

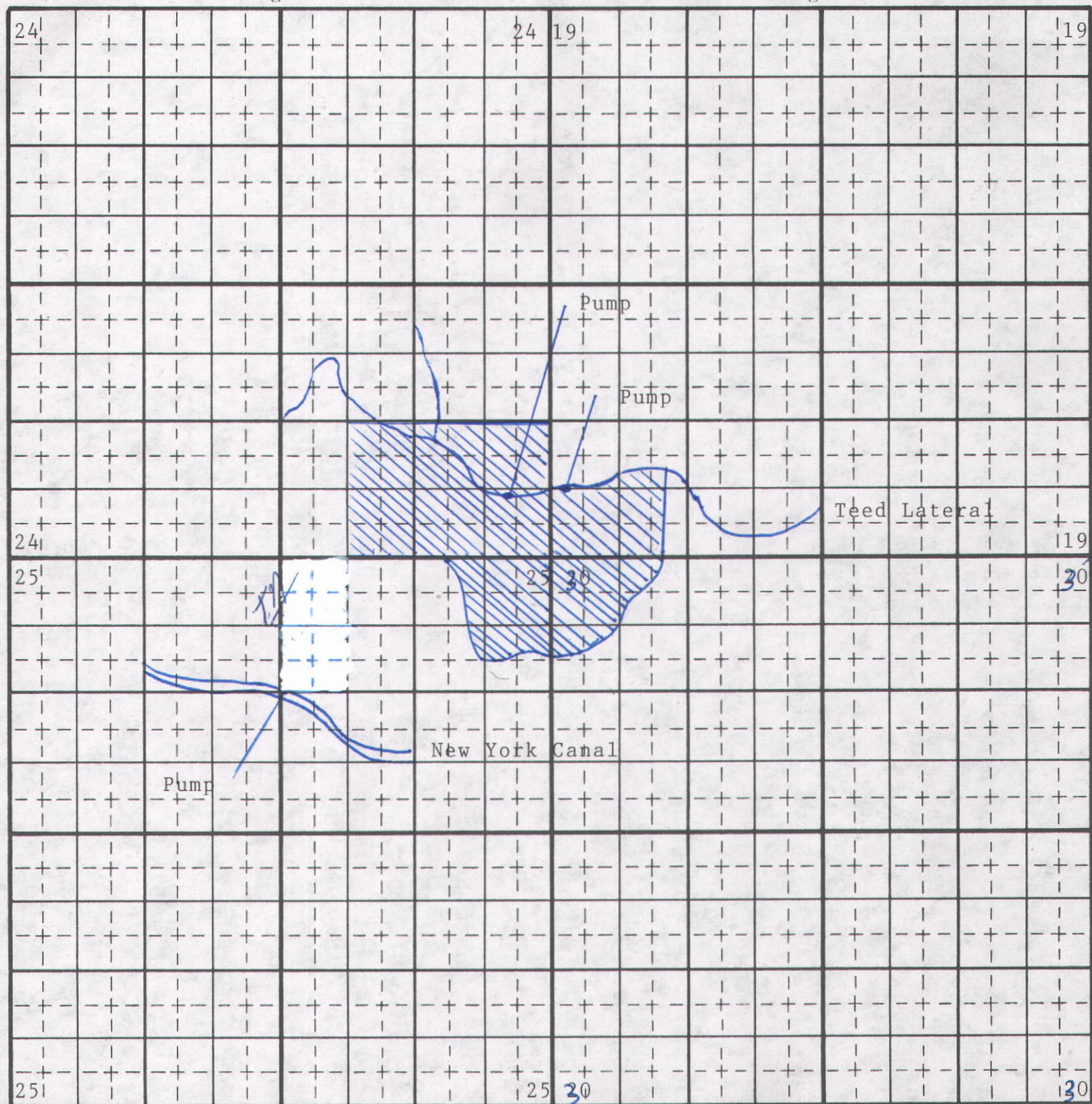
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Township 2 North

