A

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of Transfer 4815 does not confirm Claimed Right 63-04629A.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
- * 3. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T04N, R04E.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Daggett Creek at the original point of diversion.
5. 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.
- ** 6. Right 63-04629A is limited to the irrigation of 32.1 acres within the place of use described above also known as the Wilderness Ranch Subdivision.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this 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 the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 20th day of January, 2000.


Chief, Water Allocation Bureau

MEMORANDUM

TO: File 63-04629 *JS*
FROM: Pam Skaggs/State Office
SUBJECT: Transfer 4815
DATE: November 12, 1999

Transfer 4815 changes the point of diversion, place of use and source under a portion of Right 63-04629, splitting the right into Parts A and B. The transferred portion has been identified as Part A to concur with the SRBA claim part for the same use, A63-04629A.

The transfer will change the right to reflect the current irrigation use of a groundwater collection system installed when the subdivision was developed instead of the original diversion from Daggett Creek. The place of use has also been changed to include all the quarter-quarters that are within the subdivision boundaries. This will allow the water users more flexibility in where the irrigation occurs within the entire subdivision. Only a portion of the lots has been developed at this time.

A field exam for Permit 63-10318 was completed prior to review of this transfer. The permit covers the domestic use from the same system. When Right 63-10318 is licensed the total volume for both irrigation and domestic uses will exceed the capacity of the system and an overlap condition should be included on the license.

The application identifies an earlier priority date than the date identified on the original statutory claim. The transfer approval reflects the original priority leaving any confirmation of an earlier priority to the SRBA review. Information has been submitted for the SRBA claim that will be evaluated through the adjudication.

The Region Manager has recommended that the right be made subject to the watermaster of Water District 63, Boise River. The original source of Daggett Creek is tributary to Mores Creek, and the groundwater collection system is in a low area adjacent to Mores creek.

Season of use was adjusted to the lessor standard season of use as originally identified on the application. Diversion volume was identified at the standard rate of 3.5 af per acre. Recommended conditions include non-confirmation of claim, watermaster control, limitations on groundwater diversion, measuring devices for the original source (Daggett Creek) & the new groundwater diversion, permissible place of use limits within the subdivision, irrigation overlap, SRBA review and standard transfer conditions.

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: **A63-04629A**
Date Received: 2/17/1989
Receipt No: X777777
Received By: _____

COPY FOR **NOTICE OF CLAIM TO A WATER RIGHT** **COPY FOR**
YOUR FILES **ACQUIRED UNDER STATE LAW** **YOUR FILES**

1. Name: WILDERNESS RANCH LTD
Address: 6065 KAREN DR
MERIDIAN ID 83642

2. Date of Priority: MAR 15, 1960

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
04N	04E	28	SE	SW	BOISE

5. Description of diverting works:
PUMP AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.450		190.10

7. Total Quantity Appropriated is:
0.450 C.F.S. (and/or) 190.10 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	Lot	Use	Acres
04N	04E	16	SE	SW	IRR	
			NW	SE	IRR	
			SW	SE	IRR	
		17	SW	NE	IRR	
			SE	NE	IRR	

10. Place of Use: Continued

Township 04N	Range 04E	Section 17	1/4 of 1/4	Lot	Use	Acres
			NE	SW	IRR	
			NW	SW	IRR	
			SW	SW	IRR	
			SE	SW	IRR	
			NE	SE	IRR	
			NW	SE	IRR	
			SW	SE	IRR	
			SE	SE	IRR	
			NE	NE	IRR	
		20	NW	NE	IRR	
			SW	NE	IRR	
			SE	NE	IRR	
			NE	NW	IRR	
			NW	NW	IRR	
			SE	NW	IRR	
			SE	SW	IRR	
			NE	SE	IRR	
			NW	SE	IRR	
			SW	SE	IRR	
			SE	SE	IRR	
			NW	NE	IRR	
		21	SW	NE	IRR	
			NE	NW	IRR	
			NW	NW	IRR	
			SW	NW	IRR	
			SE	NW	IRR	
			NE	SW	IRR	
			NW	SW	IRR	
			SW	SW	IRR	
			SE	SW	IRR	
			NW	SE	IRR	
			SW	SE	IRR	
			NW	NE	IRR	
		28	SW	NE	IRR	
			NW	NE	IRR	
			SW	NE	IRR	
			NE	NW	IRR	
			NW	NW	IRR	
			SW	NW	IRR	
			SE	NW	IRR	
			NE	SW	IRR	
			NW	SW	IRR	
			SE	SW	IRR	
			NE	NE	IRR	
		29	SW	NE	IRR	
			SE	NE	IRR	
			NE	NE	IRR	

