



**Doug Holloway**  
Director

**Parks & Recreation**  
1104 Royal Boulevard  
Boise, Idaho 83706-2840

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800/377-3529

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[www.cityofboise.org/parks](http://www.cityofboise.org/parks)

**Mayor**  
David H. Bieter

**City Council**  
**President**  
Maryanne Jordan

**Council Pro Tem**  
David Eberle

Elaine Clegg  
Lauren McLean  
TJ Thomson  
Ben Quintana

## Boise Parks & Recreation

September 9, 2013

Director  
Idaho Department of Water Resources  
PO Box 83720  
Boise ID 83720-0098

RE: Proposed Expansion of the Boise River Water District No. 63  
Upstream of Lucky Peak Dam

Dear Mr. Spackman,

Thank you for the opportunity to comment on the IDWR's proposal to expand Water District 63 to the river system upstream of Lucky Peak Dam.

The Department of Parks & Recreation (BPR) supports the expansion of Water District 63 to include the water rights upstream of the three major reservoirs. We encourage IDWR to include the entire Boise River basin and support incorporating flexibility in the implementation and the potential for excluding specific sub-basins or types of uses as more information becomes available.

BPR notes that our new ground water uses are subjected to IDWR regulation because of assumed injury to senior Boise River water rights. BPR understands that IDWR is attempting to avoid overdrafting the integrated water resources of the basin. However, the regulation of Boise River diversions is based on right holders, including BPR, self-reporting diversion amounts. Right holders in the proposed expansion area have never reported any diversion amounts. Inaccurate or absent reporting may translate into immediate harm to senior surface water rights. BPR encourages IDWR to regulate all water users equitably so that injury mitigation matches actual rather than perceived impacts.

Again, thank you very much for this opportunity to comment on the proposed expansion of Water District No. 63 and the associated increased regulatory oversight by IDWR.

Sincerely,

Maria Minicucci  
Water and Property Rights Analyst  
[mminicucci@cityofboise.org](mailto:mminicucci@cityofboise.org)

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SEP 13 2013

DEPARTMENT OF  
WATER RESOURCES

**SOUTHWEST SUPERVISORY AREA**

8355 West State Street  
Boise ID 83714-6071  
Phone (208) 334-3488  
Fax (208) 853-6372



THOMAS M. SCHULTZ, DIRECTOR  
EQUAL OPPORTUNITY EMPLOYER

**STATE BOARD OF LAND COMMISSIONERS**

C.L. "Butch" Otter, Governor  
Ben Ysursa, Secretary of State  
Lawrence G. Wasden, Attorney General  
Brandon D. Woolf, State Controller  
Tom Luna, Sup't of Public Instruction

August 26, 2013

Gary Spackman  
Director  
Idaho Department of Water Resources  
P. O. Box 83720  
Boise, Idaho 83720-0098

sent via e-mail to: [gary.spackman@idwr.idaho.gov](mailto:gary.spackman@idwr.idaho.gov)

**RE: Proposed Expansion of the Boise River Water District No. 63  
Located Upstream of Lucky Peak Dam, Within Portions of Boise County, Idaho**

Dear Mr. Spackman:

Thank you for the opportunity to review and comment on the proposed water district expansion as located above.

As you may know, Idaho Department of Lands' (IDL) mission is to manage State Endowment Trust Lands (Endowment Lands) in a manner that will maximize long-term financial returns to the Beneficiary Institutions. The IDL mission is a constitutional mandate and is overseen by the State Board of Land Commissioners. Endowment Lands are not managed for the public at large and should not be referred to as "public lands" or "open space," either specifically or in a generic sense. These are working lands producing revenue for the Beneficiary Institutions.

IDL has reviewed the public hearing notice provided by the Idaho Department of Water Resources for the proposed water district expansion as located above. Based on the documentation provided to IDL, the application will not impact Endowment Lands at this time. Should the application be modified during the review or approval process, IDL requests that updated information be submitted to the IDL Southwest Supervisory Office for additional review.

Thank you again for the opportunity to review and comment on this application. Please contact the IDL Southwest Area Acting Manager, John Sundberg at (208) 334-3488 or myself if you have questions or need more information.

Sincerely,

Julianne Shaw  
Assistant Planner  
(208) 334-0262  
[jshaw@idl.idaho.gov](mailto:jshaw@idl.idaho.gov)

Ecc: John Sundberg, Southwest Area Acting Manager  
Kate Langford, Strategic Business Bureau Chief

*"Trusted Stewards of Idaho's Resources, From Main Street to Mountaintop"*

## Gibson, Deborah

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**From:** Julianne Shaw [JShaw@idl.idaho.gov]  
**Sent:** Monday, August 26, 2013 9:26 AM  
**To:** Spackman, Gary  
**Cc:** John Sundberg; Kate Langford  
**Subject:** IDL Comments Boise River Water District #63 Expansion  
**Attachments:** IDL Comments Boise River Water District #63 Expansion.pdf

Good morning

Attached you will find a comment letter issued by the Idaho Department of Lands (IDL), regarding the Proposed Expansion of the Boise River Water District No. 63.

Thank you!

**Julianne Shaw**  
Assistant Planner

Idaho Department of Lands | 300 N. 6th Street, Ste. 103 - Boise, ID 83720 | ☎ 208.334.0262 | Fax 208.334.3698

| [jshaw@idl.idaho.gov](mailto:jshaw@idl.idaho.gov)

**Idaho Department of Lands ~ Managing Endowment Trust Lands**  
**The LAND Where MIRACLES Grow**

**Faulkner Land & Livestock Company**  
**1989 South 1875 East**  
**Gooding, Idaho 83330**

Phone (208) 934-4956 Fax (208) 934-5570

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SEP 09 2013

DEPARTMENT OF  
WATER RESOURCES

July 28, 2013

Tim Luke  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098

RE: Expansion of Water Basin 63

Dear Tim:

In your presentation you referred to "cost effectiveness" two to three times, I don't believe expansion of the 63 Basin is cost effective what so ever. It would not be cost effective for either Water Resources or the water users, who would have to pay to put in the head gates and measuring devices. The NRCS has estimated that these structures would cost up to \$30,000.00 each.

Faulkner Land & Livestock Company has leased Anne Wilson's (Hammett Livestock Company) land for the last eight years and has an option for another twelve years for the grazing of sheep. She is allowed 261 inches to irrigate approximately 260+ acres, but there is another 210 acres that the water must traverse to get to the next irrigated field. There is not sufficient adjudicated water to properly irrigate these sandy and gravelly soils. I believe Anne was told during the Adjudication that she could only have one inch per acre. I know that during the adjudication of Water Basin 36, some of the Hagerman users were allowed 3 inches per acre and in the Indian Cove area, on the Snake River, some users were allowed 7 inches per acre. During the last 75 to 100 years there has been more water delivered on the ground in June, July and August, to keep it green for grazing, making the area more esthetically pleasing and helps with fire control, which can be seen from the fires in the Pine and Featherville areas during the last two years. Also, without sufficient water it would not be cost effective to continue grazing. Consequently, if the land could not be grazed, the only viable alternative would be to subdivide the area, which would not be compatible with the current planning for the area.

I am a life long sheep man, as were my Grandfather and Father before me, Hammett Livestock still has some sheep and has been in the sheep business for over 75 years and we have no intention of being forced out!

The curtailment of this extra water would not have a measurable impact on the river flows. Most of the water goes into the gravel and winds up in the down stream reservoirs. At this point in time, to lease water would be prohibitive for grazing purposes.

We have gotten along just fine all of these years without a water master and there are only three major users of water above Anderson Ranch (Terry Miller, Mickleson Golf Course and Hammett Livestock) and we all share a ditch from Abbot Gulch to Camp Wilson (Grouse Creek), a total of over three miles. By the time the water gets to the end of the ditch, it has all but disappeared into the ground.

I sincerely believe if you want to be "cost effective" and keep the people happy above Lucky Peak, you will reconsider the upper basin and leave well enough alone.

Thank you for your time and consideration.

Sincerely,



John Faulkner

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SEP 10 2013

DEPARTMENT OF  
WATER RESOURCES

TO: Director, IDWR  
FROM: BOB & ELSIE HANSON  
Re: Dist 3 Expansion - Comment for the Record

We are not in favor of the proposed expansion of Water District 63 at this time.

It appears we will incur a significant financial obligation with no benefit to us and no specific data as to who it will benefit.

Bob & Elsie Hanson



Robert Hanson  
7 Arbaugh Ln.  
Idaho City, ID 83631-4153

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AUG 29 2013

August 27, 2013

DEPARTMENT OF  
WATER RESOURCES

3633 E. Alta Ridge Ct.  
Boise, ID 83716

Idaho Department of Water Resources  
PO Box 83720  
Boise, ID 83720-0098  
Mr. Gary Spackman

Dear Mr. Spackman:

This letter contains my written comments regarding the proposed expansion of water district 63. I agree with the premise of the expansion and believe fairness should be sought for all water rights holders. However, I believe seasonal cabin owners in Boise County with water rights who use minimal surface water should be exempted from the annual water right assessment that may result from the expansion. To assess these seasonal cabin owners the minimum \$50/year would be excessive when considering they may only use less than one-hundred gallons of water per year for non-commercial, domestic purposes.

Thank you for your consideration of these comments.

Best regards,



Russell R. Inskeep

Cc: Mr. C. L. "Butch" Otter

PHILIP R. MILLER, ISB# 4989  
ASHCRAFT AND MILLER, PLLC  
430 North Sixth East Street / PO Box 506  
Mountain Home, Idaho 83647-0506  
Telephone Number: (208) 587-9797  
Facsimile Number: (208) 587-7005  
ISB #4989  
Attorneys for Mountain Home Irrigation District

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SEP 10 2013  
DEPARTMENT OF  
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF THE	)	
EXPANSION OF THE BOISE	)	OBJECTION OF MOUNTAIN HOME
RIVER WATER DIST. NO. 63	)	IRRIG. DIST. FOR INCLUSION IN
UPSTREAM OF LUCKY PEAK	)	EXPANSION OF WATER DISTRICT
DAM	)	NO. 63
	)	

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The Mountain Home Irrigation District (hereinafter referred to as MHID) objects to Water District 63 (hereinafter District 63) being expanded to include any water right decreed to the MHID. Specifically, it objects to any of the rights from Little Camas Creek or its tributaries being included in District 63.

BACKGROUND

The Mountain Home Irrigation District is a quasi-public entity organized under Title 43 of the Idaho Code. It delivers water to approximately 4,914 acres in Elmore County owned or operated by approximately 154 individuals or entities. Only a handful of acres to which water is delivered are in District 63, the vast majority are located in and around the City of Mountain Home.

The MHID derives its water rights from two decrees: the Mellen Decree of 1900 and the Cooper Decree of 1901. (See Exhibits A and B attached hereto). They established water rights of various predecessors in interest to the MHID. Those rights date back as far as 1883.

The MHID is most concerned about storage water rights on Little Camas Creek and Cat Creek, a tributary to Little Camas Creek. Those rights, as enumerated in the Snake River Basin Adjudication are as follows: 1.) No. 63-20139 with a priority date of May 20, 1912; 2.) No. 63-19893 with a priority date of June 1, 1894; 3.) No. 63-2214 with a priority date of February 1, 1913; and 4.) No. 63-2188 with a priority date of December 28, 1911. For a comparison of the



seniority of these storage rights, please note that Bureau of Reclamation storage rights on the Boise River date back only to January 13, 1911 for No. 63-303

The MHID water is stored in Little Camas Reservoir and conveyed in tunnels and canals to Long Tom Reservoir and Mountain Home Reservoir and then distributed over the district lands. Significantly, although Little Camas Creek is geologically a tributary to the Boise River, it has not actually been so since the system was completed prior to World War I. Water is not ordinarily discharged from Little Camas Creek into the Boise River, but rather diverted onto lands within the MHID. The only times Little Camas waters have reached the Boise River since the system was build have been high water years when flows exceeded MHID rights.