Range 1 West

Range 1 East



Last Name Nicholson

Ident No. 63-00161 BT

Copies: White-State, Yellow-Claimant

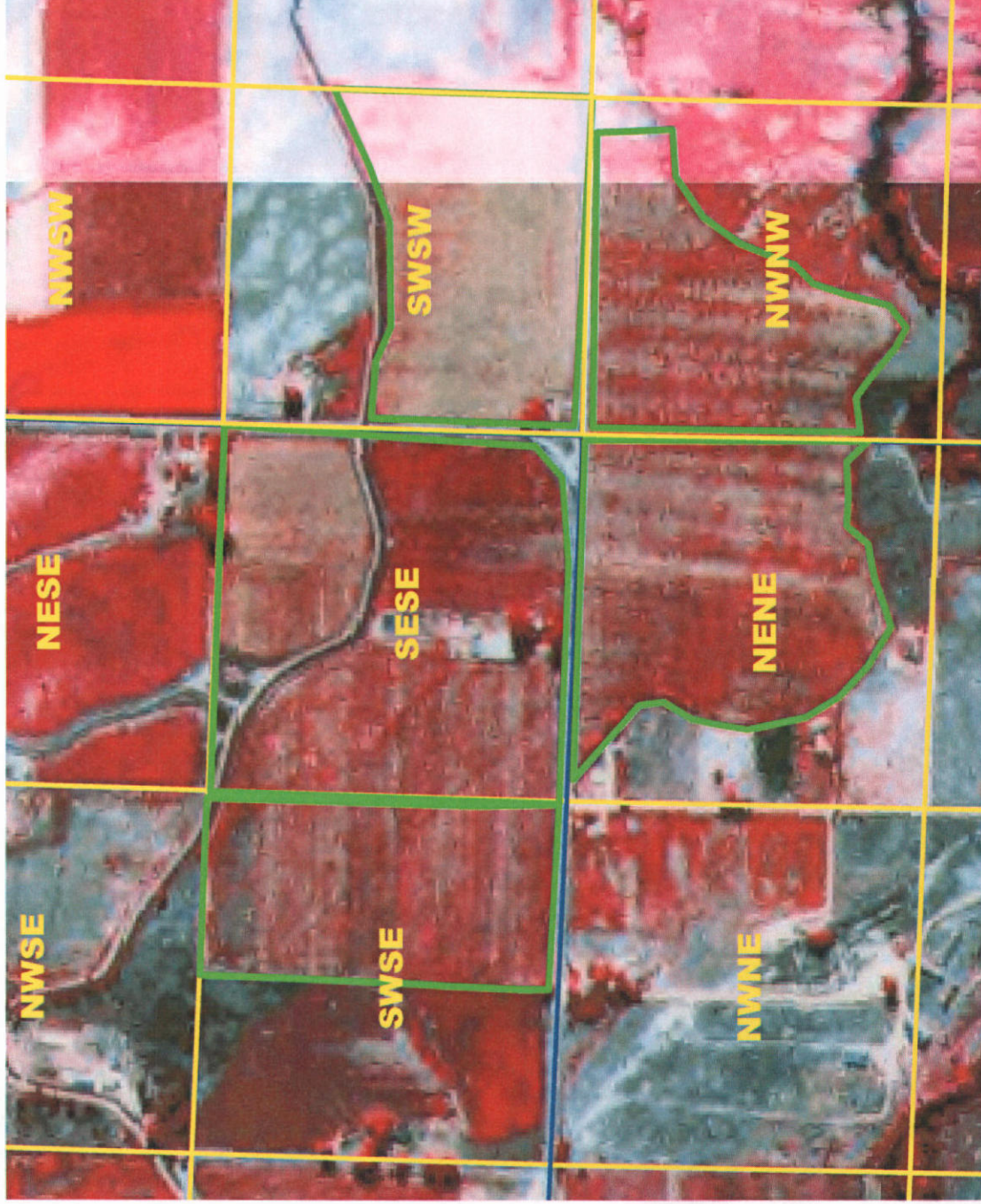
MICROFILMED

AUG 17 1992

IDAHO DEPT OF WATER RESOURCES

Claim No. 63-161BT

Twp. 2N, Rge. 1E
Sec. 19 & 30
Twp. 2N, Rge. 1W
Sec. 24 & 25



-  Place of Use
-  1/41/4 Lines
-  Section Lines
-  Pt. of Diversion

Prepared by:
Jan Shurte
10-29-05



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-00161BT**
Date Received: 6/26/1991
Receipt No: W013440
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: THOMAS NICHOLSON 208-888-1593
Address: PO BOX 690
MERIDIAN ID 83680

2. Date of Priority: MAY 1, 1866

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03W	3	NW	NW	SW		ADA

5. Description of diverting works:
2 PRESSURE PUMPS, MAINLINES W/HANDLINES, 1 OPEN DISCHARGE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/31	2.000		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 444.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01E	19	SW	SW	4	IRR	22.0
						Section Acres	22.0
		30	NW	NW		IRR	24.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	24.0
	01W	24	SW	SE	IRR	20.0
			SE	SE	IRR	40.0
					Section Acres	60.0
		25	NW	NE	IRR	21.0
					Section Acres	21.0
					Total Acres	127.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
BOISE-KUNA IRRIG. DIST.

14. Remarks:

TRANS. 1035 & 1074.
WATER CARRIED IN NEW YORK CANAL.
P/D S3, T2N, R3E.
P/U ALSO IN AVALON ORCHARD TRACTS; LOTS 1, 3, 5 & 7,
BLK. 15, 9 & 6.
ACREAGE BASED ON TRANSFER 1074
ADDRESS CHANGED BY LH 3/18/94.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/18/1906

FARMERS CO-OP DITCH CO.
Decree Plaintiff

RIVERSIDE IRR. DIST.
vs Decree Defendant

RECORDED
JUL 12 1994

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____



GEHL
VERSATILE



Equipment Company

P.O. BOX 690 • MERIDIAN, IDAHO 83680 • TELEPHONE (208) 888-1593
TOLL FREE 1-800-769-1025 • FAX (208) 888-1624



WHITE



F A X T R A N S M I T T A L

TO: _____ DATE: 3/17/94
FROM: Tom Nicholson PAGES FOLLOWING: 1
FAX NUMBER SENT TO: 334-2748

MESSAGE: Just wanted to inform you that
the address you have for:
Thomas T. & Diana R. Nicholson
Carl V. & Patricia Nicholson
Carl E. & Blanche Nicholson
or the combination of the above
should be changed to:

P.O. Box 690

Meridian ID 83680

If you have any questions, please call me
at 888-1593.

David Booth

MICROFILMED

JUL 23 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00161BT
Date Received: 6/26/1991
Receipt No: W013440
Received By: DE JOL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THOMAS NICHOLSON 208-888-1593
Address: PO BOX 703
MERIDIAN ID 83642

2. Date of Priority: MAY 1, 1866

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03W	3	NW	NW	SW		ADA

5. Description of diverting works:
2 PRESSURE PUMPS, MAINLINES W/HANDLINES, 1 OPEN DISCHARGE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/31	2.000		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 444.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01E	19	SW	SW	4	IRR	22.0
						Section Acres	22.0
		30	NW	NW		IRR	24.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	24.0
	01W	24	SW	SE	IRR	20.0
			SE	SE	IRR	40.0
					Section Acres	60.0
		25	NW	NE	IRR	21.0
					Section Acres	21.0
					Total Acres	127.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
BOISE-KUNA IRRIG. DIST.

14. Remarks:

TRANS. 1035 & 1074.
WATER CARRIED IN NEW YORK CANAL.
P/D S3, T2N, R3E.
P/U ALSO IN AVALON ORCHARD TRACTS; LOTS 1, 3, 5 & 7,
BLK. 15, 9 & 6.
ACREAGE BASED ON TRANSFER 1074

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/18/1906

FARMERS CO-OP DITCH CO.
Decree Plaintiff

RIVERSIDE IRR. DIST.
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

additional fee 27.00
DECEMBER 1970 #W013484

AUG 17 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/31 amount 2 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 350 444.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) N/A

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2N	1W	24															20	40	60
2N	1W	25	21																2021
2N	1E	19																	2022
2N	1E	30						24											24
																			100

Total number of acres irrigated 100 127

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Boise Kuna Irrigation District

or None ()

14. Remarks:

Filing Fee \$ 50

Acreage Fee 100 127

Late Filing Fee 50

Total \$200 227

Acreage based on Transfer 1074

Last Name NICHOLSON Ident No. 63-00161 BT

Copies: White -State, Yellow-Claimant
MICROFILMED
AUG 17 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