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES
13. Other Water Rights Used:
NONE
14. Remarks:
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A63-04629, FEES PAID UNDER RECEIPT NO. W002217.
(CJH 1/9/92)
CLAIM AMENDED PER TRANSFER NO. 4815 APPROVED 11/12/99.
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.
15. Basis of Claim: BENEFICIAL USE

Western

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

TRANSFER NO. 4815
WATER RIGHT NO. 63-04629A

NOV 17 1999
WATER RESOURCES
WESTERN REGION

This is to certify that: **WILDERNESS RANCH LTD**
6065 KAREN DR
MERIDIAN ID 83642

Amended

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	04/01 to 10/31	0.45 CFS	190.1 AF

SOURCE

GROUNDWATER *

Priority: 03/15/1960

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 28, Township 04N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION **

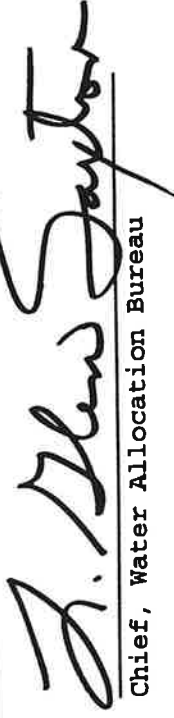
<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 04E 16	SESW	NWSE	SWSE
17	SWNE	SENE	NESW
	NWSW	SWSW	SESW
	NESE	NWSE	SWSE
	SESE		
20	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SENW	SESW	NESE
	NWSE	SWSE	SESE
21	NWNE	SWNE	NENW
	NWNW	SWNW	SENW
	NESW	NWSW	SWSW
	SESW	NWSE	SWSE
28	NWNE	SWNE	NENW
	NWNW	SWNW	SENW
	NESW	NWSW	SWSW
29	SESW	SENE	
	NENE		

TRANSFER NO. 4815
WATER RIGHT NO. 63-04629A

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of Transfer 4815 does not confirm Claimed Right 63-04629A.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
- * 3. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T04N, R04E.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Daggett Creek at the original point of diversion.
5. 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.
- ** 6. Right 63-04629A is limited to the irrigation of 55.0 acres within the place of use described above also known as the Wilderness Ranch Subdivision.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this 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 the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 12th day of November, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: File 63-04629 *JS*
FROM: Pam Skaggs/State Office
SUBJECT: Transfer 4815
DATE: November 12, 1999

Transfer 4815 changes the point of diversion, place of use and source under a portion of Right 63-04629, splitting the right into Parts A and B. The transferred portion has been identified as Part A to concur with the SRBA claim part for the same use, A63-04629A.

The transfer will change the right to reflect the current irrigation use of a groundwater collection system installed when the subdivision was developed instead of the original diversion from Daggett Creek. The place of use has also been changed to include all the quarter-quarters that are within the subdivision boundaries. This will allow the water users more flexibility in where the irrigation occurs within the entire subdivision. Only a portion of the lots has been developed at this time.

A field exam for Permit 63-10318 was completed prior to review of this transfer. The permit covers the domestic use from the same system. When Right 63-10318 is licensed the total volume for both irrigation and domestic uses will exceed the capacity of the system and an overlap condition should be included on the license.

The application identifies an earlier priority date than the date identified on the original statutory claim. The transfer approval reflects the original priority leaving any confirmation of an earlier priority to the SRBA review. Information has been submitted for the SRBA claim that will be evaluated through the adjudication.