THE DIRECTOR IS NOT LEGALLY REQUIRED TO INCLUDE LITTLE CAMAS CREEK.

The water district system is established in Title 42, Chapter 6 of the Idaho Code so that the Idaho Department of Water Resources Director may supervise the administration of decreed water rights. Idaho Code § 42-604 controls the creation or expansion of water districts. Generally each public stream or water source should constitute a water district. However, the statute does not require each stream to always be a single water district. The statute provides

[W]hen the distance between points of diversion ... is more than forty (40)miles, [the stream] may be divided into two or more water districts, ... that any stream tributary to another stream may be constituted into a separate water district when the use of the water therefrom does not affect or conflict with the rights to the use of the water of the main stream ... that any stream may be divided into two (2) or more water districts, irrespective of the distance between the extreme points of diversion, where the use of the water of such stream by appropriators does not affect or conflict with the use of water of such stream by appropriators outside such district ... .

In summary, I.C. § 42-604 provides exceptions to inclusion in a water district when the the areas are not really parts of a single system.

MHID SHOULD NOT BE IN DIST. 63

The Mountain Home Irrigation District water sources are no longer physically and hydrologically part of the Boise River System. Points of diversion are more that forty (40) miles apart (for instance, Little Camas Reservoir to Arrowrock Dam). Most importantly, even though Little Camas Creek is a tributary to the Boise River, the MHID has administered water from Little Camas Creek for approximately 100 years by diverting it out of the Boise River Basin. Not only have the systems not physically interacted, but the MHID has quite senior water rights, the youngest being 1913; so that even if Little Camas Creek did discharge into the Boise River, there is next to no possibility that the MHID rights would be curtailed in the event of a water shortage.

Water management under the present system does not affect or conflict with any other water right on the Boise River and because the systems do not interact, cannot do so.

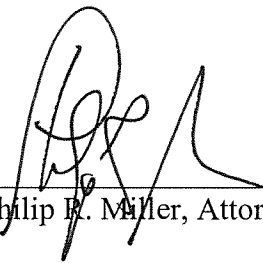
INCLUDING LITTLE CAMAS CREEK IS DUPLICATIVE

The purpose of water districts is regulate the delivery of decreed water rights. The Mountain Home Irrigation District does that within its 4,914 acres and property owners pay for that delivery and regulation. Including MHID rights in the proposed district would simply add to property owner costs without protecting the rights of anyone else on the Boise River. It would in effect, be creating duplicative water regulation.

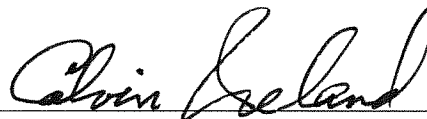
CONCLUSION

For the above reasons, the MHID does not believe that inclusion of Little Camas Creek and its tributaries in Water District 63 is legally required, necessary for proper administration of water rights or would protect any other water right holder from injury. The MHID would respectfully request that any expansion not include Little Camas Creek or any other sources of MHID decreed water rights.

DATED September 9, 2013.



Philip R. Miller, Attorney for MHID



Calvin Ireland, Chairman of the Board MHID

CERTIFICATE OF MAILING

I hereby certify that on September 9, 2013 I served a true and correct copy of the foregoing to the following by the method indicated below:

Director  
Idaho Dept of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098  
Fax: (208) 287-6700

☒ U.S. Mail, postage prepaid  
☐ Overnight Mail  
☐ Hand Delivery  
☐ Facsimile

deb  
deb Bayles, Paralegal

6 FEB 1900

3<sup>1</sup>/<sub>2</sub> 7E Sec 18 SW, SE, SE  
SNAKE RES. (MTN. HOME RES.)  
Tom RES. 1<sup>1</sup>/<sub>2</sub> 7E Sec 36 SW, SW  
LE CAMAS RES. 1<sup>1</sup>/<sub>2</sub> 9E Sec 9  
NW, SW, NE 61-A  
5<sup>1</sup>/<sub>8</sub>"/Acre

Instrument No. 11879.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE.

Thomas Mellen et al.,  
Plaintiffs  
vs.  
Great Western Beet Sugar  
Company, a Corporation,  
et al.,  
Defendants.

DECREE in the above, entitled cause.

In the above entitled cause, the defaults of the following non-  
answering defendants having been duly entered herein to wit:

The Fruitdale Improvement Company, August Kunnecke.

William Calloway.

W. D. Goehring.

W. H. Thompson.

R. B. Martin.

Joe Sinder.

Mrs J. Ottenheimer.

John Smith.

A. L. Parsons.

W. L. Thurman.

Frank Wells.

Jesse Edwards.

Benjamin Potter.

John H. Garrett.

W. G. Wright.

C. W. Henley.

W. R. Coats.

The State of Idaho.

Jack Harley.

W. D. Evans.

Wilbur Smith.

A. H. Castle.

Emma Simpkins.

Charles Sheppard.

J. J. Childs.

L. B. Green.

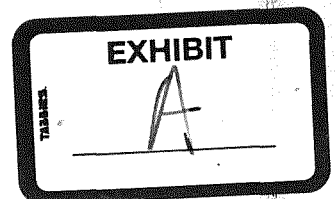
E. R. Thompson.

Mrs J. G. Johnson.

Joseph Rile.

Ella Wells.

M. Johnson.



And said cause having been regularly tried and submitted before  
W. A. Broadhead Referee, heretofore appointed for the purpose of tak-  
ing the testimony and making findings of fact and conclusions of law;

and reporting a decree; and the said referee having heard said testimony and having filed his findings of fact and conclusions of law with the Clerk of said Court, and all of the issues raised by the complaint and the various answers and cross-complaints having been fully determined as shown by said findings of fact and conclusions of law, which said findings of fact and conclusions of Law, have been adopted by the Court and the Court having directed decree to be entered in accordance therewith;

NOW THEREFORE, in consideration of the premises it is ordered, adjudged and decreed as follows:-

1st. That each and every of the tracts of land described in the complaint and in the answers and cross complaints in this action as belonging to the several parties and for which water is awarded herein, are arid in character and require the artificial application of water to render them valuable for agricultural purposes.

2nd. That the quantity of water required for the successful irrigation and cultivation of said land to be measured at a point not more than a quarter of a mile from the irrigated portion of the tract of land upon which it is to be used, is one-eightieth of a <sup>0.0125 cfs</sup> cubic foot of water per second of time, continuous flow during the irrigation season, for each acre for which water is awarded. <sup>5/8" / acre</sup>

3rd. That the quantity of water awarded by this decree shall be measured to said respective parties to whom it is awarded at a point not more than a quarter of a mile from the irrigated portion of the tract for the irrigation of which the water is hereby decreed.

4th. It is further ordered, adjudged and decreed that none of the parties hereto or their successors or assigns have the right to the use of the waters of any of said canals and reservoirs (the waters of which are herein and hereby awarded) except for a beneficial purpose; and that whenever the beneficial use has ceased, said party shall cease to use and shall have no right to the use of the said water; and each and every of the parties hereto, their servants, attorneys, employees and privies and their successors in interest are hereby enjoined and restrained from all interference with the use

of the said waters of said reservoir, except as provided in the decree.

5th. It is further ordered, adjudged and decreed that the complaint, answers and cross-complaint and all pleadings filed in this cause be and the same are hereby amended to conform to the facts as found by the Court herein.

61-0368 6th. That as between the defendants Elmore Irrigated Farms Association and Great Western Beet Sugar Company, the former is hereby awarded and decreed the superior right to the use of the waters of Rattlesnake Creek and of Canyon Creek to the extent of 7695.49 acre feet, during each and every irrigation season.

7th. It is further ordered, adjudged and decreed that none of the parties to this action have any right to any of the waters impounded in Rattle Snake or Mountainhome Reservoir by reason of any use of the waters of Rattlesnake or Canyon Creeks prior to the construction of said Reservoir.

8th. It is further ordered, adjudged and decreed that the waters stored or impounded in the Long Tom and in Little Camas Reservoirs by the said Great Western Beet Sugar Company are dedicated to use upon lands lying south and west of Mountainhome and in the vicinity thereof and to none others.

~~9th. It is hereby ordered, adjudged and decreed that the waters of Long Tom and Little Camas Reservoirs herein awarded, be delivered and distributed to said parties through the reservoir and canal system of said Elmore Irrigated Farms Association and that it is further decreed as between the defendants Great Western Beet Sugar Company and Elmore Irrigated Farms Association that said Great Western Beet Sugar Company shall deliver such water to such parties through the said reservoir and canal system of the said Elmore Irrigated Farms Association.~~

10th. It is further ordered, adjudged and decreed that the water hereby awarded be delivered to said parties by the defendant herein required to deliver the same beginning not later than the first day of May of each year.

11th. It is further ordered, adjudged and decreed that all of the waters impounded in by the said Rattlesnake and Long Tom Reservoirs have been used each and every year upon and for the irrigation of the lands to which they are hereby awarded.

12th. That those parties who are found to be first entitled to water hereby to the extent of or in an amount equal to the combined capacities of Rattlesnake and Long Tom Reservoirs are hereby awarded and decreed a prior right to the use of said water so impounded therein over and against all other parties hereto, but such other parties are entitled to receive of the waters of said reservoirs above named in the relative order of their priorities, the amount of the water actually delivered from Little Camas Reservoir into said Rattlesnake and Long Tom reservoirs

13th. It is further ordered, adjudged and decreed that the defendant D. C. Bradley as trustee for D. C. Bradley, O. D. Stubbs and C. E. Stubbs is without any right whatsoever in and to any of the waters in said Rattlesnake, Long Tom or Little Camas reservoir.

14th. It is further ordered, adjudged and decreed, that each of the parties to this action (or their predecessors in interest) whose rights are adjudged herein did respectively receive under a sale or a rental thereof and there was distributed to them from the reservoirs and canals herein described and referred to to wit: from the Rattlesnake, Long Tom and Little Camas Reservoirs in Elmore County, Idaho, and the canal system connected therewith, the quantities of water herein stated and on the dates as hereinafter shows and ever since said date said water has been by them and their grantors and predecessors in interest so received and used, and that they are hereby awarded and decreed said water in the amounts and in the order of priority as follows to wit:

61 0001 THAT THE defendant HJALMAR ANDERSON be and he is hereby awarded the use of the waters of said Reservoirs for the use upon the  $W\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 22, Tp. 3, S. R. 6 E. B. M. in the following amount and from the following date:

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Department of Water Resources  
Western Regional Office

50 inches from the 5th day of October 1908;

THAT said defendant HJALMAR ANDERSON be and he is hereby

61 0002 awarded the use of the waters of said reservoirs for the use upon the NE $\frac{1}{4}$  Sec. 9, T. 3 S. R. 6 E. B. M., in the following amount and from the following date:

100 inches from the 15th day of October, 1908;

61 0003 THAT said defendant HJALMAR ANDERSON be and he is hereby

awarded the use of the waters of said Reservoirs for the use upon the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 9, T. 3 S. R. 6 E. B. M. in the following amount and from the following date:

25 inches from the 15th day of October 1908;

61 0004 THAT defendant GRANT W. ARMSTRONG, be and he is hereby awarded the use <sup>of the waters</sup> of said REservoirs for use upon S $\frac{1}{2}$  SE $\frac{1}{4}$  Sec. 12, T. 4 S. R. 6 E. B. M. in the following amount and from the following date;

50 inches from the 20th day of March 1904.