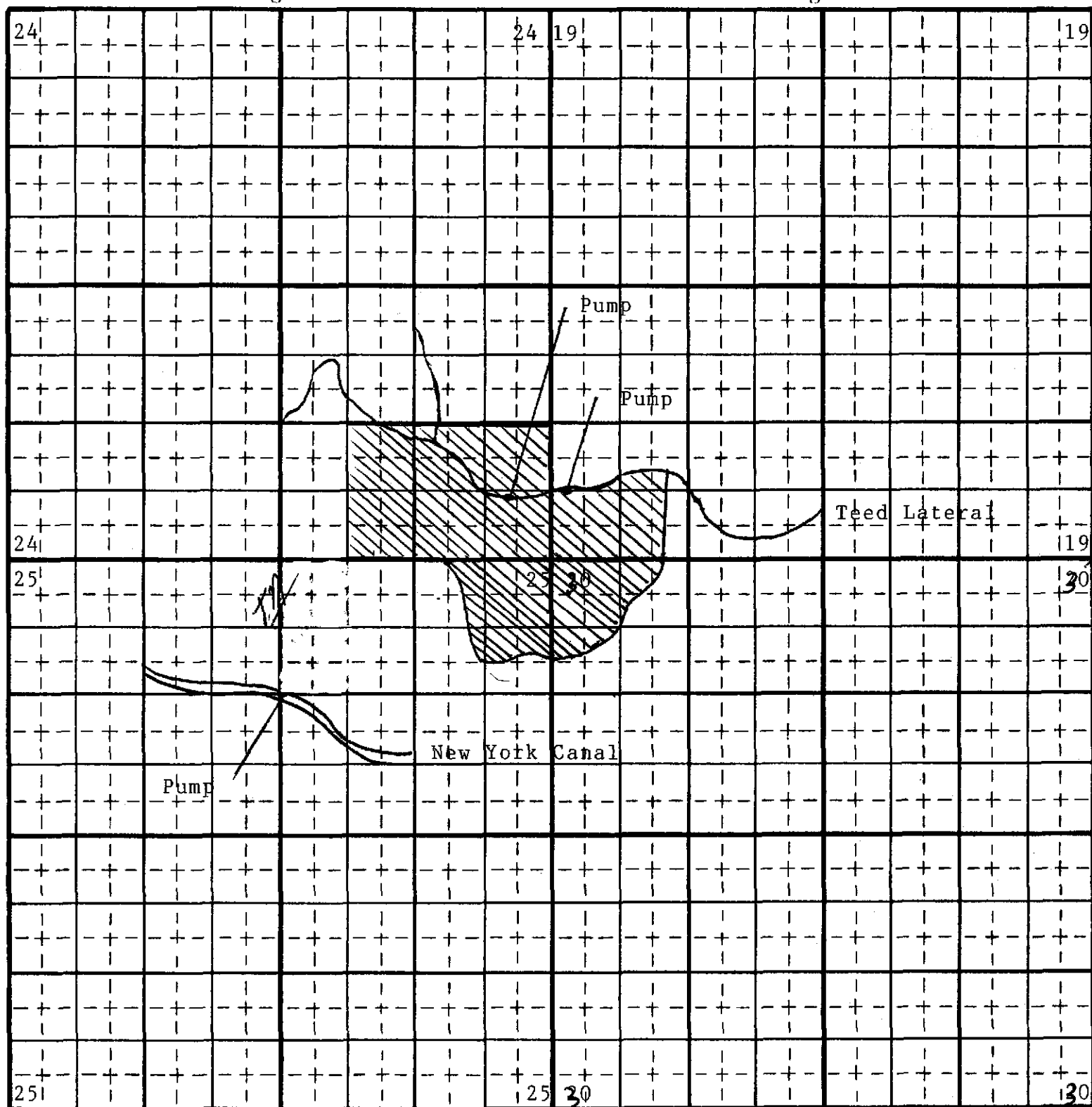
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Township 2 North

Range 1 West

Range 1 East



MICROFILMED

Last Name Nicholson

Ident No. 63-00161 BT

Copies: White-State, Yellow-Claimant

AUG 17 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 63-00161 BT

Court _____ Case Number _____ Decree Date 1/18/1906

Plaintiff vs Defendant Farmers Coop Ditch Co. vs Riverside Irrigation District

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled

"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X

wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Tom Nicholson Date 6/12/91

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 12th day of June 19 91

SEAL

Notary Public Linda Book

Residing at Boise, Idaho

My Commission Expires 5/31/95

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Nicholson Ident. Number 63-00161 BT

Copies White State, Yellow Claimant **MICROFILMED**

AUG 17 1992

Water Right Number - 63-001618T		Prefix Translation:		WATER RIGHT		Old (D) Number -	
+ - - - - Last Name - - - - +		+ - First Name - - +		+ - - - - Address - - - - -		+ - - - -	
*** C - CURRENT OWNER ***							
NICHOLSON		CARL					
1 -							
2 -							
3 -							
City- Phone -				State- Zip-			
*** O - ORIGINAL OWNER ***							
PERRAULT		JOSEPH					
1 -							
2 -							
3 -							
City- Phone -				State- Zip-			
JOHNSON		RICHARD Z.					
1 -							
2 -							
3 -							
City- Phone -				State- Zip-			
+ - - Priority Date - - +		+ - - Region - - - +		+ - - Stage - - - +		+ - - Status - - - +	
05/01/1866		14 WESTERN		D - DECREED			
+ - - Source - - - - - +		+ - - - - - +		+ - - - - - +		+ - - - - - +	
BOISE RIVER				Tributary		SNAKE RIVER	
+ - - - - - +		+ - - - - - +		+ - - - - - +		+ - - - - - +	
TwN Rng Sec Tract Lot RFLg County		Point of Diversion -		Stream Index (Blank if no Index Code)			
+ - - - - - +		+ - - - - - +		+ - - - - - +		+ - - - - - +	
Code Description		Period From Period To		Water Use		Diversion Rate Diversion Volume	
01 - IRRIGATION						2.000	
43 - DOMESTIC							
+ - - Total Div. Rate - +		+ - - Total Div. Volume - +		+ - - Total Div. Capacity - +			
2.000							
+ - - - - - +		+ - - - - - +		+ - - - - - +		+ - - - - - +	
TwN Rng Sec Tract Lot Acres Code		Place of Use -		Description		County	
02N 01W 24 SE SE		01 IRRIGATION				1 ADA	
+ - - Diversion Means -							
+ - - Non-Irrigation Use -							
+ - - Other Rights for Same Use -							
+ - - - - - +		+ - - - - - +		+ - - - - - +		+ - - - - - +	
TRANS. 1035 & 1074.							
WATER CARRIED IN NEW YORK CANAL.							

MICROFILMED

MICROFILMED
AUG 17 1982

ADJUDICATION CLAIM REVIEW CHECKLIST

4-3-91

CLAIMANT'S NAME Nicholson

CLAIM IDENT. NO. A63-00161BT

DATE RECEIVED 6-26-91

RECEIPT # _____

AMOUNT \$ 200.00

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates?	☒	☐	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required) N/A	☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered? N/A	☒	☐	
Is the consumptive use correct? N/A	☒	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4 N/A	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated? (See Item No.'s 16 & 17 for checking other water rights)	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? N/A (Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim)	☒	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? N/A (If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	☒	☐	
18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A	☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	
21. Was this claim filed on time, or was an extension granted?	☒	☐	

fee correct? No (acreage)

Balance \$27 Late fee received.

