

✓ Amended report of Commissioners

of

Instrument Number 112706

✓ Drainage District No. 3 of the
County of Ada in the State of Idaho

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA.

IN THE MATTER OF DRAINAGE DISTRICT
NO. 3, OF THE COUNTY OF ADA, IN THE
STATE OF IDAHO.

AMENDED REPORT OF COMMISSIONERS
and
PETITION FOR CONFIRMATION.

To the Hon. Raymond E. Givens, Judge of the above entitled Court:

Comes now your petitioners, Matt Beglan, C. A. Groves, and Lafe Boone, the duly appointed, qualified and acting Board of Drainage Commissioners of Drainage District No. 3 of the County of Ada, in the State of Idaho, with leave of Court and herewith make and file their amended report in conformity with, and under and by virtue of Title XXXIV, Chapter 179 of the Compiled Statutes of the State of Idaho, and more particularly in compliance with Article 2 of said Chapter, and Section 4505, Idaho Compiled Statutes.

Your said Commissioners report and show that they have determined and found as follows relative to the organization of Drainage District No. 3 of the County of Ada, in the State of Idaho, to-wit:

I.

That upon an examination and survey of the lands described in the original petition filed herein for the purpose of organization of Drainage District No. 3 of the County of Ada, in the State of Idaho, and other lands lying within the same watershed, that the starting point, route and terminus of the drains and ditches, and the number, extent, size and location thereof as proposed by the original petitioners therein, as set forth in the said original petition filed herein, are not in all and every respect proper, feasible and adequate to accomplish the purposes hereinafter set out; and your said Commissioners, after investigation and survey of the said proposed system of drainage herein, have located, laid out and planned the proposed work in such a manner and method as to them appears proper, adequate, and conducive to the public health, welfare, and convenience, and so as to most adequately and efficiently drain and protect the lands designated within the boundaries of said proposed district, with the least damage and the greatest benefit to all of the lands affected thereby; and have determined that the said proposed system of drainage be open ditches or canals, and underground tile drains.

And your petitioners further find that it will require a right of way for said drains to be at least sixty-six (66) feet wide, except that portion of said right of way where tile drain is used, where the right of way should be at least twenty-five (25) feet wide. That the starting point, route and terminus of the said proposed drains, and the proposed location thereof, so that the same shall be in all respects proper, adequate and feasible, shall be as follows, to-wit:

Drain "A".

Beginning at a point in the center line of the south channel or south slough of the Boise River, where the same is crossed by the 9th Street Bridge, and further described as bearing North 71° 34" East a distance of 562 feet from the corner common

