

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/5/2025

Water Right 63-134

<u>Owner Type</u> Current Owner	<u>Name and Address</u> IDAHO DEPARTMENT OF PARKS AND RECREATION PO BOX 83720 BOISE, ID 83720-0065 (208) 334-4199
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Priority Date: 6/1/1864

Basis: Decreed

Status: Active

<u>Source</u> BOISE RIVER	<u>Tributary</u> SNAKE RIVER
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<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	3.180 CFS	
MITIGATION BY NON-USE	03/01	11/15	0.130 CFS	
	<u>Total Diversion</u>		3.300 CFS	

Source and Point(s) of Diversion:

BOISE RIVER NWNW Sec. 17, Twp 04N, Rge 01E, ADA County

Place Of Use:

IRRIGATION within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	18						40.0 L4		13.9 L3		19.2 L5							73.1
04N	01W	13			38.9 L6	40.0 L7									36.8	35.8	20.2	13.9 L8	185.6

POU Total Acres: 276.3

Conditions of Approval:

1. 193 This right mitigates for the depletion of water resulting from the diversion and use of water under Right 63-35594. To prevent injury to other water right holders, the right holder shall cease diverting 0.16 cfs of this right from the Boise River. If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Right 63-35594. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 63-35594 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

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2. F05 RIGHT NO. 63-31772 IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
5. 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.
6. F01 WATER IS DELIVERED THROUGH THE HART-DAVIS CANAL.
7. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
8. E56 The rights listed below are limited to the irrigation of a combined total of 437.4 acres in a single irrigation season. Combined Right Nos.: 63-134, 63-33068, 63-33070.
9. SD1 This right originated as all or part of right no. 6 in the Stewart Decree and the historic Boise River Water Masters records.

Comments:

1 dshaff 7/28/2008 Owner change
A summary judgment decision found this right is held by Idaho Dept of Parks and Rec resulting in a PLS description of the right.

2 dshaff 1/16/2009 POU
POU aligned with ditch delivering water as a subset of POU's for the entire park.

3 segbert 3/16/2011 POD
PODID 597890 correlated from SpatialDataID 297888 to SpatialDataID 427390

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4 mciscell 4/7/2015 POU
Updated Shape

5 SStorms 9/5/2025 Mitigation

0.13 cfs and 11.6 acres of this right have been removed from irrigation and recorded as Mitigation by Non-Use in order to mitigate for losses caused by evaporation from the pond approved under permit 63-35594. The combined acre limit with this right and rights 63-33068 & 63-33070 was reduced from 449 acres to 437.4 acres to reflect those acres removed from irrigation.

Dates and Other Information:

Decreed Date: 12/9/2009

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 63

Mitigation Plan: False

Combined Use Limits:

Rate

Volume

Acres

449.0

Water Rights

63-134 ,63-33068 ,63-33070