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JUN 1992

23. Should this claim be data entered?

YES

NO

Claim reviewed by:

GH

Date

6-26-91

Claim data entered by:

Jed

Date

9-18-91

Claim is being returned to claimant:

 (Yes) (No)

Claimant is being notified of modifications:

 (Yes) (No)

Comments:

Acreage needs modified to match decree &

transfer 1074. will be resubmitted with additional

acreage fee.

10/30/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-161BT

NAME AND ADDRESS: THOMAS T NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 05/01/1866

POINT OF DIVERSION:
T02N R03e S3 NWSW Lot 9 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.000 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE: IRRIGATION Within ADA County

T02N R01E S19 Lot 4 SWSW	21.0	T02N R01E S30	NWNW	18.0	
T02N R01W S24	SWSE	20.0	T02N R01W S24	SESE	38.0
T02N R01W S25	NWNE	21.0			

118 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

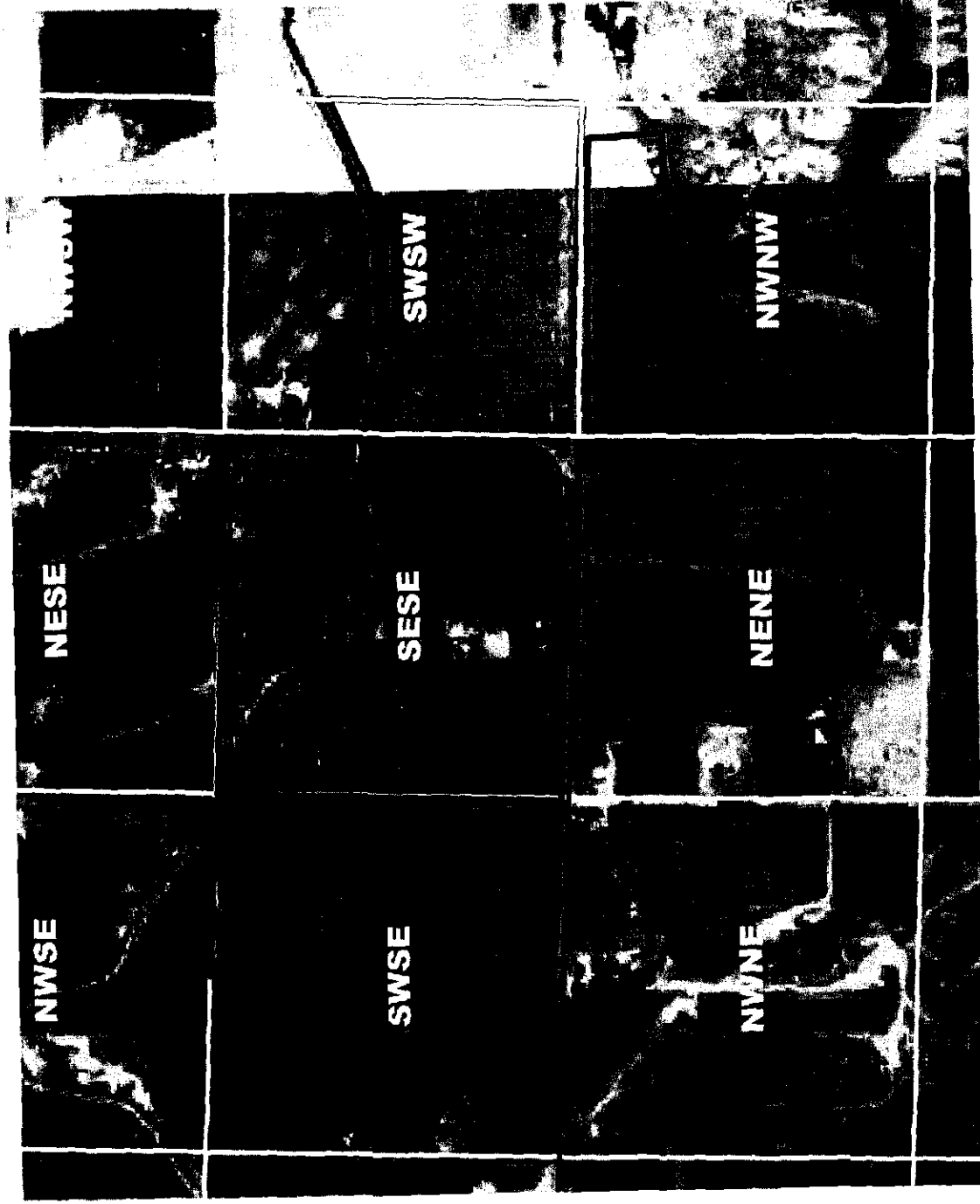
This right is also designated as Right No. 30 in the Boise River Stewart Decree and Boise River Water Distribution Report.

This right is delivered via the New York Canal per Transfer Nos. 1035 and

IDAHO DEPT OF WATER RESOURCES

Claim No. 63-161BT

Twp. 2N, Rge. 1E
Sec. 19 & 30
Twp. 2N, Rge. 1W
Sec. 24 & 25



Place of Use

1/41/4 Lines

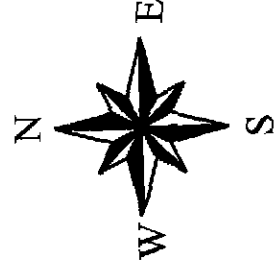


Section Lines



Pt. of Diversion

Prepared by:
Jan Shurte
10-29-05



1000 Feet



IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 63-161BT V1

WATER RIGHT NUMBER: 63-161BT V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOSEPH PERRAULT
	BOISE, ID
Current Owner	THOMAS T NICHOLSON PO BOX 690 MERIDIAN, ID 83680-0690 (208)888-1593
Original Owner	CARL NICHOLSON 315 E AVALON ST KUNA, ID 83634 (208)922-9002
Original Owner	RICHARD Z JOHNSON BOISE, ID

Priority Date: 05/01/1866
 Basis: Decreed
 Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L9 (NW1/4SW1/4)	Sec. 3, Twp 02N, Rge 03e, B.M.
ADA County		

Place of Use

IRRIGATION Within ADA County

T02N R01E S19 Lot 4 SWSW	21.0	T02N R01E S30	NWNW	18.0
T02N R01W S24	SWSE 20.0	T02N R01W S24	SESE	38.0
T02N R01W S25	NWNE 21.0			
Total Acres: 118				

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-161BT V1

1. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
2. This right is also designated as Right No. 30 in the Boise River Stewart Decree and Boise River Water Distribution Report.
3. 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.
4. This right is delivered via the New York Canal per Transfer Nos. 1035 and 1074.