61 0005 THAT defendant EMMA C. AUS be and she is hereby awarded the use of the waters of said Reservoirs for use upon the following described land: Beginning 660 feet north of the SW Corner of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  Sec. 23, T. 3 S. R. 6 E., thence north 660 feet; thence east 330 feet; thence south 660 feet; thence west 330 feet; to place of beginning, in the following amount and from the following date;

3.125 inches from the 5th day of November 1906.

61 0006 THAT the defendant GEORGE H. ALLEN be and he is hereby awarded the use of the waters of said Reservoirs for use upon the following described land; Commencing at a point 660 feet north of the South west corner of Section 24, T. 3 S. R. 6 E. B. M., thence north 330 feet; thence east 660 feet; thence south 330 feet; thence west 660 feet to the place of beginning in the following amount and from the following date:

3.125 inches of water from 1st day of November 1906.

61 0007 THAT the plaintiff JOHN ADAMS be and he is hereby awarded the use of the waters of said Reservoirs for use upon Lot 33, Section 36, Section 36, T. 3 S. R. 6 E. B. M., in the following amount and



6.25 inches of water from January 15, 1903.

61 0008 THAT the plaintiff IDA ADAMS be and she is hereby awarded the use of the waters of said Reservoirs for use upon Lot 36, Section 36, T. 3 S. R. 6 E. B. M., in the following amount and from the following date:

6.25 inches, from 25th day of December 1898.

61 0009 THAT the defendant ROBERT ADAMS be and he is hereby awarded the use of the waters of said Reservoirs for use upon the  $S\frac{1}{2}$  SW $\frac{1}{4}$ ,  $S\frac{1}{2}$  NE $\frac{1}{4}$  and SE $\frac{1}{4}$  Sec. 29, T. 4 S. R. 7 E. B. M. in the following amount and from the following date:

200 inches from 20th day of November 1907.

*Hofee*  
61 0010 THAT the plaintiff ESTATE OF FRED ANDERSON, Deceased, be and it is hereby awarded the use of the waters of said Reservoirs for use upon the N $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 12, T. 4 S. R. 6 E. B. M. in the following amount and from the following date:

50 inches from 31st day of January 1904.

61 0011 THAT defendant MARY AUS be and she is hereby awarded the use of the waters of said Reservoirs for use upon the E $\frac{1}{2}$  of Lots 79 and 80 of Jeromes Addition to the town of Mountain Home, in the following amount and from the following date:

3.125 inches from the 30th day of April, 1907.

61 0012 THAT defendant, W. B BAILEY Trustee, for I. E. BAILEY be and he is awarded the use of the waters of said Reservoirs for use upon Lot 46, Sect. 36, T. 3 S. R. 6 E. B. M in the following amount and from the following date:

6.25 inches from March 1st, 1904.

61 0013 THAT defendant R. D. BAILEY be and he is hereby awarded the use of the waters of said reservoirs for use upon the Lot 39, SEC. 36, T. 3 S. R. 6 E. B. M., in the following amount and from the following date:

6.25 inches from March 1st. 1904.

61 0014 THAT defendant D. C. BRADLEY Trustee for D. C. BRADLEY, O.

D. STUBBS AND C. E. STUBBS take nothing by reason of this decree,.

→ THAT the defendants FRED'K' W. BENNETT and LUCRETIA M. WATKINS

be and they are hereby awarded the use of the waters of said Reservoirs for use upon the following described property: "Commencing at a point 197.4 feet North of the SW. Corner of the E $\frac{1}{2}$  SW $\frac{1}{4}$  Sec. 24, T. 3 S. R. 6 E. B. M., running thence N. 660.87 feet, thence E. 662 feet, thence S. 662.31 feet, thence W. 662 feet to the place of beginning, in the following amount and from the following date:

4.375 inches of water from 31st day of December 1895.

61 0015 THAT Defendant FREDERICK BENNETT be and he is hereby awarded the use of the waters of said Reservoirs for use upon the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 33, W $\frac{1}{2}$  SW $\frac{1}{4}$  Sec. 28, T. 3 S. R. 6 E. B. M., in the following amount and from the following date:

50 inches from 18th day of April, 1908.

61 0016 THAT the plaintiff RICHARD BENNETT be and he is hereby awarded the use of the waters of said Reservoirs for use upon the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 26, T. 3 S. R. 6 E. B. M. in the following amount and from the following date:

25 inches from December 31st, 1900.

61 0017 THAT the plaintiff RICHARD BENNETT be and he is hereby awarded the use of the waters of said Reservoirs for use upon the following described property: Blocks 1, 2, 3, 4, 5, and 6 of Bennett's Addition to Mountainhome, as the same are designated on the official plat, in the following amount and from the following date:

6.25 inches from May 15th, 1892.

61 0018 THAT the defendant R. H. BENNETT be and he is hereby awarded the use of the waters of said Reservoirs for use upon the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 27, T. 3 S. R. 6 E. B. M. in the following amount and from the following date:

50 inches from November 30th, 1906.

61 0019 THAT plaintiff BESSIE BRADY be and she is hereby awarded the use of the waters of said Reservoirs for use upon the following land: Beginning at a point sixteen rods south of the NW Corner of the southeast quarter of the northwest quarter Sec. 25, T. 3 S. R. 6 E. B. M.; thence East 20 rods; thence north 16 rods; thence East ~~thence south 4 rods; thence west 2 rods; thence north 8 rods; thence west 2 rods;~~ 20 rods; thence north 16 rods to place of beginning, in the following amount and from the following date:

4.37 inches, from May 15, 1892.

1-0020 THAT Defendant J. H. BRADY be and he is hereby awarded the use of the waters of said Reservoirs for use upon the SE $\frac{1}{4}$  Sec. 24, T. 3 S. R. 6 E. B. M. in the following amount and from the following date:

37.5 inches for 60 acres, from March 31, 1894.

61 0021 THAT defendant MALVINA BENOIT be and she is hereby awarded the use of the waters of said Reservoirs for the use upon the following: Lots 23 to 31 inclusive of Block 28, of Lintons Addition to the town of Mountain Home, in the following amount and from the following date:

.375 inches from 6th day of May, 1904.

61 0022 THAT defendant JOHN A BENOIT be and he is hereby awarded the use of the waters of said reservoirs for use upon Lot 4 Sec. 6, T. 4 S. R. 7 E. B. M. in the following amount and from the following date:

25 inches from 23rd day of July, 1907.

61 0023 THAT the plaintiffs E. C. BERG AND AMANDA NELSON be and they are hereby awarded the use of the waters of said Reservoirs for use upon the E $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 25, T. 3 S. R. 6 E. B. M., in the following amount and from the following date:

12.5 inches from 31st day of December 1894.

61 0024 THAT the plaintiff E. C. BERG and AMANDA NELSON be and they are hereby awarded the use of the waters of said Reservoirs for use upon the E $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 25, T. 3 S. R. 6 E. B. M., in the following amount and from the following date:

12.5 inches from April 30, 1896.

61 0025 THAT the defendant MARY BRIDGEWOOD be and she is hereby awarded the use of the waters of said Reservoirs for use upon the SW $\frac{1}{4}$ , SW $\frac{1}{4}$  Sec. 13, Tp. 3 S. R. 6 E. B. M., in the following amount and from the following date:

25 inches from 1st day of July 1908.

61 0026 THAT defendant JAMES H. BRIDGEWOOD be and he is hereby awarded the use of the waters of said Reservoirs for use upon the following described land: SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  and that portion of SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec.

and from and in any manner interfering the dams and ditches of this  
plaintiff; and for cost of suit taxed in the sum of \$327.05/100 Dollars;  
and that plaintiff have execution therefor against said defendants.

February 6<sup>th</sup> 1900.

Geo. H. Stewart  
District Judge.

Filed February 6, 1900.

Entered February 6, 1900.

C. S. McConnell      Clerk.

EXHIBIT

B

63-A

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR ELMORE COUNTY.

Fred Cooper, J. W. Bailey,  
Henry Willis and John F. Dyar  
Plaintiffs.

Vs.

D E C R E E.

Solon McCoy, Rosemary Y. Baxter,  
and Samuel Bane,  
Defendants.

And now this cause coming on to be heard upon the findings of fact and conclusions of law hereinbefore filed, and the Court being fully advised in the premises, it is ordered, adjudged and decreed:

That the Plaintiff Fred Cooper be and he is hereby awarded the use of the amount of the waters of Little Camas Creek hereinafter stated, in each year from the following date of priority, to wit:- For the Northeast quarter of Section Thirtythree Township No. one, South of Range Nine East, One hundred and twenty inches of water dating from June 1st, 1883.

That the plaintiff J. W. Bailey be and he is hereby awarded the use of the amount of water of Little Camas Creek hereinafter awarded, in each year from the following date of priority, to wit:- (For the Southeast quarter of the Northeast quarter, the North half of the Southeast quarter and the Southwest quarter of the Southeast quarter of section No. Twenty-one Township No. One, South of Range Nine, East, <sup>0003</sup>sixty-five inches dating from June 1st, 1887 and <sup>0004</sup>seventy-five inches dating from June 1st, 1893. ) For the South half of the Southwest quarter of Section No. Twenty-one and the North half of the Northwest quarter of section No. Twenty-eight, Township No. One, South of Range Nine, East, sixty inches of water dating from June 1st, 1894. 63-0375

That the plaintiffs Henry Willis and John F. Dyar, jointly, are hereby awarded the use of the amount of the waters of Little Camas Creek hereinafter stated, from the following date, to wit:- For the Southeast quarter of the Southeast quarter of Section No. Twenty-

Decree # I

one and the Northeast quarter of section No. Twenty-eight and the Northwest quarter of the Northwest quarter of section No. Twenty-seven and the West half of the Southeast quarter of Section No. Twenty-eight, Township No. One, south of Range Nine, East of Boise Meridian, two hundred and sixty inches dating from June, 1st, 1889.

That the defendant Samuel Bane, be and he is hereby awarded the use of the amount of the water of Little Camas Creek hereinafter stated, from the following date of priority, to wit:- For use on the South half of the southwest quarter and the Northeast quarter of the Southwest quarter and the Southeast quarter of the Northwest quarter of section No. Twenty-eight, Township No. One, South of Range Nine East, of Boise Meridian, One hundred and sixty inches dating from June, 1st, 1893.

That the defendant Solon McCoy, be and he is hereby awarded the use of the amount of water of Little Camas Creek, hereinafter stated, from the following date of Priority, to wit:- For use upon the South half of the Southwest quarter and the West half of the Southeast quarter of Section No. Thirty-three, Township No. One, South of Range Nine, East, One hundred and sixty inches dating from July, 1st, 1893.

That the defendant Rosemary Y. Baxter, be and she is hereby awarded the use of the amount of water of Little Camas Creek hereinafter stated, from the following date of priority, to wit:- for use upon the East half of the Southeast quarter of section No. Thirty-three and the West half of the Southwest quarter of Section No. Thirty-four, Township No. One, South of Range Nine, East, Boise Meridian, Fifty inches dating from July 1st, 1893.

That the defendants, Solon McCoy and Rosemary Y. Baxter are hereby awarded the joint use of all of the waters of the Springs which rise upon the lands of the said Baxter and that certain Spring which rises about three hundred yards in a southerly direction from the present house or residence of said Solon McCoy, from the following date of priority, to wit:- June 1st, 1888, for use upon the following lands, to wit:- The South half of the Southwest quarter and the West half of

the Southeast quarter of Section No. Thirty-three, and the East half of the Southeast quarter of Section No. Thirty-three and the west half of the Southwest quarter of Section No. Thirty-four, Township No. one South of Range Nine East of Boise Meridian.

That all of said water herein awarded to the respective parties *shall be measured at the point* or points of diversion thereof from the Channel of said stream, in a box or boxes, headgate or headgates, suitable constructed for measuring water under a four inch pressure, or its equivalent in "Second Feet" and said water shall be measured at said point or points of diversion, under a four inch pressure, or its equivalent in Second feet.