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to Sections 9, 10, 15, and 16, Township 3 North Range 2 East; thence following the center line of the above described south channel South 68° 40" East a distance of 136 feet; thence South 24° 37" East a distance of 335 feet; thence South 46° 40" East a distance of 307 feet; thence South 87° 13" East a distance of 328 feet; thence South 82° 35" East a distance of 200 feet to the junction of the Ridenbaugh Mill Waste with the above described south - - - - -
- - - - -
channel or slough of the Boise River; thence up the center line of the said Ridenbaugh Mill Waste South 47° 13" East a distance of 130 feet; thence South 23° 52" East a distance of 132 feet; thence South 32° 38" West a distance of 783 feet to the south side of a concrete bridge at Boise Avenue; thence South 53° 10" East a distance of 355 feet; thence South 24° 31" East a distance of 578 feet to the old mill drop; thence South 21° 36" East a distance of 220 feet to the outlet of the Ridenbaugh Mill Pond, and 48 feet from the toe of the Rossi Mill Ditch; thence running parallel to and 48 feet from the toe of the Rossi Mill Ditch South 20° 18" East a distance of 415 feet; thence South 16° 30" West a distance of 402 feet, crossing the Rossi Mill Ditch, and to a point 48 feet from the toe of the bluff; thence running parallel to and 48 feet from the toe of the above described bluff South 14° 27" East a distance of 658 feet, and to a point 48 feet from the toe of the Ridenbaugh Canal and bluff; thence running parallel to and 48 feet from the toe of the Ridenbaugh Canal South 47° 15" East a distance of 450 feet; thence South 18° 15" East a distance of 315 feet; thence South 18° 45" East a distance of 122 feet; thence South 33° 15" East a distance of 135 feet, intersecting the North and South center line of section 15; thence South 40° 30" East a distance of 117 feet; thence South 40° 45" East a distance of 408 feet; thence South 29° East a distance of 216 feet; thence South 21° East a distance of 220 feet; thence South 31° 15" East a distance of 810 feet; thence South 3° 15" East a distance of 482 feet; thence South 2° East a distance of 490 feet; thence South 8° East a distance of 512 feet; thence South 13° East a distance of 255 feet; thence South 36° 15" East a distance of 710 feet; thence South 10° 15" East a distance of 390 feet; thence south 20° 15" East a distance of 600 feet; thence South 7° 21" East a distance of 132.5 feet to a point on the South side of the Railroad grade; thence South 38° 8" East a distance of 585 feet; thence South 44° 15" East a distance of 391 feet; thence South 45° East a distance of 385 feet, intersecting the section line between Sections 26 and 27, 150 feet North of the corner common to Sections 22, 23, 26 and 27, Township 3 North Range 2 East; thence South 24° East a distance of 222 feet; thence South 27° 45" East a distance of 181 feet; thence South 45° 45" East a distance of 746 feet; thence South 60° East a distance of 514 feet; thence South 69° East a distance of 151 feet; thence South 69° 30" East a distance of 208 feet; thence South 54° 30" East a distance of 128 feet; thence South 40° 30" East a distance of 225 feet; thence South 50° 15" East a distance of 187 feet; thence South 40° 30" East a distance of 320 feet; thence South 76° 45" East a distance of 217 feet; thence North 87° East a distance of 2261 feet to a point on the North and South center line of Section 26, and 48 feet from the toe of the Ridenbaugh Canal; thence North 69° 15" East a distance of 460 feet; thence North 66° East a distance of 285 feet; thence North 64° 45" East a distance of 375 feet. The right of way for the above described drain is eighteen (18) feet on the left hand side, and forty-eight (48) feet on the right hand side of the center line of said drain.

DRAIN "A" - 1.

A branch drain, with its place of beginning, route and terminus as follows:
Beginning at a point 48 feet from the North toe of the Ridenbaugh Canal 25 feet East of the North and South center line of Section 26, and 1615 feet South of the quarter section corner common to Sections 23 and 26; thence South a distance of 80 feet underneath the Ridenbaugh Canal; thence South $54^{\circ} 45'$ East a distance of 1522 feet to a point on the North side of an East and West road, and 70 feet from the toe of the bluff: (point designated "X") thence running South 69° East parallel to and 48 feet from the toe of the bluff, a distance of 690 feet. End of open drain and outlet of 12 inch tile drain. Thence South 69° East a distance of 175 feet; thence North 79° East a distance of 155 feet; thence South $55^{\circ} 45'$ East a distance of 670 feet; The right of way of the above described drain is thirty three (33) feet on each side of the center line of said drain to the point designated "X" in said description; thence eighteen (18) feet on the left hand side and forty-eight (48) feet on the right hand side of the center line of said drain.

DRAIN "B".

A drain with its place of beginning, route and terminus as follows:
Beginning at a point in the South channel of the Boise River 660 feet East and 165 feet North of the quarter section corner common to Sections 14 and 23, Township 3 North Range 2 East; thence South on the center line of the Southwest Quarter of the Southeast quarter of Section 14, and of the Northwest quarter of the northeast quarter of Section 23, Township 3 North Range 2 East of 1500 feet to a point 48 feet from the toe of a bluff; thence continuing parallel to and 48 feet from the toe of the bluff South 21° East a distance of 408 feet; thence South $15^{\circ} 40'$ East a distance of 758 feet; thence South $52^{\circ} 30'$ East a distance of 430 feet; thence South 29° East a distance of 505 feet; thence South $63^{\circ} 30'$ East a distance of 509 feet; thence North $89^{\circ} 10'$ East a distance of 569 feet; thence North 87° East a distance of 143 feet; thence South $85^{\circ} 45'$ East a distance of 1344 feet; thence South $53^{\circ} 10'$ East a distance of 215 feet; thence South 39° East a distance of 560 feet; thence South $89^{\circ} 30'$ East a distance of 446 feet; thence South a distance of 100 feet.