Remarks:Comments:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/29/2005 3:13:38 PM	jshurte			Active
Priority Date	10/29/2005 3:14:16 PM	jshurte			Active
POD	10/29/2005 3:14:35 PM	jshurte			Active
POU	10/29/2005 3:54:45 PM	jshurte			Active
Source	10/29/2005 4:47:48 PM	jshurte			Active
Season	10/29/2005 4:47:49 PM	jshurte			Active
Use	10/29/2005 4:47:49 PM	jshurte			Active
Quantity	10/29/2005 4:47:50 PM	jshurte			Active
POU	10/30/2005 11:03:47 AM	jshurte			Active
Use	10/30/2005 11:04:05 AM	jshurte			Active
Season	10/30/2005 11:04:36 AM	jshurte			Active
Quantity	10/30/2005 11:05:39 AM	jshurte			Active
POU	10/30/2005 11:07:10 AM	jshurte			Active
Summary			10/30/2005	jshurte	Active

Water Supply Bank:

6. No Change - WATER USES
Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. No Change - TOTAL VOLUME *N/A*

Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____

Changes found, the new total is, Amount _____ CFS _____ AFA _____

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. No Change — PLACE OF USE: (If changed, list below.)

NO OVERLAPS

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

*→ Orig. filing for 127 acres - due to
digitizing for POU for Nicholson's which
matched 1/4 1/4's claimed found 112. See
attached proof report. OK to divert from New York**

SYSTEM DIAGRAM INCLUDED

NA

Shown on GIS Layout

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED:

10-30-05

FIELD EXAMINER:

JAN THURTE

Print Name

Jan Thunte

Signature

** Canal due to transfer of private rights under
Transfer #'s 1035 & 1074² - Copies in file.*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 03-161BT

1. No Change NAME IS SAME

NEW OWNER: _____

No Change ADDRESS _____

NEW ADDRESS: _____

2. No Change - DATE OF PRIORITY: Completed evidence submitted
~~Incomplete~~ - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. No Change — SAME SOURCE

Source is different than that claimed: not

Source found: _____

4. No Change — POINT OF DIVERSION

Point of diversion is different than the claim and/or new P/D's: added

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. No Change - DESCRIPTION OF DIVERTING WORKS

Incomplete description, list below:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-161BT

10/30/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-161BT	Water Right	02N	01E	19	SW	SW		IRRIGATION	22/127	THOMAS T NICHOLSON
63-161BT	Claim	02N	01E	19	SW	SW	4	IRRIGATION	22/127	THOMAS T NICHOLSON
63-161BT	Water Right	02N	01E	30	NW	NW		IRRIGATION	24/127	THOMAS T NICHOLSON
63-161BT	Claim	02N	01E	30	NW	NW		IRRIGATION	24/127	THOMAS T NICHOLSON
63-161BT	Water Right	02N	01W	24	SW	SE		IRRIGATION	20/127	THOMAS T NICHOLSON
63-161BT	Claim	02N	01W	24	SW	SE		IRRIGATION	20/127	THOMAS T NICHOLSON
63-161BT	Claim	02N	01W	24	SE	SE		IRRIGATION	40/127	THOMAS T NICHOLSON
63-161BT	Water Right	02N	01W	24	SE	SE		IRRIGATION	40/127	THOMAS T NICHOLSON
63-161BT	Claim	02N	01W	25	NW	NE		IRRIGATION	21/127	THOMAS T NICHOLSON

AJ5809NP
No. A63-00161BT

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/13/00
PAGE: 2

OWNER
CODE
C
THOMAS NICHOLSON
PO BOX 690
MERIDIAN ID 83680
(208) 888-1593

NAME & ADDRESS
PRIORITY
DATE
05/01/1866

WATER USE
IRRIGATION
USE PERIOD
FROM TO
04-15 10-31

DIVERSION
RATE
2.000 CFS
DIVERSION
VOLUME
2.000 CFS

OK
delete
~~444.50 AFA~~

Water Source: BOISE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

ADA County

Place of use Legal Description for: IRRIGATION

NE										SW										SE																																																																																																			
NENE					NWNE					SUNE					SENE					NENE					NWSE					SUSE					SESE																																																																																				
Lt AC					Lt AC					Lt AC					Lt AC					Lt AC					Lt AC					Lt AC					Lt AC																																																																																				
T	R	S																												SUM																																																																																									
02N	01E	19																											22.0	21																																																																																									
02N	01E	30																											24.0	17																																																																																									
02N	01W	24																											50.0	58																																																																																									
02N	01W	25																											21.0	31																																																																																									
76-210X										24-18										OK 38										OK 20										40										21										22.0										24.0										50.0										21.0										122.0										118									
TOTAL ACRES																																																																																																																							

POU County: ADA

Other Rights: BOISE-KUNA IRRIG. DIST.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes ALL Sources):
63-23689 63-27945 A63-23689 A63-27945

Remarks: GEN TRANS. 1035 & 1074.
WATER CARRIED IN NEW YORK CANAL.
P/D S3, T2N, R3E.
P/U ALSO IN AVALON ORCHARD TRACTS; LOTS 1, 3, 5 & 7,
BLK. 15, 9 & 6.
ACREAGE BASED ON TRANSFER 1074
ADDRESS CHANGED BY LH 3/18/94.

For per 1074
Per 1035
#

Objection Filed Date:

Verified Date:

Dates: Exam Made Date:

Misc: Water District Number: 63 Field Inspection Flag:
Presumption Flag:

Audit: 09/18/91 HARRIS 03/18/94 HARRIS 03/30/95 POST-STD

THOMAS T. NICHOLSON
P.O. BOX 690
MERIDIAN, ID 83680-0690
208-888-1593 FAX 208-888-1624

RECEIVED

OCT 11 2000

WATER RESOURCES
WESTERN REGION

October 6, 2000

Dan Nelson, Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Transfer No. 3874 for Water Right No. 63-00161BT

Dear Dan:

On April 15, 1992, we received a letter approving our application to transfer our water rights under WR #63-00161BT from Boise River tributary to the Mores Creek tributary. This transfer was done in anticipation of a land swap with the Forest Service (referred to as Nicholson Exchange #3). However, the trade was rescinded and we have never actually transferred the water to that land, instead we have continued irrigating our property near Kuna.

It did not occur to us earlier to either transfer the water back to the original location or have the transfer rescinded until we were visiting with you today.

Enclosed is a copy of the front page of the Appraisal Report marked "RESCINDED". Because the file is so voluminous, we could not readily locate the actual letter of denial; however, if you need that document, please contact my secretary, Linda Boots, and she will locate a copy for you. Because time is of the essence, we thought we should go ahead and start the process to change the Water Right back to the original location.

Please send us whatever forms we need to correct this problem.