That defendants ~~Polon McCoy and Rosemary Y. Baxter~~ are hereby awarded the sole privilege, as against the other parties to this action, of building a ~~reservoir or Reservoirs on Dipping Vat Gulch~~, and that all the other parties to this action, their and each of their heirs, successors and assigns and all persons claiming through, by or under them or either of them and their and each of their agents, employees and attorneys, be and they are hereby restrained and perpetually enjoined from in any manner interfering with said defendants building said Reservoirs or Reservoirs.

5-0385  
Completed-2  
[That on and after the building and completion of said reservoir or Reservoirs said defendants are hereby awarded, in addition to the other waters awarded them, ~~all of the water of said Gulch that they can store in or use through said Reservoir or Reservoirs~~, for use upon the lands hereinbefore described. Provided, that the use of said water shall not be changed or transferred to lands below the lands of the plaintiff herein; all overflow and waste water from said Reservoirs to be returned to said Gulch and stream to be divided in the order of the priorities herein awarded.]

It is further ordered adjudged and decreed, that none of the parties hereto, or their successors in interest shall have the right to the use of the waters of said Little Camas Creek herein awarded, except for a beneficial purpose; and that when the beneficial use has ceased such party or parties shall turn the waters of said stream used by them back into the Channel thereof; that each and every of the parties to this action, their servants, attorneys, employees, privies and successors in

interest are hereby enjoined and restrained from any and all interference with or diversion or use of the waters of said Little Camas Creek except as provided in this decree. Provided, that in the early spring, during flood water season, any party hereto may use more than the amount herein awarded to him or her but such use shall not deprive any party of the amount awarded in this decree.

It is further ordered adjudged and decreed that each party to this action shall bear and pay his own costs and expenses herein.

Dated at Mountain Home, Idaho, this 11th day of July, 1901.

Kirtland I. Perky,  
Judge of the Fourth Judicial District.

Filed July 11th, 1901,

A. G. Smith,  
Clerk.  
By J. W. Ball,  
Deputy.

State of Idaho )  
                  : SS.  
County of Elmore )

I hereby certify that this instrument was filed for record at request of E. M. Wolfe at 35 minutes past 10 o'clock A. M. this 12th day of July A. D. 1901 in my office.

A. G. Smith,  
Ex-officio Recorder.

Fees \$2.25.

CERTIFICATE OF TRUE COPY--RECORDER

Gazette Printers, Glenns Ferry, Idaho

STATE of IDAHO )  
County of Elmore )<sup>SS.</sup>

I, F. M. Hobbs, Auditor and Recorder in and for the County of Elmore, State of Idaho, do hereby certify that the foregoing is a true and correct copy of the original.....Decree.....  
Fred Cooper et al vs. Solon McCoy et al  
now on.....record.....in my office. in book 3 of Judgments at page 2

Given under my hand and official seal at Mountain Home, Idaho,  
this, the.....24<sup>th</sup>.....day of.....May.....A. D. 1916...

ATTEST: .....F. M. Hobbs.....Auditor and Recorder

By.....Deputy





RECEIVED

SEP 09 2013

DEPARTMENT OF  
WATER RESOURCES

**Subject:** letter to director Id Dept of Water Resources

**From:** Rick Stull <rickstull@wildwisp.com>

**Date:** 9/5/2013 3:31 PM

**CC:** Rick Stull <rickstull@wildwisp.com>, Steve Cummings <scummings@Micron.com>

Sept. 05, 2013

Director ID Dept. of Water Resources:

This is a follow up to verbal statement at the hearing last week regarding expansion of the Boise Basin Water District.

I live in the Robie Creek area and have irrigation rights from Robie Creek. I'm in favor on expanding the Boise Water District to include Robie Creek as soon as possible.

Since purchase of our property in 1994 we continue to have distribution problems and illegal use on Robie Creek. I've attached two correspondence I've written the department this year. I also brought some of these issues to water master of Basin 63 in 2002. I've also include copies of the letters I received back from the Department this year.

Without being in the water district we have little recourse in obtaining our supply of water.

Robie Creek was fully decreed in 1962 Afton vs. Luttrell and again in 1977 with the Cooley decree.

Water rights issued after that date 63-3447 and 63-7733 state that the are to be regulated by water master of Basin 63 but never are even after requesting of the dept. and basin 63.

When 63-7733 was granted the dept. noted that there many distribution problems but issued permit with stipulation that it would be subordinate to all other water rights, however this is not the case.

These letters should affirm our difficulties and also the rational for including Robie Creek into the Basin and demonstrate our need for assistance from the Dept. to insure our delivery of our water rights. I would personally like to see us included into the water district with the 2014 irrigation season instead of the proposed date of 2015 or 2016.

Regards

Rick Stull  
13 Robie Creek Lane  
Boise, ID 83716

(63-317b)

**Subject:** Karney Lakes

**From:** Rick Stull <rickstull@wildwisp.com>

**Date:** 7/22/2013 3:09 PM

**To:** "Collingwood, Rick" <Rick.Collingwood@idwr.idaho.gov>

**CC:** Steve Cummings <scummings@Micron.com>

Rick: As one might suspect Robie Creek is running short on water. Yesterday I asked three neighbors to stop using water from the creek for their lawns. None have irrigation rights from Robie Creek, I have done this in the past and it seems to have little effect. I also went and looked at Karney Lakes and they are nearly full but lower lake is below overflow. It appears seepage is the only out flow. My understanding of their water right 63-3068 is that diversion is to keep water levels in the lake and not for irrigation. Attached is the Karney lakes report from 08 where they address using lake water for irrigation purposes. I would like to ask the department to inform them that this use is not consistent with their water right. I would also like to ask as a senior water right holder that a sufficient flow remain in Karney Creek to insure that we have at least some flow rather than the flow being diverted to the lakes which would have greater evaporation losses than the creek.

Regards,

Rick Stull  
343-1454  
63-317B

11 Robie Creek Lane  
Boise, ID 83716

cc. Steve Cummings 63-30310

— Attachments: —

---

2008 GROUND, LAKES, WATER REPORTS.pdf

22.0 KB



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN

July 26, 2013

Rick Stull  
13 Robie Creek Ln  
Boise ID 83716

**RE: Robie Creek Water Flow**

Dear Mr. Stull:


Thank you for your e-mail letter of July 22<sup>nd</sup>. As requested, notice letters were sent regarding unauthorized irrigation to the Karney Lakes Club and President,

Your letter also request diversions to the Lakes remain in Karney Creek to enhance flows in Robie Creek. At present, the Boise River and tributary creeks upstream of Lucky Peak Dam (upper basin) are not regulated. Robie Creek is such a stream with no minimum stream flow designation. With no regulation, rights are diverted at random with no consideration to priority date. Unfortunately, this leads to times when all stream flow is exhausted. The water statutes grant surface water regulation through a water district.

As you are aware, last spring our agency began upper basin regulation process through the expansion of the Boise River Water District. Informational meetings were held in March, and a hearing on the matter is scheduled for late August 2013. The hearing will provide an opportunity for interested parties and right holders to provide input on future water regulation/administration. I would encourage you to share your concerns and recommendations in writing or by testimony. Notices for the hearing will be sent out to right holders in a couple of weeks.

Should you have questions please contact me at the Western Regional Office, phone 334-2190.

Sincerely,



John Westra, Manager

Enclosure: Karney Lakes letter

Please forward to John Westra

water available for fire protection.

Regards ,

Rick Stull

13 Robie Creek Lane  
Boise, ID 83716  
343-1454

— Attachments: \_\_\_\_\_

Afton vs Luttrell decree.pdf	936 KB
Cooley&Philips vs Biloshartzke.pdf	3.7 MB

**Subject:** Please forward to John Westra

**From:** Rick Stull <rickstull@wildwisp.com>

**Date:** 8/5/2013 6:48 PM

**To:** "Collingwood, Rick" <Rick.Collingwood@idwr.idaho.gov>

Rick: Thanks again for you time last week. I did speak with Rex Barrie and he asked me to speak with John. Speaking with John today, he asked that I send you copies of the court cases and forward them to him.

John: As per your request attached are two files regarding our water right 63-317b. We purchased the property from Gene and Lavone Philips in 1994. At that time they informed us of some of the prior court cases. Afton vs Luttrell and Cooley and Philips vs. Biloschaetzke. Afton vs. Luttrell in 1962 was the decree that dealt with the waters of Robie Creek. The later case from 77 dealt with the split of the Afton Decree. Later, Biloschaetzke bought the Cooley place and sold the properties to Steve Cummings. Biloschaetzke retained the water rights from the Cooley place and it was sold without irrigated acreage. Those water rights are now held by Steve Cummings. The Cooley decree also affirmed the priority of rights of Robie Creek and it's tributaries in the original Afton decree.

Back in 2002 I wrote a letter to the department and spoke with Mel (?) about water right 63-3447 d, regarding the size of storage ponds constructed on Ashton Gulch and that they use a 3/4 hp pump when water right is for .01 cfs. The priority date for that right is 1965. Line 14 of that right states that this right will be regulated by the watermaster from district 63. This right belonged to James Stephens but I believe it's since been sold. Today I stopped by that property to speak with new owners which weren't home. Irrigation was on, ponds were full and no water was being released into Ashton Gulch, portions of that property are soggy and muddy from their irrigation.

Last week I did speak with caretaker of Karney Lakes and he showed me the flume into lake and the overflow. From reading the engineers report of June 1958 when their permit was reviewed, it mentioned the overflow on the lower lake returning water to the creek and a drain in the bottom of the lake. My conversation with the caretaker revealed that only the overflow returns water to the creek and drain is only used to draw down the lakes in the fall. My issue with this is they are diverting Karney Creek (Trib. Of Robie Ck) completely after redoing their flume recently. They also, on or around the 21st of July, blocked the overflow for six days which resulted in nearly stopping the flow of Robie Creek. The use of water to these lakes should be measured so that we know if it's consumptive or not. From a cursory look flow does appear to be reduced. At some point I hope the dept or watermaster can document those flows.

As I mentioned, three other folks were using water from Robie Creek but I do believe they've stopped after I asked them to. There are probably others that have captured springs in the upper reaches of Ashton Gulch and Robie Creek some of them filed on by previous owners. I am aware that several of these rights were contested and that some of the springs are for in house use only, without enforcement these stipulations mean little.

I realize the time constraints of the dept and also watermaster but respectfully request these matters be dealt with. Steve Cummings and I are also in agreement that it would be in our best interests to join district 63. Neither Cummings nor I have sufficient water to irrigate nor is that our intention at this point in the season due to low flows and curtailment of later users such as us (our rights are from 1896). If dept would deal with some of these issues we would at least have some



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 13, 2013

Rick Stull  
13 Robie Creek Lane  
Boise ID 83716

### **RE: Robie Creek Regulation**

Dear Mr. Stull:

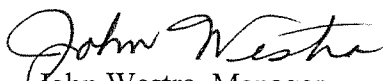
Thank you for your e-mail letter of August 6<sup>th</sup> regarding water management on Robie Creek. The enclosures provided a great deal of historical information regarding the creek water rights.

During the last ten plus years, the majority of the creek water rights have again been decreed by the Snake River Basin Adjudication Court (SRBA). The recent decree supersedes prior court decree provisions and conditions. I reviewed the enclosed previous decrees and cases involving right holders, and found that many of the previous provisions and conditions were not carried forward by the SRBA court. Current administration and regulation of the water rights would adhere to SRBA partial decree provisions and directives.

Your letter also addressed specific creek water rights that should be regulated according to priority date and water use. The Department can not single out individual water rights/right holders for regulation. Regulation can only be accomplished through a water district which requires the regulation of the entire creek. As discussed in my letter of July 26<sup>th</sup>, our agency is moving forward with water district regulation of the upper Boise River and tributaries of which Robie Creek is a part. The statutory process for facilitating regulation requires time, future resources must also be added to the Boise River Water District, and right holders must be allowed time to construct diversion and water measurement works. Regulation of the upper basin or creek will not commence this season.