The right of way for the above described drain is eighteen (18) feet on the left hand side and forty-eight (48) feet on the right hand side of the center line of said drain.

DRAIN "B" - 1.

A drain with its place of beginning, route and terminus as follows: Beginning at a point on the North and South center line of Southeast quarter of Section 24, township 3 North Range 2 East, where the south bank of the Boise River is intersected by the wasteway from the Ridenbaugh Canal; thence up the center line of the above described wasteway South a distance of 205 feet; thence continuing along the center line of the wasteway South 7° East a distance of 482 feet; thence South $22^{\circ} 32'$ East a distance of 845 feet; thence South $51^{\circ} 30'$ East a distance of 219 feet; thence South $89^{\circ} 31'$ East a distance of 546 feet; thence South 230 feet; thence South 45° East a distance of 215 feet; thence South 2° West a distance of 650 feet to a point 48 feet from the toe of the Ridenbaugh Canal; (point designated "X") thence parallel to and 48 feet from the toe of the Ridenbaugh Canal South 40° East a distance of 145 feet; thence South $38^{\circ} 10'$ East a distance of 730 feet; thence South $35^{\circ} 20'$ East

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a distance of 605 feet; thence South $55^{\circ} 45'$ East a distance of 686 feet to the East and West center line of Section 30, and end of Drain "B" -1. Thence from the end of Drain "B" -1, South with a 12 inch tile under the Ridenbaugh Canal, a distance of 100 feet. The right of way of the above described drain is thirty-three (33) feet on each side of the center line of said drain to the point designated "X" in the description; thence eighteen (18) feet on the left hand side and forty-eight (48) feet on the right hand side of the center line of said drain.

DRAIN "C".

A branch drain of Drain "B", an open ditch, partially covered and tiled, with its place of beginning, route and terminus as follows:

Beginning at a point on Drain "B", on the North side of an East and West road, also described as being South 1295 feet and East 650 feet from the quarter section corner common to Sections 14 and 23, Township 3 North Range 2 East; thence West along the North side of above described road a distance of 638 feet to a point 22 feet east of the North and South center line of Section 23; thence South parallel to the North and South center line of Section 23, a distance of 3028 feet to the center line of a slough; thence continuing up the center line of the above slough South $35^{\circ} 30'$ East a distance of 713 feet; thence South 59° East a distance of 504 feet; thence South $78^{\circ} 50'$ East a distance of 478 feet; thence South $87^{\circ} 45'$ East a distance of 863 feet; thence South 43° East a distance of 700 feet to a point at the North toe of the Ridenbaugh Canal; thence South with a 12 inch tile for 100 feet; crossing underneath the Ridenbaugh Canal; thence East a distance of 100 feet with a 12 inch tile, crossing under the County Road. The right of way is thirty-three (33) feet on each side of the center line of the drain described above.

DRAIN "D"

A covered tile drain, whose route and terminus is as follows:

Beginning at a point on the East side of Broadway where the same intersects the South line of the Boise River; thence South, using the drain established by Boise City, to the Northwest corner of Lot 46, Londoner First Subdivision; thence South $45^{\circ} 15'$ East a distance of 1500 feet, up the center line of a well defined slough; thence South $72^{\circ} 10'$ East a distance of 1150 feet in the center line of the slough; thence South $49^{\circ} 20'$ east a distance of 850 feet.