161/P12)
Box 3874 - Rescinded

Thank you,

Tom Nicholson

Tom Nicholson

RECEIVED

SEP 5 1991

Department of Water Resources
Western Regional Office

CCT LAND & CATTLE
P. O. BOX 703
MERIDIAN, ID 83642
208-888-1593

September 3, 1991

Mr. David Tuthill, Jr., P.E.
Manager, Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

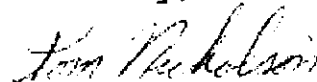
RE: Application for Transfer No. 63-00161BT in the name of
Tom Nicholson

Dear Mr. Tuthill:

Mr. Henley and I have discussed his protest of our proposed water transfer this morning. He was protesting the period of use of March 15 thru November 15. We agreed that if the period of use was changed to April 15 thru October 15, there would be no problems.

Please change the period of use to these new dates. If you need anything further, please let me know.

Sincerely,



Thomas T. Nicholson

TTN:lb

cc: Ken Henley, Project Manager
Boise Project Board of Control

RECEIVED

MAY 18 1992

SEP 8 1991

Department of Water Resources
Western Regional Office

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 63-00161 BT

RECOMMENDATION OF WATERMASTER

I, Lee Sisco, watermaster of Boise River,
of Water District No. 63, County of Ada, State of Idaho,
whose address is 214 Broadway Ave., Boise, Id 83702
have read the attached copy of the application for transfer of water right for _____
To Nicholson, and to the best of my knowledge believe the
(name)
application to be true.

(A) I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: period of use needs to be changed
to 4-1 to 10-31 to stop right from competing
with the storage rights and period of use.
Boise System has two water use periods - 4/1 to 10/31 for
natural flow + irrigation demand OR and 11/1 to 3/31 for storage
accrual.

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Boise, Idaho, this 30 day of Aug 19 91.

(signature)

Lee Sisco
MICROFILMED

MAY 19 1992

THOMAS E. DORSEY
CHAIRMAN OF THE BOARD
PAUL WARRICK
VICE CHAIRMAN OF THE BOARD
KENNETH HENLEY
PROJECT MANAGER
PAUL J. DEVEAU
ASSISTANT PROJECT MANAGER
JUDITH A. SCHOLL
SECRETARY-TREASURER
ELVA FISCHER
ASSISTANT SECRETARY-TREASURER

BOISE PROJECT BOARD OF CONTROL

RECEIVED
AUG 21 1991

(FORMERLY BOISE U. S. RECLAMATION PROJECT)

214 BROADWAY
BOISE, IDAHO 83702

Department of Water Resources
Western Regional Office

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

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

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

August 20, 1991

Dave Tuthill
State of Idaho
Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Dave:

We would like to protest the dates on right #63-00161BT.

Since April 1 thru October 31 is the irrigation season for the Boise River, the dates of the proposed transfer would interfere with reservoir storage.

Lake Lowell Reservoir has priority storage rights from November 1 thru March 31. Should we exercise our right to fill Lake Lowell Reservoir the transfer would also interfere with this right.

Should you have any questions please contact me at 344-1141.

Sincerely,

Ken Henley

Ken Henley
Project Manager

KH/jf

42-25-1492

RECEIVED
JUL 18 1991

CCT LAND & CATTLE
P.O. BOX 703
MERIDIAN, ID 83642
208-888-1593

Department of Water Resources
Western Regional Office

July 18, 1991

Idaho Department of
Water Resources
2735 Airport Way
Boise, ID 83705

RE: Transfer of Water Right #63-00161BT

I have applied for a transfer of 2 cfs of water from our Kuna Property to our property in Boise County. During normal precipitation years, we have not used the Cruisen supplemental water. However, during the last several years, the drought years, we needed this water to irrigate our crops effectively. During the last two years, we have transferred surplus Eagle Island water to this area, approximately 750 acre feet per year. We now have sufficient water for this property but, due to low run-off from the Dunnigun Creek drainage, we need the Cruisen water to irrigate our land in Boise County.

Please let me or my secretary, Linda Boots, know if you need any further information.

Sincerely,

Tom Nicholson

Thomas T. Nicholson

TTN:lb

RECEIVED

MAY 19 1992

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

TRANSFER OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 1074

THIS IS TO CERTIFY, That Carl E. Nicholson, of 101 Warm Springs Avenue, Boise, Idaho, is the owner of and using a certain water right of 2 cubic feet per second of the waters of Boise River, with priority of May 1, 1866, decreed to J. Perrault and R. Johnson, by decree of Judge George H. Stewart of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, 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:

E $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21;
W $\frac{1}{2}$ N $\frac{1}{2}$ W $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22;
Twp. 4 N., Rge. 4 E.B.M.,
(Transfer No. 1035)

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 Carl E. Nicholson has become the owner of said water right by purchase and Transfer No. 1035;

And that now, upon the application of Carl E. Nicholson 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 2 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 CONFIRMED shall become appurtenant by this Certificate for irrigation and domestic purposes, is described as follows, to-wit:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Avalon Orchard Tracts, Lots 1, 3,
5 & 7, Block 15, Block 9 & 6, Section 24,
Township 2 North, Range 1 W. B. M., Lot 4,
Section 19, Township 2 North, Range 1 E.B.M.

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:

2 cubic feet per second of the waters
of Boise, River, with priority of
May 1, 1866;

That the water right hereby transferred has heretofore been conducted to the first described lands from Mores Creek with point of diversion in the NEKSEK, Section 21; NWKSWK, Section 22, Township 4 North, Range 4 E. B. M.,

That the water right hereby transferred will hereafter be conducted 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 13th day of October, 1966.

(SEAL)

s/

R. KEITH HIGGINSON

R. KEITH HIGGINSON
State Reclamation Engineer

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Carl E. Nicholson of
Boise, Idaho has applied to the State Reclamation Engineer of the
State of Idaho for a certificate authorizing him to change the point of diversion
and/or place of use of the waters of Mores Creek as follows:
Amount: 2.0 cubic feet per second. Priority: May 1, 1866
Point of diversion: NW ¼ SE ¼
NE ¼ SE ¼, Section 21, Township 4N Range 4 E., B.M.
Place of Use: E½NE¼, NE½SE¼, Sec. 21; W½NW¼, NW½SW¼, Sec. 22, Twp. 4 N., Rge. 4 E.B.M.
(Transfer No. 1035)

To Be Transferred To
(New York Canal)
Point of Diversion: / x½ x½ Section 3, Township 2 N, Range 3 E, B.M.
Place of Use: SE½SE¼, Avalon Orchard Tracts, Lots 1, 3, 5 & 7, Block 15,
Block 9 & 6, Sec. 24, Twp. 2 N., Rge. 1 W.; Lot 4, Sec. 19,
Twp. 2 N., Rge. 1 E.B.M.