Should you have questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

  
John Westra, Manager

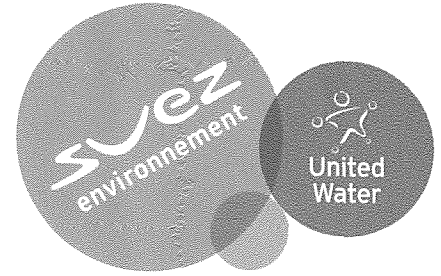
Cc: R. Barrie

RECEIVED

SEP 09 2013

DEPARTMENT OF  
WATER RESOURCES

GREGORY P. WYATT  
VICE PRESIDENT & GENERAL MANAGER  
UNITED WATER IDAHO INC.  
8248 W. VICTORY ROAD  
BOISE, ID 83709  
TEL 208-362-1300  
WWW.UNITEDWATER.COM



September 6, 2013

Mr. Gary Spackman, Director  
Idaho Department of Water Resources  
PO Box 83720  
Boise, Idaho 83720-0098

RE: Proposed Expansion of the Boise River Water District No. 63 Upstream of Lucky Peak Dam

Dear Director Spackman:

United Water Idaho is a holder of surface water rights in Water District 63. United Water believes that incorporating the area upstream of Lucky Peak Dam into Water District 63 is the best way to insure proper use of water rights in this area.

Therefore, I am writing to express United Water's support for the proposed expansion of Water District 63 as detailed in the Department's presentation during the public hearing on August 27<sup>th</sup>, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory P. Wyatt', is written over a horizontal line.

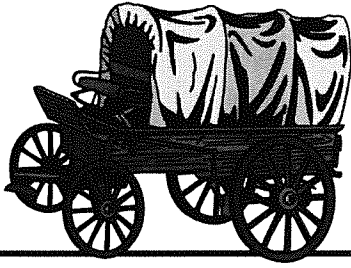
Gregory P. Wyatt  
VP & General Manager  
United Water Idaho Inc.

Cc: R. Dittus, R. Greaves

RECEIVED

SEP 04 2013

DEPARTMENT OF  
WATER RESOURCES



# Pioneer Irrigation District

---

P.O. BOX 426 • CALDWELL, IDAHO 83606  
(208) 459-3617  
[www.pioneerirrigation.com](http://www.pioneerirrigation.com)

August 26, 2013

Re: Basin Wide Administration

To Whom It May Concern:

I am the Superintendent for Pioneer Irrigation District (PID), and also the District's Watermaster. I am very concerned with the fact that the Upper Basin is not currently being administered.

I monitor the natural flow and presently served water rights on a frequent basis. It is very clear to me that natural flow changes have a direct impact on the amount of storage in which PID is charged. As natural flow changes, I can see our priority dates move in or out of service, sometimes with very minimal change in natural flow. As priority dates drop out of service, the next right to be served may be substantially less, causing a larger amount of stored water to be charged against us.

All users regardless of where they are within the system can have a negative impact on downstream users. It is well within the meaning of the Decrees that Judges Stewart and Bryan established years ago, that all users are equally impacted as water supplies change, until their water right has expired.

In closing, please consider treating all water users the same, and it should not be the burden of downstream users, to soak up the shortfall of natural flow, just because administration in the upper basin has not occurred in the past.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Mark Zirschky". The signature is fluid and cursive, with a large, stylized "M" and "Z".

Mark Zirschky  
Superintendent



SETTLERS' IRRIGATION DISTRICT  
P.O. BOX 7571 • BOISE, IDAHO 83707-1571  
PHONE: 344-2471 • FAX: 343-1642

My name is Mack Myers. I am the District manager of Settlers Irrigation District. I am here to represent District and what is its best interest.

Settlers Irrigation District delivers both natural flow and storage water from Water District 63 to over 13,000 acres in the Ada County area. It makes sense that all user of any water being used from Water District 63 be measured, regulated, administered, and assessed as the rest of the user do.

Let it be known that Settlers Irrigation District request it be recorded in supporting the expansion of Water District 63 into the upper Boise River Basin to protect both natural flows and storage water rights for Settlers Irrigation District.

Settlers Irrigation District

District Manager

Mack Myers

A handwritten signature in black ink, appearing to read "Mack Myers", written in a cursive style.

SCANNED

NOV - 1 2012

August 27, 2013

Mr. Gary Spackman, Director  
Idaho Department of Water Resources  
PO Box 83720  
Boise, ID 83720-0098

Re: Administration of Water District 63 Above Lucky Peak Dam

Dear Director Spackman:

This letter is in support of the proposed matter to expand the administration of Water District 63 water management rules on a consistent basis across the entire Boise River basin. This letter of support has been authorized by Mr. Bill Clayton, Chairman of the Eureka Water Company. The Eureka Water Company holds the third most senior right on the Boise River, with a priority date of June 1, 1865.

The proposed matter has been advertised as an expansion of Water District 63. However, the Department's web page states "Water District 63 is composed of the entire Boise Drainage." (<http://www.idwr.idaho.gov/WaterManagement/WaterDistricts/BoiseRiver/default.htm>). A search of the Department's web page includes the definition of Water District 63 as follows: "Water District 63 is composed of the entire Boise River drainage basin excluding Water Districts 63-B, Smith Creek; 63-P, Poor Boy Ditch; 63-T, Warm Springs Creek. Water District 63 is located in Ada, Canyon, Elmore, Boise and Camas counties."

([http://www.idwr.idaho.gov/WaterManagement/WaterDistricts/PDF/WD\\_DESCRIPTIONS.pdf](http://www.idwr.idaho.gov/WaterManagement/WaterDistricts/PDF/WD_DESCRIPTIONS.pdf))

The premise of this letter of support is that, throughout the entire Boise River Basin (i.e., Water District 63), all water rights, whether or not they adjudicated under the Stewart or Bryan Decrees, should operate under a consistent application of water management rules. Today, junior rights holders in the upper basin are diverting the rights of senior rights holders in the lower basin. This practice is inconsistent with the fair management of water in the Boise River Basin. The lack of administration of the upper basin water rights deprives downstream users of natural flow and storage rights. This is unfair to senior water rights holders.

The lack of administration above Lucky Peak reservoir also damages those irrigation entities that have previously allowed a partial transfer of their rights to willing purchasers in the upper basin. The entities that have followed the law and effected a transfer are charged for the water used in the upper basin, yet the multiple users that are unadministered in the upper basin have no responsibility to follow promulgated water management rules. This situation is unfair to the senior rights holders.

Please accept this recommendation that the administrative responsibilities of Water District 63 should extend uniformly across the entire Water District.

Sincerely,

  
Steve Sweet, PE

cc: Mr. Rex Barrie, Watermaster, Water District 63  
Mr. Bill Clayton, Chairman, Eureka Water Company

# CANYON CREEK WATER DISTRICT 61A

140 S 3rd E, Mountain Home, ID

Terry Seegrist, Watermaster

Phone: 208-587-4867

September 17, 2013

Jeff Peppersack  
Idaho Department of Water Resources  
2735 Airport Way  
Boise ID 8705

RECEIVED  
SEP 17 2013  
WATER RESOURCES  
WESTERN REGION

## RE: Letter of Explanation from Canyon Creek Water District 61A

Dear Mr. Peppersack:

The Canyon Creek Water District 61A has used the word "others" to describe the basin 63 water rights and has assessed for them since the beginning of Mtn. Home Irrigation District.

The Canyon Creek Water District 61A assessments for the Mtn. Home Irrigation District include Boise Basin Water right nos. 63-2188, 63-2214, 63-19893, and 63-20139. These water rights are part of the "others" in the Mtn Home Water right listing on watermaster/budget reports, see example attached.

Mountain Home Irrigation District storage and natural flows are comingled with Long Tom and Canyon Creek natural flow water rights. Water right nos. 63-2188, 63-2214, 63-19893, and 63-20139 are part of Canyon Creek Water District 61A operations and water delivery. The point of injection and re-diversion on Long Tom and Canyon Creeks are regulated by the 61A Watermaster as these rights are comingled with both creeks (61A) natural flow rights. See rights conditions of approval.

Sincerely,

Terry Seegrist, 61A Watermaster.

*Terry Seegrist*  
Calvin Ireland, 61A Chairman

*Calvin Ireland*  
Enclosures: Warner Memo, water right copies,

MOUNTAIN HOME IRRIGATION DISTRICT  
System Description

by Linda A. Werner  
Sr. Water Resources Agent

Mountain Home Irrigation District services its irrigated acreages from 3 reservoirs. These are Little Camas Reservoir whose source is Little Camas Creek, Long Tom Reservoir with source Long Tom Creek and Mountain Home Reservoir (aka Rattlesnake Reservoir) with sources of Canyon Creek and Rattlesnake Creek. All three reservoirs are under one system.

Little Camas Creek flows northerly into Little Camas Reservoir. Other sources for storage in Little Camas Reservoir are Dollar Creek, Castle Rock Creek, Chimney Creek and Buck Creek; all are tributary to Cat Creek which flows into Little Camas Reservoir. These sources have no manmade development. Water is conveyed from Little Camas Reservoir by means of an aqueduct whose beginning is located in T1S, R9E, Section 9, SW1/4 NE1/4. The point of origin of this aqueduct is located in drainage Basin 63. The overflow from Little Camas Reservoir flows to the Anderson Ranch Reservoir.

Effluent from this aqueduct flows to the East Fork of Long Tom Creek (Basin 61) in T1S, R8E, Section 22, SW1/4 SW1/4. Water then flows to Long Tom reservoir. Water is conveyed through Long Tom Creek via the spillway in Long Tom Reservoir which is located in T1S, R7E, Section 36, SW1/4 SW1/4. The confluence of Long Tom Creek and Canyon Creek is located in T1S, R7E, Section 31, NW1/4 SW1/4. The means of conveyance from this point is Canyon Creek.

Approximately 5 miles downstream is a feeder canal located in T2S, R6E, Section 36, NE1/4 NW1/4. That canal conveys water to the lands on the east side of the district; some of which were previously known as Elmore County Irrigated Farms. This canal conveys water to Mountain Home Reservoir. Also, at this point, excess water can be conveyed to the Snake River via the old Canyon Creek channel.

A second canal, located in T2S, R6E, Section 36, NE1/4 SW1/4, conveys water to the western lands of the irrigation district. This canal is known as the Lamberton West Side Canal. Any remaining water (if any, there is usually none) will go to a private reservoir located in T4S, R7E, Section 20, NE1/4 SW1/4. Mountain Home Irrigation District's responsibility for water conveyance ends just above this area.

Rattlesnake Creek is also tributary to Mountain Home Reservoir with the inflow located in T3S, R7E, Section 16, NW1/4 NW1/4. The outflow from the dam to the canal originates in T3S, R7E,

MICROFILMED

AUG 11 1992

Section 18, SW1/4 SE1/4, which used to be the Rattlesnake Creek channel. Spillway water also runs into the canal.

Effluent from the Mountain Home Reservoir is carried through the East Side Canal, located in T3S, R7E, Section 18, SW1/4 SE1/4 and conveys water to the east side of the district lands. The East Side Canal ends in the vicinity of T4S, R7E, Section 16, NW1/4 NW1/4. At this point the conveyance of the water is no longer the responsibility of the irrigation district. There are also ponds in the vicinity for any overflow, which is rare. The flow in the canal after this point is private.

Water was first put to use upon lands under Mountain Home Irrigation District in approximately 1892.