DRAIN "E"

An open ditch, partially covered and tiled, with its place of beginning route and terminus as follows:

Beginning at a point in the center line of the south channel or south slough of the Boise River where same is intersected by a slough flowing parallel to the toe of a certain bench, which point is described as being 215 feet East of the Northwest corner of the East Half of the Southwest quarter of the Southeast quarter of Section 9, Township 3 North Range 2 East. The above described point also bears North $53^{\circ} 2'$ West a distance of 2205 feet from the corner common to Sections 9, 10, 15, and 16, Township 3 North Range 2 East; thence running on the center line of the above described slough which parallels the toe of the bench, South $21^{\circ} 19'$ East a distance of 305 feet; thence continuing on the center line of the slough South $32^{\circ} 18'$ East a distance of 125 feet; thence South $3^{\circ} 30'$ East a distance of 196 feet; thence South $32^{\circ} 55'$ East a distance of 145 feet; thence South $51^{\circ} 21'$ East a distance of 141 feet. Leave the slough at this point; thence South a distance of 202 feet to a point 48 feet from the toe of the above described bluff; (point designated "X") thence running parallel

to and 48 feet from the toe of the above described bluff South 55° 39" East a distance of 145 feet; thence as above South 73° 18" East a distance of 565 feet; thence South 42° 37" East a distance of 379 feet; thence South 60° 54" East a distance of 197 feet; end of the open drain, and outlet of 10 inch tile drain; thence continuing with 10 inch tile drain South 60° 54" East a distance of 71 feet; thence South 68° 51" East a distance of 554 feet. The right of way of the above described drain is thirty-three (33) feet on each side of the center line of said drain to the point designated "X"; thence eighteen (18) feet on the left hand side and forty-eight (48) feet on the right hand side of the center line of said drain.

II.

That the estimated cost of the proposed drainage system, including all incidental expenses, and the cost of the proceedings thereof, is the sum of \$75,747.47.

III.

That the probable cost per year of keeping said drainage system in repair, after the work is completed, will be the sum of \$500.00.

IV.

That the aggregate amount of injury and damage to land by the proposed system of drainage, as found and determined by your petitioners herein, will be the sum of \$5,232.45, and that the lands that will be injured and damaged by the proposed work, over and upon which a right of way will be required, and which it is proposed shall be condemned in this proceeding for the use of the said drainage district in the construction and maintenance of its system of drainage, and the amount of damage to each tract, piece, parcel or lot, and the name of the person by whom each tract, piece, parcel or lot is held or owned, is as set forth in Exhibit "A" and more particularly as to the acreage to be condemned and damages awarded, under the heading therein designated "Drain Rights of way" which said exhibit is hereby attached and made a part hereof the same as if fully set forth in haec verba herein; and for a particular location and description of the center line of said right of way over, upon or through each of the several tracts, pieces, parcels or lots, reference is hereby made to the route and terminus of the proposed drains, and proposed location thereof, as more fully set forth in Paragraph 1 hereof.

Where the character (#) is used in said Exhibit "A" in columns designated "Drain Rights of Way", the same indicates that the right of way required will be for installing and maintaining ^{an} underground tile drain only, and that not to exceed twenty-five (25) feet of ground in width will be used in installing the same, and that thereafter such reasonable use only will be required as is necessary to repair and maintain the said drain.

V.

That all of the lands within the boundaries of the proposed district and described in the original petition filed herein, and other lands within the same watershed, which your petitioners determined should be included within the said district, as hereinafter more fully set forth, will either be benefited by the enhanced value which will result from said drainage, or will be deemed benefited by the construction of the proposed drainage system, because such lands contribute by seepage of irrigation water to the water-logged condition of the low lands; that the total actual benefits to the low lands, and the high lands within the said district, and to the municipal and other corporations which will be specially benefited, will amount to the