And that on the 6th day of October, 1966, at 10:00 o'clock A.M.
at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer,
or his authorized agent, the opportunity will be given to any and all persons to
appear and present, for his consideration any reason or reasons why a certificate
should not be issued authorizing such transfer.

R. KEITH HIGGINSON
State Reclamation Engineer

August 26, 1966

Re: Transfer of Water Right
Carl E. Nicholson

Mr. Roy Musselman, Watermaster,
Water District No. 12-A,
214 Broadway Ave.,
Boise, Idaho.

Dear Roy:

Enclosed find an application for transfer of water right in the name of Carl E. Nicholson. This water is Consumers water that was transferred to Mores Creek, but never used there. Now Mr. Nicholson plans to take it to Kuna through the New York Canal.

Please indicate whether or not you approve of this transfer and return the application to us.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

Encl: Application for Transfer
of Water Right
RWH:pmk

STATE OF IDAHO

County of Ada

ss.

Carl E. Nicholson

, being first duly sworn, deposes and says:

That his name is Carl E. Nicholson; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is 101 Warm Springs Avenue, Boise, Idaho

That he is the owner and using a certain water right, bearing date of priority of 5/1, ~~18~~ 1866 for 2 cubic feet per second of the waters of Boise River County of Ada, State of Idaho, decreed to J. Perrault and R. Johnson by decree of Judge Stewart of the 7th Judicial District of the State of Idaho, in and for the county of Canyon, in the case of Farmers Coop vs. Riverside, said decree bearing date of 1/18/1906 (or obtained by virtue of License No. ---, issued by the State Department of Reclamation of the State of Idaho, dated ---, 19---, bearing date of ---, 19---) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 12-A in the County of Ada and State of Idaho, to-wit:

Town Lots under Walling Ditch in Sections 11, 12, 13 & 14, T3N-R2E, B.M. and Sections 28, 29, 32, 33 and 34, T4N-R2E, B.M. (See Transfer # 1035 for land Description)

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e. Purchase & transfer # 1035

as per abstract of title of said water right hereto attached and made a part of this statement;

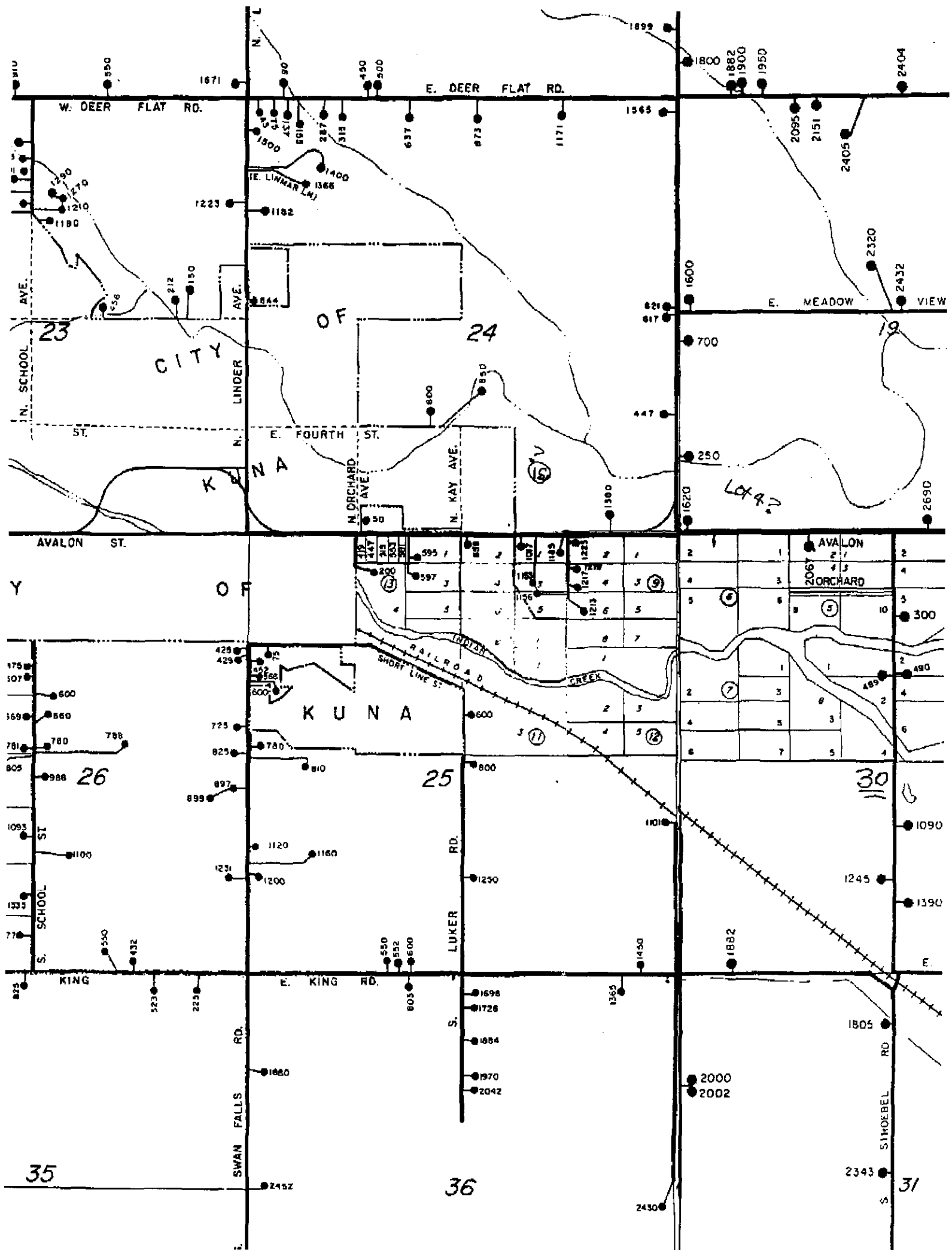
That said waters are now diverted from Mores Creek in the NE 1/4, Section 21; NW 1/4 of Section 22, Township 4N, Range 4E, B. M., and conducted to the above described lands through private works as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of 2 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Ada and State of Idaho, to-wit:

T2N-R1W, B.M., Sec. 24 - SE 1/4 - 40
Avalon Orchard Tracts - Lots 1, 3, 5, 7 of Block 15 - 19.45 ac;
Avalon Orchard Tracts - Block 9, north & east of Teed Lateral - 21 ac;
Avalon Orchard Tracts - Block 6, north & west of Teed Lateral - 24.37 ac;
T2N-R1E, B.M., Sec. 19 - Lot 4 south of Teed Lateral - 22.25 ac.