Completion dates of reservoirs, per our records:

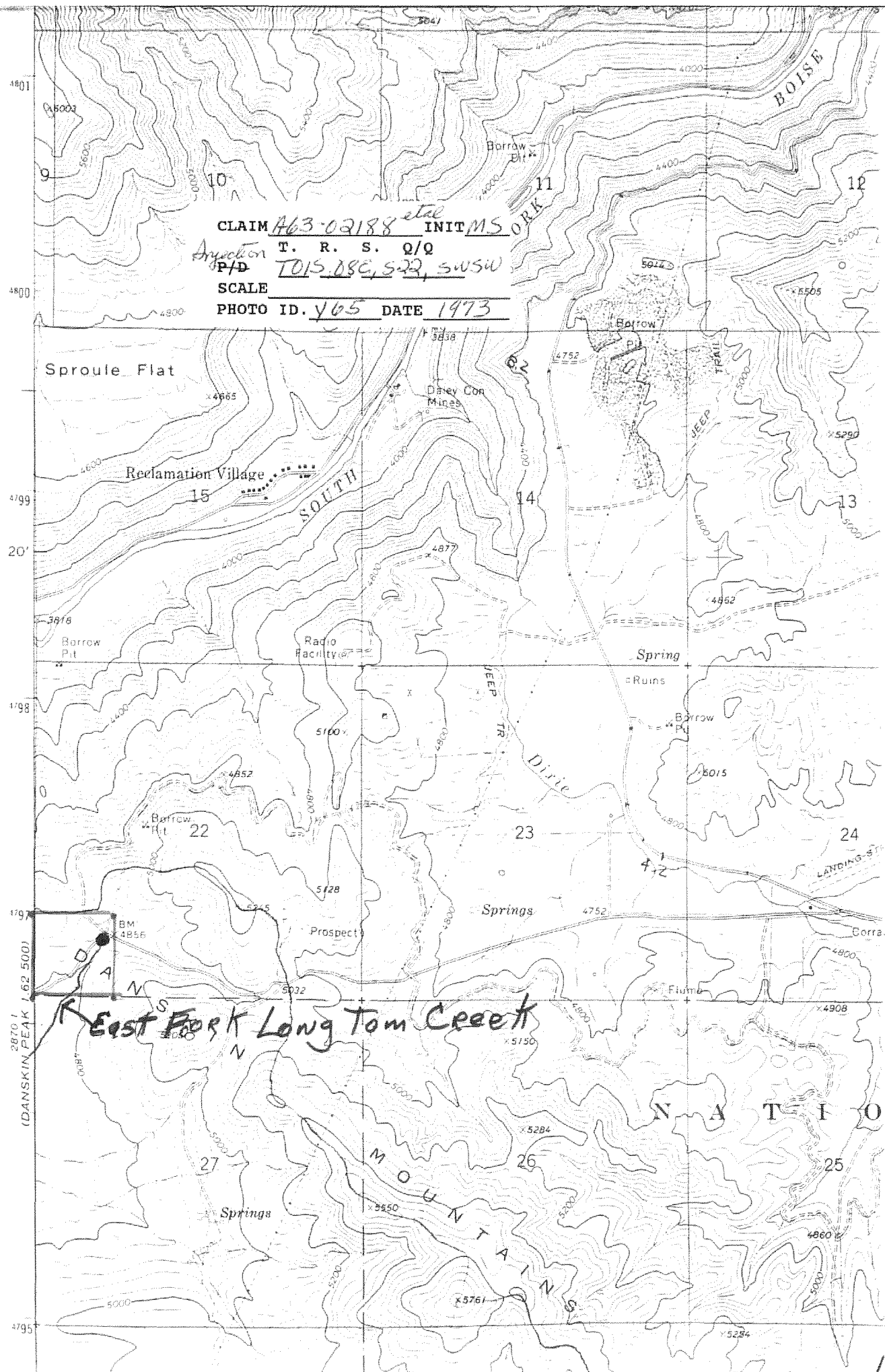
Little Camas reservoir-1912  
Mountain Home reservoir-1906  
Long Tom reservoir-1906

See adjudication claim A63-20139 for a map depicting the system and places of use.

See decrees 61-A, 61-A-1, 61-B and 63-A

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AUG 11 1992



Canyon Creek

CLAIM 463-02188 et al INIT MS  
Rediversion T. R. S. Q/Q  
P/D 25 6E 36 NENW  
SCALE \_\_\_\_\_  
PHOTO ID. 213 DATE 19

MHID  
213

Rediversion  
POD

Spring

Reservoir

Canal To Mountain Home  
Reservoir

Interstate Airway  
Communications Station

CANAL

FEEDER

CANAL

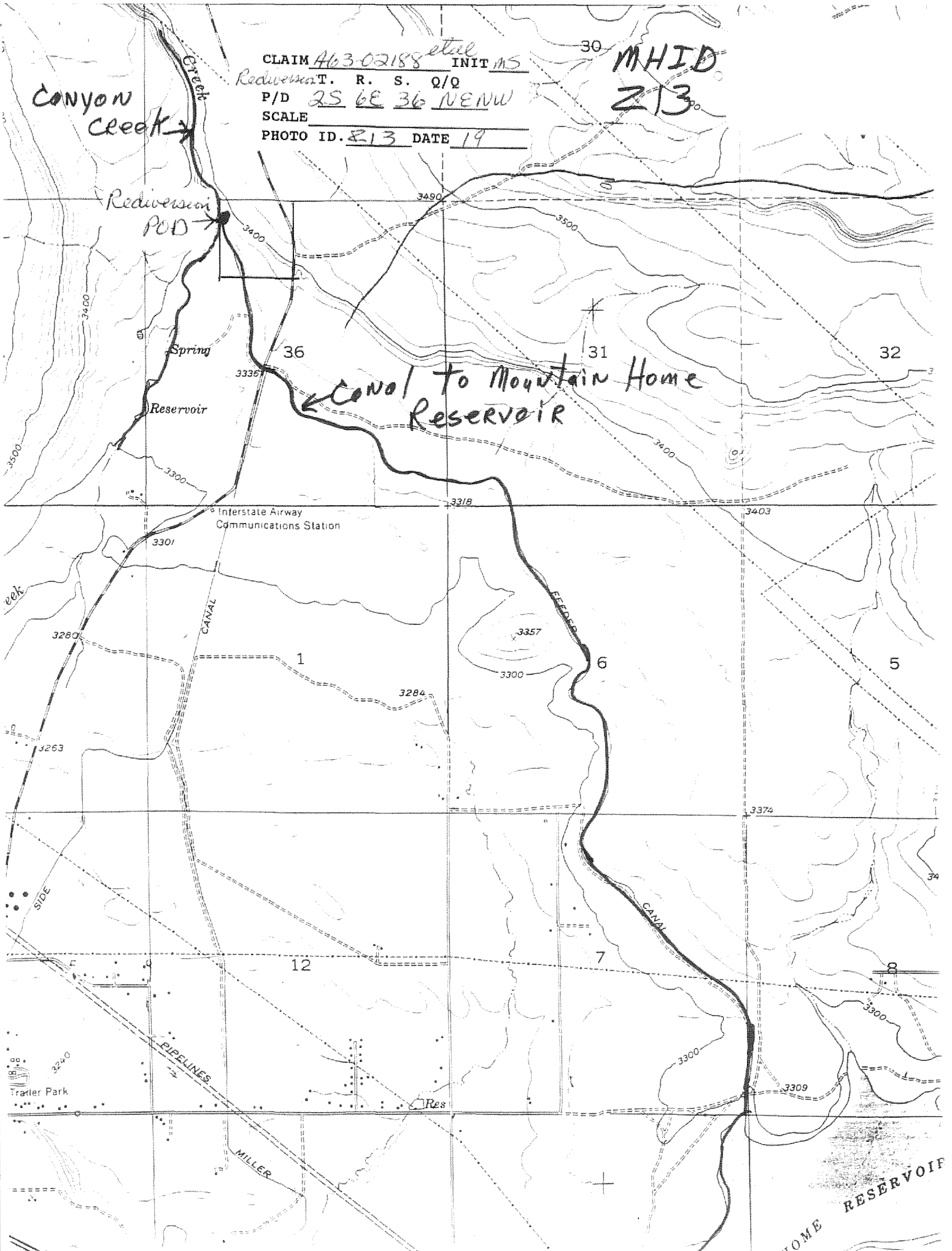
PIPELINES

MILLER

HOME RESERVOIR

Trailer Park

Res



2970 IV  
(PINE)

7.5 MINUTE SERIES (TOPOGRAPHIC)

43° 22' 30"

45

FIN

PHOTO ID. V65 DATE 1973

620 000  
FEET

3

x4912

[illegible]



SECTION 42-606 IDAHO CODE

REPORTS OF WATERMASTERS. All watermasters shall make an annual report to the department of water resources prior to the expiration of the watermaster's appointment for the current year. This report shall show the total amount of water delivered by the watermaster during the preceding year, the amount delivered to each water user, the total expense of delivery and the apportionment of expenses among users and all debits and credits to be carried over to the following year. Such report shall also include records of stream flow the watermaster used or made in the process of distributing water supplies. The director may ask for other information deemed necessary in assuring proper distribution of water supplies within the district. The reports of watermasters to the department of water resources shall be filed and kept in the office of the department.

Instructions For Completing Annual Watermaster's Report

This form has been developed to assist the watermaster in complying with some of the annual reporting requirements of Section 42-606, Idaho Code. The form provides for summary of the amount of water delivered by the watermaster to each user, the total expense of delivery and the apportionment of expenses among water users, including debits and credits. Water distribution and hydrologic information including stream flow records, daily diversion data, water right information and water right priority cut summaries should be presented in a separate water distribution report.

Complete this annual report form of delivery and costs as follows:

- 1) Enter water right holder name, corresponding IDWR water right number or numbers, and corresponding diversion name and/or remarks on page 2;
- 2) Enter the total amount of water delivered to each user as total 24-hour second feet under column 1, page 3. Total **24-hour second feet** is a flow rate expressed in terms of one day or 24 hours. For example, a continuous diversion of 2 cfs over 20 days would equal 40 24-hour second feet.
- 3) Under column 3, page 3, enter the amount of money assessed or billed to each user at the beginning of the year. The assessment may be found in the previous year's adopted budget report.
- 4) In the work space provided on the right hand side of page 3, add up total watermaster salary costs and expenses and enter as "TOTAL COST". Then divide this total cost by the total number of 24-hour second feet delivered (sum of column 1) to obtain the cost per 24 hour second feet delivered, or the unit cost factor.
- 5) Under column 2, page 3, multiply the unit cost factor (obtained in step number 4 above) by each user's total 24-hour second feet delivery in column 1 to obtain the total cost against each user.
- 6) For each user, subtract the total cost amount in column 2 from the adopted budget in column 3 and enter the difference either as a credit or debit (negative differences entered as debits, positive differences entered as credits).
- 7) Sign the report before a notary public and submit the original to the appropriate regional office of the Department of Water Resources. Retain one copy for the Water District.

# WATERMASTER'S REPORT

From March 1, 2009 To Nov 1, 2009

Water District No. 61-A  
 Name of Watermaster Terry L. Seegrift  
 P.O. Address 140 S. 3rd E. Mt. Home Idaho, 83647

AFFIDAVIT OF WATERMASTER

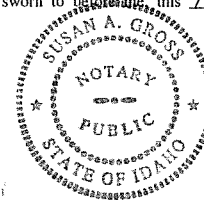
STATE OF IDAHO }  
 COUNTY OF Elmore } ss.

Terry L. Seegrift, being first duly sworn, deposes and says that he is Watermaster of Water District 61-A, having been lawfully appointed by David R. Tuthill Jr. Director, Idaho Department of Water Resources, and that the volumes of water, as stated in this report and prorated by him to the water right holders of the district are correct.

