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## BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD  
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000  
ACRES FOR THE FOLLOWING  
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT  
BOISE-KUNA DISTRICT  
WILDER DISTRICT  
NEW YORK DISTRICT  
BIG BEND DISTRICT

TEL: (208) 344-1141  
FAX: (208) 344-1437

RECEIVED  
OCT 20 2015  
DEVELOPMENT  
SERVICES

15 October 2015

Boise City Planning & Development – Subdivisions  
150 North Capitol Boulevard  
P O Box 500  
Boise, Idaho 83701-0500

RE: Larry Hellhake **SUB15-00055**  
East of 6298 S. Cole Rd. & New York Canal  
New York Irrigation District NY-477-001-00, NY-477-002-00  
Main Canal (approx. Sta. No. 800+00)  
Sec.31, T3N, R2E, BM.

Boise City Planning:

The majority of the above-mentioned property is located outside of an irrigation district and does not possess a valid surface irrigation water right; however, it does lie adjacent to the United States' New York Canal.

The United States' New York Canal borders this property on the west. The rights of way for this canal are held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890. (26 Stat. 391; 43 U.S.C. 945)

The Boise Project Board of Control is contracted to operate and maintain the New York Canal. The normal limits of this easement are asserted 25' out and parallel to the lower toe of the canal embankment; however, any storm retention and/or detention ponds, catch basins and/or seepage beds planned on being constructed within this development **must** be a minimum of 100' from the lower toe to protect the integrity of the canal due to the underground reach from the storm facilities leaching and/or connecting to the underground reach of the New York Canal.

Whereas these easements are for the operation and maintenance of our facility, no activity should hinder our ability to do so. The Boise Project does not approve landscaping (other than grass) within its easements, as this will certainly increase our cost of maintenance.

Fencing (as may be required) must be constructed just off the canal easement, to insure public safety and prevent encroachments.

Storm Drainage and/or Street Runoff must be retained on site. NO DISCHARGE into the New York Canal system is permitted.

Wording on the preliminary and final recorded plat needs to be noted that this development must adhere to Idaho Statutes, Title 42-1209.

Future preliminary and final plats must call out the Project easements.

As presented, the above-mentioned development contains 100.9 acres of an overall 601 acre project; however, (per our records) a portion of this property is limited to 31.79 acres of valid water right "and should be so noted".

Those lots, which do not hold valid water rights, must be so noted on the plat and/or irrigation plan. The applicant / landowner may wish to contact the New York Irrigation District concerning the availability of inclusion of this ground into the District and if any additional water rights are available.

Whereas the extended use of irrigation water (beyond the limits of the current rights) would be considered water spreading, the irrigation plan should indicate which lots do NOT possess a valid right.

Project facilities and/or easements that parallel, and are within and/or intended to be within road right-of-ways due to any development of this property must be relocated outside of road right-of-ways. The easements of Boise Project facilities will remain the same unless agreed upon and/or approved with written permission from Boise Project Board of Control.

The construction of any roadway crossings must be conducted only during the non-irrigation season when the canal is dewatered. In any case no work shall take place within the easement before the proper crossing agreements have been secured through the Bureau of Reclamation and the Boise Project Board of Control.

Utilities planning to cross any project facility must do so in accordance with the master policies now held between the Bureau of Reclamation and most of the utilities. In any case no work shall take place within the easement before proper crossing agreements have been secured through both the Bureau of Reclamation and the Boise Project Board of Control.

Crossing agreements must be secured and signed by all parties prior to March 1<sup>st</sup> of each year. A time schedule for the construction to be done during the non-irrigation season must be approved by Boise Project prior to any activity within Project easements. No construction will be allowed within the easement boundaries of the Boise Project Board of Control facilities after March 15<sup>th</sup> of each year. However, on a case by case basis,

overhead utilities may be allowed after March 15<sup>th</sup> if reviewed and approved by the Boise Project.

This development is subject to Idaho Code 31-3805, in accordance, this office is requesting any copies of the irrigation and drainage plans.

Whereas this development is in its preliminary stages, Boise Project Board of Control reserves the right to review plans and require changes when our easements and/or facilities are affected by unknown factors.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Carter", with a stylized, cursive script.

Bob Carter  
Assistant Project Manager- BPBC

bdc/bc

cc Clint McCormick  
Velta Harwood  
File

Watermaster, Div; 2 BPBC  
Secretary/Treasurer, NYID