The Region Manager has recommended that the right be made subject to the watermaster of Water District 63, Boise River. The original source of Daggett Creek is tributary to Mores Creek, and the groundwater collection system is in a low area adjacent to Mores creek.

Season of use was adjusted to the lessor standard season of use as originally identified on the application. Diversion volume was identified at the standard rate of 3.5 af per acre. Recommended conditions include non-confirmation of claim, watermaster control, limitations on groundwater diversion, measuring devices for the original source (Daggett Creek) & the new groundwater diversion, permissible place of use limits within the subdivision, irrigation overlap, SRBA review and standard transfer conditions.

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: **A63-04629A**
Date Received: 2/17/1989
Receipt No: X777777
Received By: _____

COPY FOR YOUR FILES **NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW** **COPY FOR
YOUR FILES**

208-344-3373

1. Name: WILDERNESS RANCH LTD.
Address: C/O JOHN F. LUTZ
HC 33, BOX 3010
BOISE ID 83706

2. Date of Priority: MAR 15, 1960

3. Source: DAGGETT CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township 04N	Range 04E	Section 16	1/4 of 1/4 of 1/4	Lot NW SE	County BOISE
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5. Description of diverting works:
PUMP AND DITCHES

6. Water is used for the following purposes:

Purpose IRRIGATION	From 03/15	To 11/15	C.F.S (or) 1.480	A.F.A.
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7. Total Quantity Appropriated is:
1.480 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 04N	Range 04E	Section 16	1/4 of 1/4	Lot NW SE SW SE	Use IRR IRR	Acres 11.0 23.4
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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	34.4
21	NW	NE			IRR	40.0
					Section Acres	40.0
					Total Acres	74.4

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A63-04629, FEES PAID UNDER RECEIPT NO. W002217.
(CJH 1/9/92)

15. Basis of Claim: STATUTORY CLAIM

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: A63-04629
Date Received: 2/17/1989
Receipt No: W002217
Received By: LC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

208-344-3373

1. Name: WILDERNESS RANCH LTD.
Address: C/O JOHN F. LUTZ
HC 33, BOX 3010
BOISE, ID 83706

2. Date of Priority: MAR 15, 1960

3. Source: DAGGETT CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township 04N	Range 04E	Section 16	1/4 of 1/4 of 1/4	Lot NW SE	County BOISE
-----------------	--------------	---------------	-------------------	--------------	-----------------

5. Description of diverting works:
PUMP AND DITCHES

6. Water is used for the following purposes:

Purpose IRRIGATION	From 03/15	To 11/15	C.F.S (or) 1.600	A.F.A.
-----------------------	---------------	-------------	------------------------	--------

7. Total Quantity Appropriated is:
1.600 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 04N	Range 04E	Section 16	1/4 of 1/4	Lot NW SE SW SE	Use IRR IRR	Acres 15.0 25.0
Section Acres						40.0

A63-04629

Page 1

Date: 02/17/89

MICROFILMED

AUG 28 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04E	21	NW	NE	IRR	40.0
Section Acres						40.0
Total Acres						80.0

11. Place of use in counties: BOISE

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: STATUTORY CLAIM

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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: _____

For Organizations:

I do solemnly swear or affirm that I am John F. Lutz of Wilderness Ranch LTD Title partner, that I have signed the foregoing document in the space below as _____ of _____ Title _____

_____ and that the statements contained in the foregoing document are true and correct.

Organization John F. Lutz Signature of Authorized Agent

Paula Williams Title and Organization Williams Ranch Ltd.

_____ Date _____

State of Idaho _____)
County of ADA) ss.

