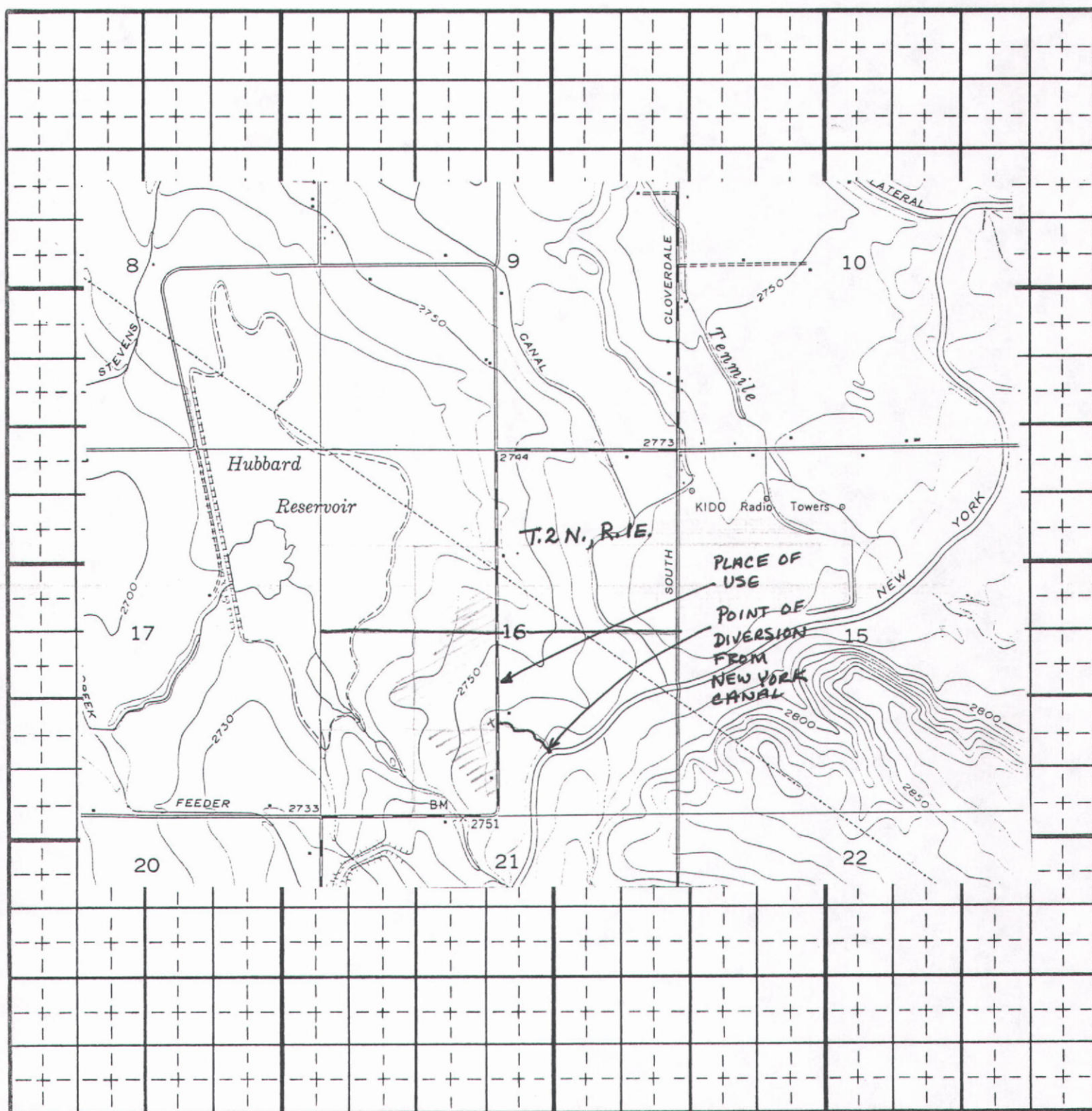


Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Ward Stables

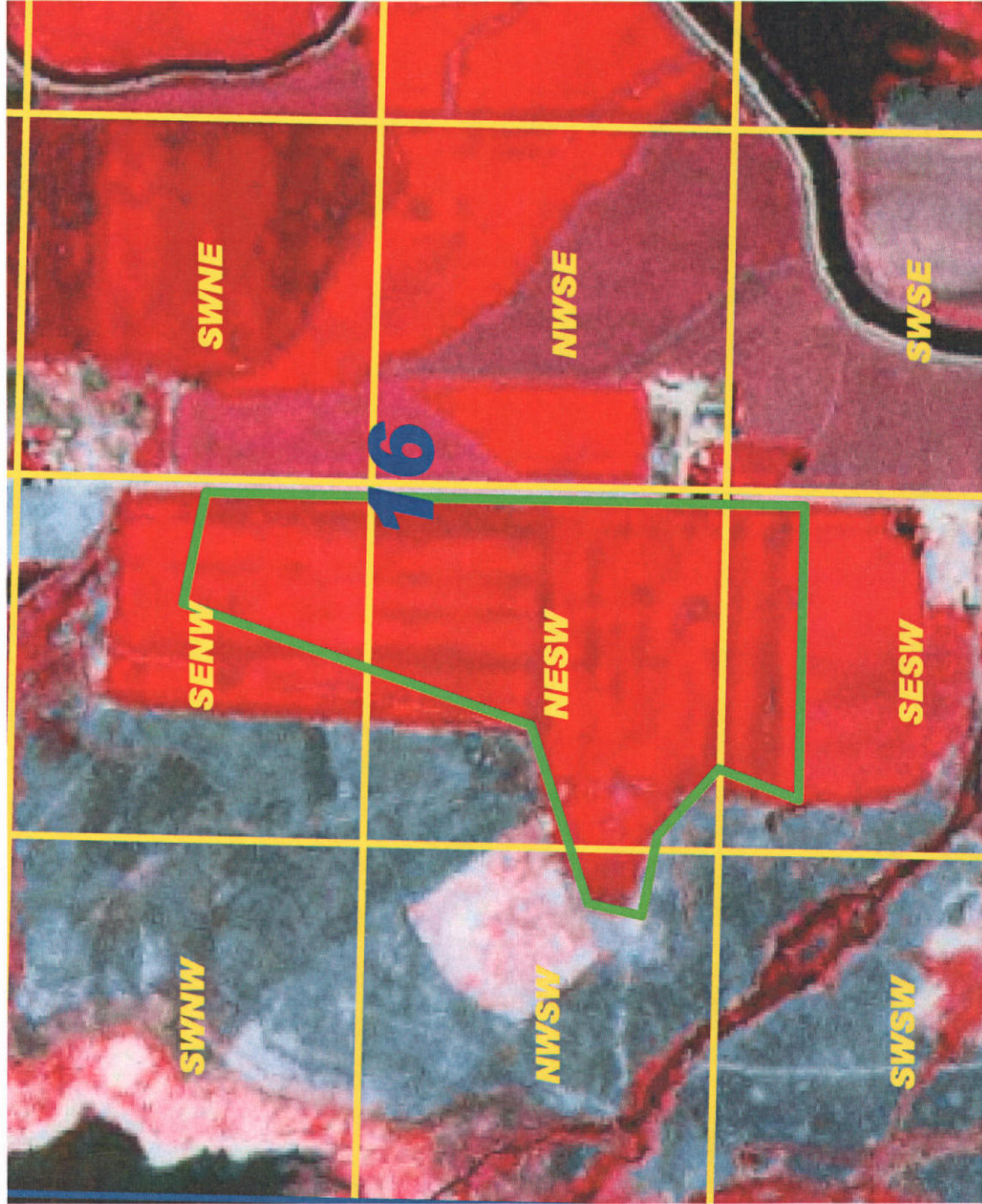
Ident No. 63-00161 BL

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

IDAHO DEPT OF WATER RESOURCES

Claim No. 63-161BX

Twp. 2N, Rge. 1E
Sec. 16



Place of Use



1/4 1/4 Lines



Section Lines



Pt. of Diversion

Prepared by:

Jan Shurte

11-20-05



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 63-161BX
Date Received: 9/7/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WARD STABLES Phone: (208)342-6571
C/O CONLEY E WARD
PO BOX 2720
BOISE ID USA 83701

2. Date of Priority: 05/01/1866

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	Type
02N	03E	3	NW NW SW	ADA	

5. Description of diverting works:

The water is diverted through the New York Canal. It is then conveyed through a headgate on the New York Canal located in the SWSE, Sec. 16, 2N, 1E, through a ditch approximately 1/4 mile in length to the place of use.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	2	
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 20 Horses

Number of homes: 4

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
02N	01E	16	SE	NW		IRRIGATION	8.7
			NE	SW		IRRIGATION	30
			NW	SW		IRRIGATION	5
			SE	SW		IRRIGATION	8.3
			SE	NW		STOCKWATER	
			NE	SW		STOCKWATER	
			NW	SW		STOCKWATER	
			SE	SW		STOCKWATER	
			SE	NW		DOMESTIC	
			NE	SW		DOMESTIC	
			NW	SW		DOMESTIC	
			SE	SW		DOMESTIC	
						Section Acres	52
						Total Acres	52

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:

14. Remarks:

This right is a split from former right 63-161BL.