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sum of \$291,337.29, and will greatly exceed the cost of constructing such work, including all incidental expenses, cost of proceedings, and damages, and your Commissioners have determined and found the particular lands within the said district which contribute by seepage of irrigation water therefrom to the saturation and water-logged condition of the low lands, and which will not be enhanced in value; and have further determined and found the amount of said deemed benefits, and have assessed against such high lands the amount of such responsibility for injury to low lands in the proportion which the amount of water contributed by said high lands bears to the combined contribution of water from all sources by irrigation, except as to the portion of benefits derived by low lands from enhancement of value of such lands if they were in their natural state, or by changing conditions other than damage caused by the seepage and saturation from irrigation water; and after determining the proportion of the cost of the proposed drainage works which shall be borne by the high lands, the remainder of the cost has been apportioned and assessed to the various tracts of low lands within the district, according to the benefits thereto, based upon enhanced value, and upon certain municipalities and corporations owning or possessing land within the said district which will be specially benefited by the proposed work and should, in the judgment of your commissioners, bear a part of the expense of the construction of said drainage system.

VI.

That your Board of Commissioners have apportioned and assessed the benefits and deemed benefits from such proposed drainage, and the cost of construction of said drainage system, on the several tracts, lots, pieces or parcels of land within the said district so benefited or deemed benefited, in the manner as hereinbefore set out, by setting opposite a description of each tract, lot, piece, parcel or easement, the proportion of such cost assessed as benefits; and that Exhibit "A", consisting of sixty-four (64) pages or sheets, hereto attached and heretofore referred to, is the list of the land owners within the said district, the description of each tract, piece, parcel or lot of land so benefited, with the acreage of each, the total amount of benefits or deemed benefits against each tract, piece, parcel or lot, and the proportionate cost to be assessed against each tract, piece, parcel or lot of land within the said district.

VII.

Your Commissioners have further determined and found that certain municipalities and other corporations owning or possessing land within the said district will be specially benefited from the proposed work and should, in the judgment of the Board of Drainage Commissioners, bear a part of the expense of construction of the said drainage system; and the names of such municipalities and other corporations, the nature and amount of the benefits assessed against each, the amount of the cost apportioned and assessed against each of such municipalities and other corporations, is set forth in said Exhibit "A" heretofore referred to.

VIII.

Your commissioners have caused to be made a complete, thorough and accurate survey of the lands included within the temporary boundaries of the said district, and other lands within the same watershed, and have determined that the lands within the temporary boundaries of said district do not embrace all the lands that will be damaged or benefited by the proposed work, nor all of the lands that contribute seepage and saturation by irrigation water, and the necessity for carrying off waste water to

the damage or injury of the low lands within the said district, and that the boundaries of the said district as fixed by said order of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Ada, temporarily organizing the said district, do not embrace all of the lands that should bear a proportion of the expense of constructing and maintaining the said drainage district, and your Commissioners have therefore determined that the permanent and fixed boundaries of the said proposed district shall be as follows, to-wit:

Beginning at a point where the North and South center line of Section 21, Township 3 North Range 2 East, intersects the North boundary of the right of way of the Main South Side, or New York Canal; thence North on the North and South center line of Section 21, to the quarter section corner common to Sections 16 and 21; thence North on the North and South center line of Section 16 to the center of Section 16; thence Northeasterly to the Northeast corner of Block No. 7, Section 16, Township 3 North, Range 2 East; thence North on the North and South center line of the Southwest quarter of the Southeast quarter of Section 9, Township 3 North Range 2 East, to the Northern boundary of the Southwest quarter of the Southeast quarter of Section 9; thence East a distance of 215 feet to the South bank of the south channel or the south slough of the Boise River; thence southeasterly along the south bank of the south channel or south slough of the Boise River, crossing Sections 9, 10, and 15, to a point where the said south bank of the south channel or south slough of the Boise River is intersected by the Ridenbaugh Mill Waste; thence South 88° East a distance of 500 feet; thence North 80° East a distance of 735 feet to the North and south center line of Section 15; thence North on the North and South center line of Section 15 a distance of 340 feet to the South mean meander line of the main channel of the Boise River; thence South-easterly along the South mean meander line of the main channel of the Boise River through Sections 15, 10, 14, 23, and 24, Township 3 North, Range 2 East, and Section 30, Township 3 North Range 3 East, to a point where the North and South center line of Sections 19 and 30, intersects the South bank of the main channel of the Boise River; thence South along the North and South center line of Section 30 to a point where the North and South center line of Section 30 intersects the North boundary line of the right of way of the Main South Side or New York Canal; thence North-westerly along the North boundary line of the Main South Side or New York Canal through Section 30, Township 3 North Range 3 East, and Sections 25, 26, 27, and 28, 21, Township 3 North Range 2 East, to a point where the North and South center line of Section 21, Township 3 North Range 2 East intersects the North boundary of the main south side or New York Canal, the place of beginning, enclosing an area of approximately 4, 202 acres.