Subscribed and sworn (or affirmed) before me this 17 day of Feb 19 89

Linda Warner Notary Public

Seal

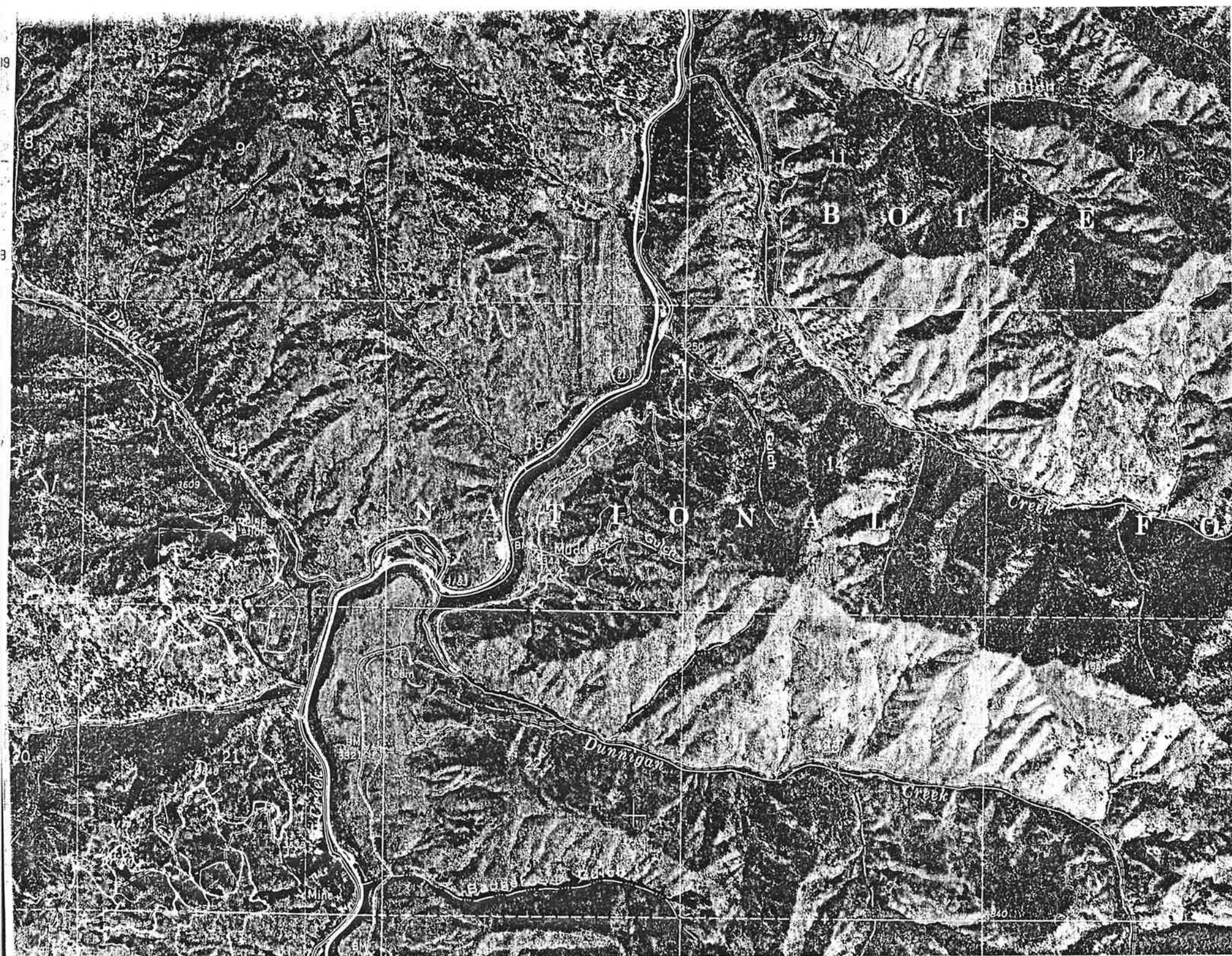
Residing at Boise ID

Page 3 My Commission Expires 12-8-94 Date: 02/17/89

A63-04629

MICROFILMED

AUG 20 1992



9-10-01

Don Stapp

Mike Creamer -
Wilderness Ranch

388-1247

63-4629A

Called him to advise
we have adequate info
to support the 1899 priority