Terry L. Seegrift  
 (Deputy) Watermaster District No. 61-A

Subscribed and sworn to before me, this 19 day of Jan, 2010

(SEAL)



Susan A. Gross  
 Notary Public

My Commission expires 01/06/14  
 Residing at 705 E 11th N, Mountain View  
83647

Boise, Idaho, 01/22, 2010

I HEREBY CERTIFY, that Terry L. Seegrift was lawfully appointed by me as Water Master of Water District No. 61A, and that the information contained in this report, as herein sworn to, is, to the best of my knowledge and belief, correct.

Gary Spackman  
 Director, Department of Water Resources

By John Westra  
Mountain View, Idaho

	WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
1	Robert + Jay Norstebom	61- 00250	Canyon Creek
2	James Norstebom	61- 00250	" "
3	Mary Horgan	61- 00250	" "
4	Anita Fickle	61- 00250	" "
5	Roy Ireland	61- 00246 + others	" "
6	MHID	61- 00251 + others	" "
7	Heather Mack	61- 00251	" "
8	Forrest Freer	61- 00258	" "
9	Ted Hoffman	61- 00252A	" "
10	Rick Hansen	61- 00252B	" "
11	Mike Taylor	61- 00260 + others	" "
12	Jack Box	61- 00261B v1	Syrup Creek
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			

	1	2	3	4	5	
	Total Delivery in 24-Hour Sec. Feet	Total Cost \$ cts.	Adopted Budget \$ cts.	Credits \$ cts.	Debits \$ cts.	Cost Per 24-Hr. Sec. Ft. \$ <u>0.0511832</u>
1	44.33	3.12				Total No. Days of Watermaster
2	44.33	3.12				days at \$ per day \$ <u>5.11832</u>
3	42.9	3.10				Total No. Days of Asst. Watermaster
4	44.33	3.12				days at \$ per day \$
5	563.4	25.67				Other expenses charged <sup>FICA</sup> pro rata \$ <u>22.95</u>
6	9972.92	268.20				TOTAL COST \$ <u>322.95</u>
7	108	1.34				Total No. 24-Hour Sec. Feet Delivered
8	213.6	8.34				Cost per 24-Hour Sec. Feet Delivered \$ <u>0.0511832</u>
9	42.6	5.30				
10	13.4	.56				
11	210	1.00				
12	0	.18				
13	6309.81	322.95				
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
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29						
30						

RECEIVED

DEC 04 2008

WATER RESOURCES  
WESTERN REGION

# Watermaster's Proposed Budget

FOR ~~18~~ 2009

District No. 61-A

Canyon Creek

of Watermaster Terry L. Seegrust

Office Address 140 S 3rd E Mtn Home Id. 83647

of Secretary Same

Office Address Same

## SECTION 42-615, IDAHO CODE

PROPOSED BUDGET FOR SUCCEEDING YEAR. Each watermaster shall, at least thirty (30) days prior to the annual meeting of the water users of the water district, also prepare and file with the department of water resources a proposed budget for the succeeding year, together with a distribution of the amount of said budget to the respective water users, using the actual expenses for the past irrigation season or seasons, as the basis for said distribution as hereinabove provided, which said proposed budget and distribution shall be submitted to the water users for consideration and approval at the next annual meeting.

In conformity with the above statute, I hereby submit a Proposed Budget for the season of ~~18~~ 2009

Terry Seegrust  
Watermaster

Report must be made in duplicate, one copy to be forwarded to the appropriate regional office of the Idaho Department of Water Resources, and one copy to the Secretary of the last Annual Water User's Meeting of your District.)

1000 10 1000  
 1000 10 1000

	WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
1	Stan Norstebow	61-00250	Canyon Cr
2	Roy Ireland	61-00246 & others	" "
3	M.H.I.D.	61-00256 & others	" "
4	Heather Mack	61-00251	" "
5	Forrest Freer	61-00258	" "
6	Richard Hansen	61-00252 A	" "
7	Ted Hoffman	61-00252 D	" "
8	Mike Taylor	61-00260 61-00261	" "
9	Jack Cox	61-00261 BVI	Syrup Cr.
10			
1			
2			
3			
4			
5			
5			
7			
3			
3			
3			
1			
2			
3			
1			
5			
5			
7			
1			
1			

PAST SEASON DELIVERIES					Avg. Delivery for Past Seasons 6	Estimated Billing 7	Adjusted Billing 8
1	2	3	4	5			
<u>192004</u>	<u>192005</u>	<u>192006</u>	<u>192007</u>	<u>192008</u>			
1	219.2	158.0	188.4	153.2	172.0	178.16	12.46
2	461.0	285.4	632.0	415.0	552.0	469.08	25.67
3	3852.0	2700.0	5269.2	6141.4	5580.0	4708.52	268.20
4	20.0	33.6	49.0	42.4	45.0	38.0	1.34
5	186.0	136.8	249.6	175.0	196.0	183.08	8.34
6	8.4	0	4.0	0	0	2.48	.56
7	58.8	30.0	35.0	19.6	27.0	34.08	5.20
8	20.0	0	40.0	66.0	52.0	36.0	1.00
9	0	0	0	0	0	0	.18
10							
11							
12							
13							
14							
15							
16							
17							
18							
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21							
22							
23							
24							
25							
26							
27							
28							
29							
30							

WATERMASTER				ASSISTANT WATERMASTER, SECRETARY, STAFF, ETC.				OTHER EXPENSES	FICA	TOTAL COSTS	
YEAR	DAYS	SALARY	TOTAL	DAYS	SALARY	TOTAL					
19__		300.00						22.95		322.95	
19__		"						"		"	
19__		"						"		"	
19__		"						"		"	
19__		"						"		"	
AVERAGE		300.00						22.95		322.95	
WATERMASTER'S PROPOSED BUDGET											
NEXT YEAR		SAME								SAME	

Complete this proposed budget report form as follows:

- 1) Enter water right holder name, corresponding IDWR water right number or numbers, and corresponding diversion name and/or remarks on page 2;
- 2) If you wish to estimate next season's assessments based on the average delivery of past seasons, then enter the actual water deliveries to each user for the past two to five seasons on page 3. You have the option of using at least the past two seasons or up to five seasons for averaging. You also have the option of using last year's delivery or one year's delivery as a basis of determining assessments for the next season. Enter deliveries as total 24-hour second feet. Total 24-hour second feet is a flow rate expressed in terms of one day or 24 hours. For example, a continuous diversion of 2 cfs over 20 days would equal 40 24-hour second feet.
- 3) If using the averaging method, enter the average delivery for past seasons in column 6 of page 3. If you are not averaging, then enter each user's delivery from last year in column 5 and skip column 6.
- 4) In the work space provided at the top of this page, enter next years proposed watermaster salary, secretary and/or staff salaries, and expenses. You may use the past season costs and expenses, or average past seasons' costs and expenses as an aid in determining next years budget. A more detailed listing or itemization of expenses and salaries can be attached to this form.
- 5) Divide the total proposed budget amount for next year by the total past season delivery (total of column 5, page 3) or average past seasons deliveries (total of column 6, page 3) to obtain a unit cost factor.
- 6) Under column 7, page 3, multiply the unit cost factor by each user's past season or average past seasons deliveries to obtain the estimated billing for the next year.
- 7) Use column 8, page 3, to enter the adjusted billing amount if the district wishes to carry over debits and credits from the previous season. (Refer to the last watermaster report. If a user had a credit, subtract that credit from his or her estimated billing in column 7 of this report, and enter the difference or adjusted amount in column 8. If a user had a debit, then add that debit to his or her billing amount shown in column 7 and show as adjusted billing in column 8.
- 8) Sign the report and submit the original to the appropriate regional office of the Department of Water Resources. Retain one copy for the Water District.

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

9/16/2013

**Water Right 63-20139**

<b><u>Owner Type</u></b> Current Owner	<b><u>Name and Address</u></b> MOUNTAIN HOME IRRIGATION DISTRICT CALVIN IRELAND BOARD CHAIRMAN 140 S 3RD EAST MOUNTAIN HOME, ID 83647 (208)587-4867
---	--

**Priority Date:** 5/20/1912

**Basis:** Decreed

**Status:** Active

<b><u>Source</u></b> LITTLE CAMAS CREEK	<b><u>Tributary</u></b> SOUTH FORK BOISE RIVER
--	---

<b><u>Beneficial Use</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Diversion Rate</u></b>	<b><u>Volume</u></b>
IRRIGATION STORAGE	1/01	12/31		22,910.0 AF
IRRIGATION FROM STORAGE	3/15	11/15		22,910.0 AF
	<b><u>Total Diversion</u></b>			22,910.0 AF

**Source and Point(s) of Diversion**

LITTLE CAMAS CREEK	SWSW	Sec. 22, Twp 01S, Rge 08E, ELMORE County(I)
LITTLE CAMAS CREEK	NENW	Sec. 36, Twp 02S, Rge 06E, ELMORE County(R)
LITTLE CAMAS CREEK	SWNE	Sec. 9, Twp 01S, Rge 09E, ELMORE County

**Place Of Use**

IRRIGATION FROM STORAGE

Large POU not Displayed

**Conditions of Approval:**

1. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7420.2 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE MOUNTAIN HOME IRRIGATION DISTRICT. COMBINED RIGHT NOS.: 61-00363, 61-10419, 61-10421, 61-00263, 61-00264, 61-00266, 61-10417, 63-02214, 63-02188, 63-20139.
2. 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.
3. THE PLACE OF USE FOR MOUNTAIN HOME IRRIGATION DISTRICT INCLUDES 40 ACRES IN BASIN 63 DESCRIBED AS T01S, R09E S04, SESE THAT IS WITHIN THE BOUNDARIES OF MOUNTAIN HOME IRRIGATION DIST. THE STORAGE FACILITIES FOR THE MOUNTAIN HOME IRRIGATION DISTRICT HAVE A TOTAL CAPACITY OF 31,494 ACRE FEET. THEY INCLUDE LITTLE CAMAS RESERVOIR IN BASIN 63 WITH A CAPACITY OF 22910 ACRE FEET, LONG TOM RESERVOIR WITH A CAPACITY OF 4340 ACRE FEET AND MOUNTAIN HOME RESERVOIR WITH A CAPACITY OF 4244 ACRE FEET.
4. POINT OF INJECTION INTO EAST FORK LONG TOM CREEK.

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

9/16/2013

5. POINT OF REDIVERSION FROM CANYON CREEK.  
THE MOUNTAIN HOME IRRIGATION DISTRICT HAS 4403.56 SHARES THAT  
RECEIVE WATER DELIVERED THROUGH ITS SYSTEM.
6. THE PLACE OF USE IS WITHIN THE BOUNDARIES OF THE MOUNTAIN HOME  
IRRIGATION DISTRICT.