That the said additional lands which should be included in the said district and which were not included within the description of the lands in the original petition filed herein, are for convenience separately set out herein as a supplemental roll, and made a part hereof, and marked Exhibit "B"; all of which said lands have been included in said Exhibit "A", and apportioned and assessed as provided by law, as part of and being included within said drainage district.

WHEREFORE, your petitioners pray that an order may be made and entered by your honor requiring notice to be given, as required by law, to all land owners and

all parties and corporations adversely interested, and that a time be designated and set for a hearing upon this report, and that after such hearing, said report may be approved and confirmed.

P. E. Cavaney
Attorney for Commissioners,
Residing at Boise, Idaho.

C. A. Groves)
Lafe Boone) Commissioners
Matt Beglan)

State of Idaho }
County of Ada } ss.

C. A. Groves, being first duly sworn, upon his oath deposes and says that he is one of the duly elected, qualified and acting Commissioners of Drainage District No. 3 of the County of Ada in the State of Idaho; that he has read the above and foregoing amended report of the Commissioners and petition for confirmation, and that he believes the facts therein stated to be true.

(Signed) C. A. Groves

Subscribed and sworn to before me this 14 day of Mch, 1924.

(Notary Seal)

P. E. Cavaney
Notary Public for Idaho
Residence, Boise, Idaho

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA.

In the matter of Drainage District)
No. 3 of the County of Ada in the) O R D E R
State of Idaho)

The duly appointed, qualified and acting Commissioners of Drainage District No. 3 of the County of Ada in the State of Idaho, have this day made and returned to this Court, and filed with the Clerk of said Court, their report in conformity with Section 4504, Article 2, Title XXXIV, Chapter 179 of the Idaho Compiled Statutes, and praying that said District be formed, and designating the permanent boundaries thereof, and that said report and the said findings of the said Board of Drainage Commissioners of said District be confirmed by the Court; that Saturday the 19th, day of April, 1924, at 10 o'clock A.M. be and is the time fixed for the hearing upon and confirmation of said report and findings, and that said hearing will be held in the Court House in Boise, Ada County, State of Idaho; and at the said time and place said amended report and said findings will be considered by the Court, and any person or corporation interested may appear before the said Court and make objections to the said report and findings, or to any and all matters therein contained; and the Clerk of this Court shall cause notice of the time and place of said hearing to be given to all parties interested by the publication of a notice thereof for at least three successive weeks prior to the said 19th day of April, 1924, in one or more newspapers published in said Ada County, Idaho, which notice shall contain a description of all land affected and the amount of the assessments and damages awarded in said report.

Dated at Boise, Ada County, Idaho, this 18th day of March, 1923.

(Signed) Raymond L. Givens,
District Judge

Filed: Mar. 18-1924
Stephen Utter, Clerk

By B. Clyde Eagleson, Deputy

ADA COUNTY RECORDING
200 W. Front Street
Room 1207
Boise ID 83702

Receipt #: 737357

Receipt Date: 12/06/2022 04:31 PM

Station: 12

Cashier: HEATHER LUTHER

Receipt Name:

Comments:

Thank You

Miscellaneous Fees		
# of Standard Copies	8	\$8.00

Receipt Total	\$8.00
CASH	\$8.00