

09/29/2006

NOTICE OF ERROR

REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-161AT

SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID 83607
Telephone Number: (208)459-4821

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

ATTACHED IS DOCUMENTATION OF WATER RIGHT

2. Describe the changes you wish to make in the proposed recommendation:

ALLOW WATER RIGHT AS CLAIMED

3. Give a brief explanation as to why you disagree with these portions:

N/A

DISAGREE

~~I AGREE~~ with this proposed recommendation: *no* changes need to be made.

DATE:

25 Oct 2006

SIGNATURE:

R.A. Symms

Please print your name:

R.A. Symms

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

STATE DEPARTMENT OF RECLAMATION

Water Transfer No. 976

NAME : J. Perrault and R. Johnson
STATE : Idaho
COUNTY : Ada
STREAM : Boise River
PRIORITY DATE : May 1, 1866 - Decreed Right No
QUANTITY OF WATER : 1.50 cubic feet per second (75)
PURPOSE : Irrigation and domestic
LOCATION AND POINT OF DIVERSION: Sec. 8, T.2N, R.3E, B.M.
LAND TO BE IRRIGATED : S2 SW4, Sec. 23, T.3N, R.4W
Canyon County, Idaho and known
the Symms Fruit Ranch Inc. (W-1)
DATE OF TRANSFER : January 17, 1962
RECORDED : Vol. 2, Book of Transfers, Page
REMARKS: Water purchased from Consumers Water Corporation the
G.S. Taylor, President, by Symms Fruit Ranch Inc.
Supplemental Water to be carried when sufficient can
is available in canal.

STATE DEPARTMENT OF RECLAMATION

Water Transfer No. 976

NAME : J. Perrault and R. Johnson
STATE : Idaho
COUNTY : Ada
STREAM : Boise River
PRIORITY DATE : May 1, 1866 - Decreed Right No. 30
QUANTITY OF WATER : 1.50 cubic feet per second (75")
PURPOSE : Irrigation and domestic
LOCATION AND POINT OF DIVERSION: Sec. 8, T.2N, R.3E, B.M.
LAND TO BE IRRIGATED : S2 SW4, Sec. 23, T.3N, R.4W, B.M.
Canyon County, Idaho and known as
the Symms Fruit Ranch Inc. (W-456)
DATE OF TRANSFER : January 17, 1962
RECORDED : Vol. 2, Book of Transfers, Page 975
REMARKS: Water purchased from Consumers Water Corporation through
G.S. Taylor, President, by Symms Fruit Ranch Inc.
Supplemental Water to be carried when sufficient capacity
is available in canal.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Transfer of Water Right
Transferred Right No. 1007

THIS IS TO CERTIFY, That Consumers Water Corporation, through G.S. Taylor, President, 414 First National Bank Building, Boise, Idaho, is the owner of and using a certain water right for 2500 inches or 50 cubic feet per second, of the waters of the Boise River, with priority of May 1, 1866, decreed to Joseph Perrault and Richard Johnson, by Judge George H. Stewart of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Ada, in the case of

FARMERS COOPERATIVE DITCH CO.,
a corporation,
Plaintiff

vs.

RIVERSIDE IRRIGATION DISTRICT, LTD.,
a corporation, et al
Defendants

said decree bearing date of January 18, 1906, and being appurtenant to the following described lands, to-wit:

Town lots and agricultural lands lying under what is known as the Walling Ditch or Consumers Canal, in Sections 11, 12, 13 and 14, Township 3 North, Range 2 East, B.M., and Sections 28, 29, 32, 33 and 34, Township 4 North, Range 2 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, beginning at Page 410 thereof;

That said Consumers Water Corporation has become the owner of said water right through mesne conveyance;

And that now, upon the application of the Consumers Water Corporation through G.S. Taylor, President, for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of 50 miners inches, or 1 cubic foot per second of the waters of Boise River upon the above described lands is hereby abandoned, and the lands to be irrigated under such right and to which the water right HEREBY CONFIRMED, shall become appurtenant by this Certificate for irrigation and domestic purposes is described as follows, to-wit:

E 1/2 of the NE 1/4 of the NE 1/4, Section 7, and the W 1/2 of the NW 1/4, Section 8, Township 3 North Range 4 West, B.M. known as the W. Glenn Draper Tract: (W-333)

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

30 inches, or 1 cubic foot per second, with priority of May 1, 1866;

That the water right hereby transferred has heretofore been conducted to the first above described lands through the Consumers Canal with point of diversion in Section 24, Township 3 North, Range 2 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the New York Canal with point of diversion in Section 3, Township 2 North, Range 3 East, B.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 17th day of April, 1963.

/s/ CARL E. TAPPAN
Assistant State Reclamation
Engineer

(Seal)

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of
Consumers Water Corporation, through
G. S. Taylor, President, of Boise,
Idaho;

For a Transfer of Water Right in
Water District No. 12-A, County of
Ada

ORDER GRANTING TRANSFER

NO. 976

WHEREAS, On the 5th day of January, 1962, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Consumers Water Corporation, through G. S. Taylor, President, of Boise, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 17th day of January, 1962.

Ralph W. Thomas

RALPH W. THOMAS
Deputy State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 976

THIS IS TO CERTIFY, That Consumers Water Corporation, through G. S. Taylor, President, 411 First National Bank Building, Boise, Idaho, is the owner of and using a certain water right for 2500 inches, or 50 cubic feet per second, of the waters of the Boise River, with priority of May 1, 1866, decreed to Joseph Perrault and Richard Johnson, by Judge George H. Stewart of the District Court of the Seventh Judicial District of the State of Idaho, in and for the Counties of Ada and Canyon, in the case of

FARMERS CO-OPERATIVE DITCH COMPANY
a Corporation,
Plaintiff
vs.

RIVERSIDE IRRIGATION DISTRICT, Ltd.,
a Corporation, et al,

Defendants

said decree bearing date of January 18, 1906, and being appurtenant to the following described lands, to-wit:

Town lots and agricultural lands lying under what is known as the Walling Ditch or Boise Valley Water Ditch, or Consumers Canal, in Sections 11, 12, 13, and 14, Township 3 North, Range 2 East, B.M., and Sections 28, 29, 32, 33 and 34, Township 4 North, Range 2 East, B. M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, beginning at Page 410 thereof;

That the said Consumers Water Corporation has become the owner of said water right through mesne conveyances;

And that now, upon the application of the Consumers Water Corporation, through G. S. Taylor, President, for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of 1.5 cubic feet per second of the waters of Boise River upon the above described lands is hereby abandoned, and the lands to be irrigated under such right, and to which the water right HEREBY ABANDONED shall become appurtenant by this certificate for irrigation and domestic purposes, are described as follows, to-wit:

The S $\frac{1}{2}$, SW $\frac{1}{4}$, Section 23, Township 3 North, Range 4 W. B. M., Canyon County, Idaho, and known as the Symms Fruit Ranch, Inc.,

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

1.5 cubic feet per second
with priority of May 1, 1866.

That the water right hereby transferred has heretofore been conducted to the first above described lands through the Consumers Canal, with point of diversion in Section 24, Township 3 North, Range 2 E. B. M.,

That the water right hereby transferred will hereafter be conducted to the last above described lands through the New York Canal, with point of diversion in Section 3, Township 2 North, Range 3 E. B. M.,

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 17th day of January, 1962.

Ralph W. Thomas

RALPH W. THOMAS
Deputy State Reclamation Engineer