TOTAL
127.07
acres



~~XXXXXXXXXXXXXXXXXXXX~~

New York Canal

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in $\frac{1}{4}$ of $\frac{1}{4}$ of Section 3, Township 2N, Range 3E, and thereafter conduct same to the above described land through the New York Canal ditch, as per map appended.

That his reasons for desiring to make such change are as follows: To get this water to the lands I actually plan to irrigate with this water.

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

Carl E. Nicholson

Applicant.

Subscribed and sworn to before me this 24th day of August, 1966.

Sharon Deaton

Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? ~~XXXXXXXXXXXX~~ Mores Creek

Where is the diversion point located? ~~XXXXXXXXXXXX~~ NE 1/4 Sec. 21

Through what ditch is it now conducted? ~~XXXXXXXXXXXX~~ Pipeline

How much water per acre is now required to irrigate said land? 5/8"

What will be the effect on the land now irrigated, if the use of water on it is discontinued?

NONE

Give location of new point of diversion, if change is to be made Sec. 3, T2N-R3E-B.M.

Through what ditch will it be conducted after transfer? Boise Project ditches & canal system
(New York Canal)

How much water will be required per acre to irrigate the land to which this water is transferred? 1"

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source 600" from Dunnigan Ck. (Part for this land)

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source New York Canal & Arrowrock Storage

Signed

Carl E. Nicholson

Applicant.

STATE OF IDAHO,

County of Ada

ss.

I, Daniel L. Musselman, Watermaster of Boise River

Water District No. 12-A, County of Ada, State of Idaho, whose postoffice address

is 214 Broadway, Boise, Ida., have read or heard read the foregoing affidavit and petition

of Mr. Carl Nicholson, and, of my own knowledge, believe the same to be true

as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;

and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer

issue the certificate of transfer as petitioned; ~~or (do not approve of the issuance of the certificate of~~

~~transfer prayed for) for the following reasons:~~

Watermaster, District No. 12-A

Daniel L. Musselman

Dated at Boise, Idaho, this 30 day of August, 19 66.

Idaho City World

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Carl E. Nicholson of
Boise, Idaho has applied to the State Reclamation Engineer of the
State of Idaho for a certificate authorizing him to change the point of diversion
and/or place of use of the waters of Mores Creek as follows:
Amount: 2.0 cubic feet per second. Priority: 5-1-1866
Point of diversion: NW SE NE 1/4 SE 4, Section 21, Township 4 N Range 4 E, B.M.
Place of Use: E 1/2 NE 1/4, NE 1/4 SE 1/4 - 21, W 1/2 NW 1/4, NW 1/4 SW 1/4 - 22, - 4 N - 4 E, (Transfer
No. 1035)

To Be Transferred To
(New York Canal)
Point of Diversion: 3 3 Section 3, Township 2 N, Range 3 E, B.M.
Place of Use: SE 1/4 SE 1/4, Avalon Orchard Tracts, Lots 1, 3, 5 + 7 Block 15,
Block 9, 46 Sec. 24 - T. 2 N - R. 1 W, Lot 4 Sec. 19, - T. 2 N. R. 1 E.

And that on the 6 day of October, 1966, at 10:00 clock A.M.
at Room 10 Statehouse Boise, Idaho, before the State Reclamation Engineer,
or his authorized agent, the opportunity will be given to any and all persons to
appear and present, for his consideration any reason or reasons why a certificate
should not be issued authorizing such transfer.

State Reclamation Engineer

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

TRANSFER OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 1035

THIS IS TO CERTIFY, That Consumers Water Corporation, through G. S. Taylor, 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 (Right #30), with priority of May 1, 1866, decreed to Joseph Perrault and Richard Johnson, by decree of Judge George H. Stewart of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon 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 under Walling Ditch
in Sections 11, 12, 13 and 14,
Township 3 North, Range 2 E.B.M.,
and Sections 28, 29, 32, 33 and
34, Township 4 North, Range 2
E. 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 conveyance;

And that now, upon the application of the Consumers Water Corporation, through G. S. Taylor, 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 100 inches, or 2 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 CONFIRMED, shall become appurtenant by this Certificate for irrigation and domestic purposes is described as follows, to-wit:

ENE₁, NE₁SE₁, Section 21;
W₁NW₁, NW₁SW₁, Section 22;
Township 4 North, Range 4
E. B. M., known as the
Nicholson Tract;

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:

100 inches, or 2 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 from Mores Creek to the last above described lands through pipe lines with points of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, and the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 4 North, Range 4 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 4th day of September, 1964.

CARL E. TAPPAN
State Reclamation Engineer

and they are hereby awarded the use of the waters of Boise River, diverted from a point on the north bank of said river about four miles above Boise City, through what is known as the Walling, or Boise Valley Water Ditch, for use upon the same lots and lands lying under said ditch for irrigating and domestic purposes, in the following amount and from the following date;

63 0161 8500 inches, from May 1, 1886; and hereby designated as Right No 30

And that said defendants be awarded, for power purposes only, the use of said waters in the following amount from the following date, and it is hereby ordered that the quantity of water so awarded for power purposes shall be used for such purposes only, and after such use shall be returned to Boise River;

63 0162 10000 inches, from July 1, 1877; and hereby designated as Right No 31 And be adjudged to pay \$875.00 costs in addition to the costs incurred by them.

~~XXXX~~. XXXIX.

That the defendant WILLIAM P. KENNEDY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW 1/4 of Sec. 17, T. 4 N. R. 1 E. D.M., for use upon the E. 1/3 of NE 1/4 and lot 1 of Sec. 15, and SE 1/4 of SE 1/4 of Sec. 12, T. 4 N. R. 2 E. D.M., in the following amount and from the following date;

63 0163 130 inches, from June 1, 1866; and hereby designated as Right No 32 And be adjudged to pay \$9.10 costs in addition to the costs incurred by him.

~~XXXX~~. XXX.

That the defendants FRANK L. LEONARD, TERA F. LEONARD, J. S. D. MANVILLE and ESTATE OF ROBERT M. BROWN, do and they are hereby awarded the use of the waters of Boise River, diverted from a point on the south side of said river in Sec. 15, T. 3 N. R. 2 E. D.M., at a point a short distance east of the NW corner of said section; also at a point on Sec. 9, a short distance west of said section corner, and also a short distance below on said Section 9, all in T. 3 N. R. 2 E. D.M., for use upon an irregular shaped tract of land in lot G, and W. 1/3 of SE 1/4 of Sec. 9, T. 3 N. R. 2 E. D.M., and an irregular tract in the E. 1/3 and the SE 1/4 of Sec. 9, T. 3 N. R. 1 E. D.M., in the following amount and from the following date;

63 0164 175 inches, from June 1, 1866; and hereby designated as Right No 33

And be adjudged to pay \$12.25 costs in addition to the costs incurred by them.

FILED