**Dates and Other Information**

Decreed Date: 4/21/2003  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S  
Water District Number: 63  
Mitigation Plan: False

**Combined Use Limits**

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		7,420.2
61-263 ,61-10417 ,61-10419 ,61-10421 ,61-264 ,61-266 ,61-363 ,63-2188 ,63-2214 ,63-19893 ,63-20139		

**SubCase:**

N/A

**Water Supply Bank:**

N/A



**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

9/16/2013

**Water Right 63-2214**

<b><u>Owner Type</u></b>	<b><u>Name and Address</u></b>
Current Owner	MOUNTAIN HOME IRRIGATION DISTRICT CALVIN IRELAND BOARD CHAIRMAN 140 S 3RD EAST MOUNTAIN HOME, ID 83647 (208)587-4867

**Priority Date:** 2/1/1913

**Basis:** Decreed

**Status:** Active

<b><u>Source</u></b>	<b><u>Tributary</u></b>
CAT CREEK	LITTLE CAMAS CREEK

<b><u>Beneficial Use</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Diversion Rate</u></b>	<b><u>Volume</u></b>
IRRIGATION	3/15	11/15	1.800 CFS	
IRRIGATION STORAGE	1/01	12/31		874.7 AF
IRRIGATION FROM STORAGE	3/15	11/15		874.7 AF
<b><u>Total Diversion</u></b>			1.800 CFS	874.7 AF

**Source and Point(s) of Diversion**

CAT CREEK	NENW	Sec. 36, Twp 02S, Rge 06E, ELMORE County(R)
CAT CREEK	SWNE	Sec. 9, Twp 01S, Rge 09E, ELMORE County
CAT CREEK	SWSW	Sec. 22, Twp 01S, Rge 08E, ELMORE County(I)

**Place Of Use**

IRRIGATION FROM STORAGE  
Large POU not Displayed  
IRRIGATION  
Large POU not Displayed

**Conditions of Approval:**

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. THE PLACE OF USE FOR MOUNTAIN HOME IRRIGATION DISTRICT INCLUDES 40 ACRES IN BASIN 63 DESCRIBED AS T01S, R09E S04, SESE THAT IS WITHIN THE BOUNDARIES OF MOUNTAIN HOME IRRIGATION DIST. THE STORAGE FACILITIES FOR THE MOUNTAIN HOME IRRIGATION DISTRICT HAVE A TOTAL CAPACITY OF 31,494 ACRE FT. THEY INCLUDE LITTLE CAMAS RESERVOIR IN BASIN 63 WITH A CAPACITY OF 22910 ACRE FEET, LONG TOM RESERVOIR WITH A CAPACITY OF 4340 ACRE FEET AND MOUNTAIN HOME RESERVOIR WITH A CAPACITY OF 4244 ACRE FEET.
4. C02 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. POINT OF INJECTION INTO EAST FORK LONG TOM CREEK.  
POINT OF REDIVERSION FROM CANYON CREEK.

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

9/16/2013

6. THE PLACE OF USE IS WITHIN THE BOUNDARIES OF THE MOUNTAIN HOME IRRIGATION DISTRICT.
7. THE MOUNTAIN HOME IRRIGATION DISTRICT HAS 4403.56 SHARES THAT RECEIVE WATER DELIVERED THROUGH ITS SYSTEM.
8. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7420.2 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE MOUNTAIN HOME IRRIGATION DISTRICT. COMBINED RIGHT NOS.: 61-00363, 61-10419, 61-10421, 61-00263, 61-00264, 61-00266, 61-10417, 63-02188, 63-19893, 63-20139.
9. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

**Dates and Other Information**

Decreed Date: 4/24/2003

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 63

Mitigation Plan: False

**Combined Use Limits**

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		7,420.2
61-263 ,61-10417 ,61-10419 ,61-10421 ,61-264 ,61-266 ,61-363 ,63-2188 ,63-2214 ,63-19893 ,63-20139		

**SubCase:**

N/A

**Water Supply Bank:**

N/A

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

9/16/2013

**Water Right 63-2188**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MOUNTAIN HOME IRRIGATION DISTRICT CALVIN IRELAND BOARD CHAIRMAN 140 S 3RD EAST MOUNTAIN HOME, ID 83647 (208)587-4867

**Priority Date:** 12/28/1911

**Basis:** Decreed

**Status:** Active

<u>Source</u>	<u>Tributary</u>
CAT CREEK	LITTLE CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	2.840 CFS	
IRRIGATION STORAGE	1/01	12/31		1,380.1 AF
IRRIGATION FROM STORAGE	3/15	11/15		1,380.1 AF
<b><u>Total Diversion</u></b>			2.840 CFS	1,380.1 AF

**Source and Point(s) of Diversion**

CAT CREEK	SWNE	Sec. 9, Twp 01S, Rge 09E, ELMORE County
CAT CREEK	SWSW	Sec. 22, Twp 01S, Rge 08E, ELMORE County(I)
CAT CREEK	NENW	Sec. 36, Twp 02S, Rge 06E, ELMORE County(R)

**Place Of Use**

IRRIGATION FROM STORAGE  
Large POU not Displayed  
IRRIGATION  
Large POU not Displayed

**Conditions of Approval:**

1. POINT OF INJECTION INTO EAST FORK LONG TOM CREEK.  
POINT OF REDIVERSION FROM CANYON CREEK.
2. THE PLACE OF USE FOR MOUNTAIN HOME IRRIGATION DISTRICT INCLUDES 40 ACRES IN BASIN 63 DESCRIBED AS T01S, R09E S04, SESE THAT IS WITHIN THE BOUNDARIES OF MOUNTAIN HOME IRRIGATION DIST. THE STORAGE FACILITIES FOR THE MOUNTAIN HOME IRRIGATION DISTRICT HAVE A TOTAL CAPACITY OF 31,494 ACRE FT. THEY INCLUDE LITTLE CAMAS RESERVOIR IN BASIN 63 WITH A CAPACITY OF 22910 ACRE FEET, LONG TOM RESERVOIR WITH A CAPACITY OF 4340 ACRE FEET AND MOUNTAIN HOME RESERVOIR WITH A CAPACITY OF 4244 ACRE FEET.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7420.2 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE MOUNTAIN HOME IRRIGATION DISTRICT. COMBINED RIGHT NOS.: 61-00363, 61-10419, 61-10421, 61-00263,

**IDAHO DEPARTMENT OF WATER RESOURCES**  
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5. C05 61-00264, 61-00266, 61-10417, 63-02214, 63-19893, 63-20139.  
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.
6. THE MOUNTAIN HOME IRRIGATION DISTRICT HAS 4403.56 SHARES THAT  
RECEIVE WATER DELIVERED THROUGH ITS SYSTEM.
7. 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.
8. THE PLACE OF USE IS WITHIN THE BOUNDARIES OF THE MOUNTAIN HOME  
IRRIGATION DISTRICT.

**Dates and Other Information**

Decreed Date: 4/24/2003

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 63

Mitigation Plan: False

**Combined Use Limits**

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		7,420.2
61-263 ,61-10417 ,61-10419 ,61-10421 ,61-264 ,61-266 ,61-363 ,63-2188 ,63-2214 ,63-19893 ,63-20139		

**SubCase:**

N/A

**Water Supply Bank:**

N/A

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

9/16/2013

**Water Right 63-19893**

<b><u>Owner Type</u></b>	<b><u>Name and Address</u></b>
Current Owner	MOUNTAIN HOME IRRIGATION DISTRICT CALVIN IRELAND BOARD CHAIRMAN 140 S 3RD EAST MOUNTAIN HOME, ID 83647 (208)587-4867

**Priority Date:** 6/1/1894

**Basis:** Decreed

**Status:** Active

<b><u>Source</u></b>	<b><u>Tributary</u></b>
LITTLE CAMAS CREEK	SOUTH FORK BOISE RIVER

<b><u>Beneficial Use</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Diversion Rate</u></b>	<b><u>Volume</u></b>
IRRIGATION	3/15	11/15	19.000 CFS	
IRRIGATION STORAGE	1/01	12/31		9,120.0 AF
IRRIGATION FROM STORAGE	3/15	11/15		9,120.0 AF
<b><u>Total Diversion</u></b>			19.000 CFS	9,120.0 AF

**Source and Point(s) of Diversion**

LITTLE CAMAS CREEK	SWNE	Sec. 9, Twp 01S, Rge 09E, ELMORE County
LITTLE CAMAS CREEK	SWSW	Sec. 22, Twp 01S, Rge 08E, ELMORE County(I)
LITTLE CAMAS CREEK	NENW	Sec. 36, Twp 02S, Rge 06E, ELMORE County(R)

**Place Of Use**

IRRIGATION FROM STORAGE  
Large POU not Displayed  
IRRIGATION  
Large POU not Displayed

**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.
2. G02 POINT OF INJECTION INTO EAST FORK LONG TOM CREEK.  
POINT OF REDIVERSION FROM CANYON CREEK.
3. THE MOUNTAIN HOME IRRIGATION DISTRICT HAS 4403.56 SHARES THAT RECEIVE WATER DELIVERED THROUGH ITS SYSTEM.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. THE PLACE OF USE IS WITHIN THE BOUNDARIES OF THE MOUNTAIN HOME IRRIGATION DISTRICT.
6. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7420.2 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE MOUNTAIN HOME IRRIGATION

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

9/16/2013

- DISTRICT. COMBINED RIGHT NOS.: 61-00363, 61-10419, 61-10421, 61-00263, 61-00264, 61-00266, 61-10417, 63-02214, 63-02188, 63-20139.
7. THE PLACE OF USE FOR MOUNTAIN HOME IRRIGATION DISTRICT INCLUDES 40 ACRES IN BASIN 63 DESCRIBED AS T01S, R09E S04, SESE THAT IS WITHIN THE BOUNDARIES OF MOUNTAIN HOME IRRIGATION DIST. THE STORAGE FACILITIES FOR THE MOUNTAIN HOME IRRIGATION DISTRICT HAVE A TOTAL CAPACITY OF 31,494 ACRE FEET. THEY INCLUDE LITTLE CAMAS RESERVOIR IN BASIN 63 WITH A CAPACITY OF 22910 ACRE FEET, LONG TOM RESERVOIR WITH A CAPACITY OF 4340 ACRE FEET AND MOUNTAIN HOME RESERVOIR WITH A CAPACITY OF 4244 ACRE FEET.

**Dates and Other Information**

Decreed Date: 4/21/2003  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S  
Water District Number: 63  
Mitigation Plan: False

**Combined Use Limits**

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		7,420.2
61-263 ,61-10417 ,61-10419 ,61-10421 ,61-264 ,61-266 ,61-363 ,63-2188 ,63-2214 ,63-19893 ,63-20139		

**SubCase:**

N/A

**Water Supply Bank:**

N/A

STATE OF IDAHO  
**WATER DISTRICT No. 63**  
(BOISE RIVER)

REX R. BARRIE, WATERMASTER  
P.O. BOX 767  
STAR, IDAHO 83669-0767  
(208) 908-5480

August 27, 2013

Director, Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098

**Re: Water District #63 Expansion**

Dear Director Spackman;

I am providing written testimony in favor of the expansion of Water District #63 into the upper Basin.

During the past several years the Advisory Board of Water District #63 has expressed concern that senior water right holders are being impacted by diversion of natural flow above Lucky Peak. These diversions must be administered in order to protect senior water rights that have been allocated by the Stewart and Bryan Decrees.

Water District #63 currently administers the water rights for approximately 332,500 acres in the basin. These acres are made up of both rural and urban water users that have water rights dating back to 1864. A large majority of these rights are administered under the Stewart and Bryan Decrees as well as the Snake River Basin Adjudication.

Last year the advisory board instructed me to begin the process of having the state include the upper basin for the purpose of administration to protect senior rights. As you are aware, the intent was to move forward with this process last year but it was postponed due the extreme fire situation in the Pine, Featherville and Idaho City areas. With the current extremely dry season I have received numerous calls from water users above Lucky Peak requesting assistance from the Watermaster related to priority water rights not being served. Junior rights have been diverting senior right holder's water. It is only right to administer all water rights in the basin for the protection of senior water right holders.

In the early 1900s, Farmers Co-op Irrigation District brought suit against the Riverside Irrigation District for diverting most of the water in the Boise River near Caldwell. The resulting decision from Judge Stewart has protected the water users since that time. By officially including the upper Boise River basin into Water District #63 we can continue to protect the senior water right holders that may be impacted.

Please consider this letter as our request to include the upper Boise River basin into the administrative responsibilities of Water District #63 for the purpose of protecting all water right holders in the Boise River basin.

Sincerely,

A handwritten signature in black ink, appearing to read "Rex R. Barrie". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rex R. Barrie  
Boise River Watermaster

Cc: Advisory Board, WD #63