15. Basis of Claim: Decreed

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-161BL

				<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
02N	01E	16									X	X	X		X					

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	16								8.7	30.0	5.0		8.3					52.0

Total Acres: 52

Conditions of Approval:

1. P22 Split right: See Right Nos. 63-161BX and 63-161BY.
2. #5 CONT: THE WATER IS DIVERTED THROUGH THE NEW YORK CANAL. IT IS THEN CONVEYED THROUGH A HEADGATE ON THE NEW YORK CANAL LOCATED IN THE SW 1/4 SE 1/4, SEC. 16, T 2 N, 4 1 E, THROUGH A DITCH APPROXIMATELY 1/4 MILE IN LENGTH TO THE PLACE OF USE DESCRIBED BELOW.

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: A63-00161BL
Date Received: 9/07/1989
Receipt No: C011259
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WARD STABLES 208-342-6571
Address: C/O CONLEY E. WARD
P.O. BOX 2720
BOISE, ID 83701

2. Date of Priority: MAY 01, 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	03E	3	NW	NW	SW		ADA

5. Description of diverting works:
NEW YORK CANAL, HEADGATE, DITCH (CONT. IN REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	2.000		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 156.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC-4 HOMES UNDER CONSTRUCTION/TO BE CONSTRUCTED;S/20 HORSES

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	01E	16	SE		NW		IRR	8.7
			SE		NW		DOMEST	
			SE		NW		STOCK	
			NE		SW		IRR	30.0
			NE		SW		DOMEST	
			NE		SW		STOCK	
			NW		SW		IRR	5.0
			NW		SW		DOMEST	
			NW		SW		STOCK	
			SE		SW		IRR	8.3
			SE		SW		DOMEST	
			SE		SW		STOCK	

Section Acres 52.0

Total Acres 52.0

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:
NONE

14. Remarks:

#5 CONT: THE WATER IS DIVERTED THROUGH THE NEW YORK CANAL. IT IS THEN CONVEYED THROUGH A HEADGATE ON THE NEW YORK CANAL LOCATED IN THE SW 1/4 SE 1/4, SEC. 16, T 2 N, 4 1 E, THROUGH A DITCH APPROXIMATELY 1/4 MILE IN LENGTH TO THE PLACE OF USE DESCRIBED BELOW.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

FARMERS CO-OP DITCH CO.
Decree Plaintiff

vs

RIVERSIDE IRR. DIST.
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: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____ Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____ Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

A63-00161BL

Page

My Commission Expires
3

Date: 12/19/89

MICROFILMED
AUG 17 1992

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 63-00161 BL

Date Received 9-7-89

Receipt Number 2011259

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 07 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Ward Stables, c/o Conley E. Ward Phone (208) 342-6571
Mailing Address P. O. Box 2720, Boise, Idaho Zip 83701

2. Date of Priority (Only one (1) per claim) May 1, 1866

3. Source of water supply (a) Boise River
which is tributary to (b) SNAKE RIVER

4. a. Location of existing point of diversion is: Township 2N. Range 3E. Section 3,
1/4 of 1/4 of 1/4, Govt. Lot, B.M., County of Ada (New York Canal)

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

The water is diverted through the New York Canal. It is then conveyed
through a headgate on the New York Canal located in the SW 1/4 SE 1/4,
Section 16, T. 2N., R. 1E., through a ditch approximately 1/4 mile in
length to the place of use described below

MICROFILMED

AUG 17 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Jan. 1 to Dec. 31 amount 2.0 or _____

For stockwater purposes from Jan. 1 to Dec. 31 amount 0.02 or _____

For domestic purposes from Jan. 1 to Dec. 31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is approx. 156 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic use for 4 households under construction or to be constructed; stockwater use for approximately 20 horses.

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.	1E.	16								8.7	30	5		8.3					52
2N.	1E.	16								D	D	D		D					
2N.	1E.	16								S	S	S		S					

Total number of acres irrigated 52

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.

or None ()

14. Remarks:

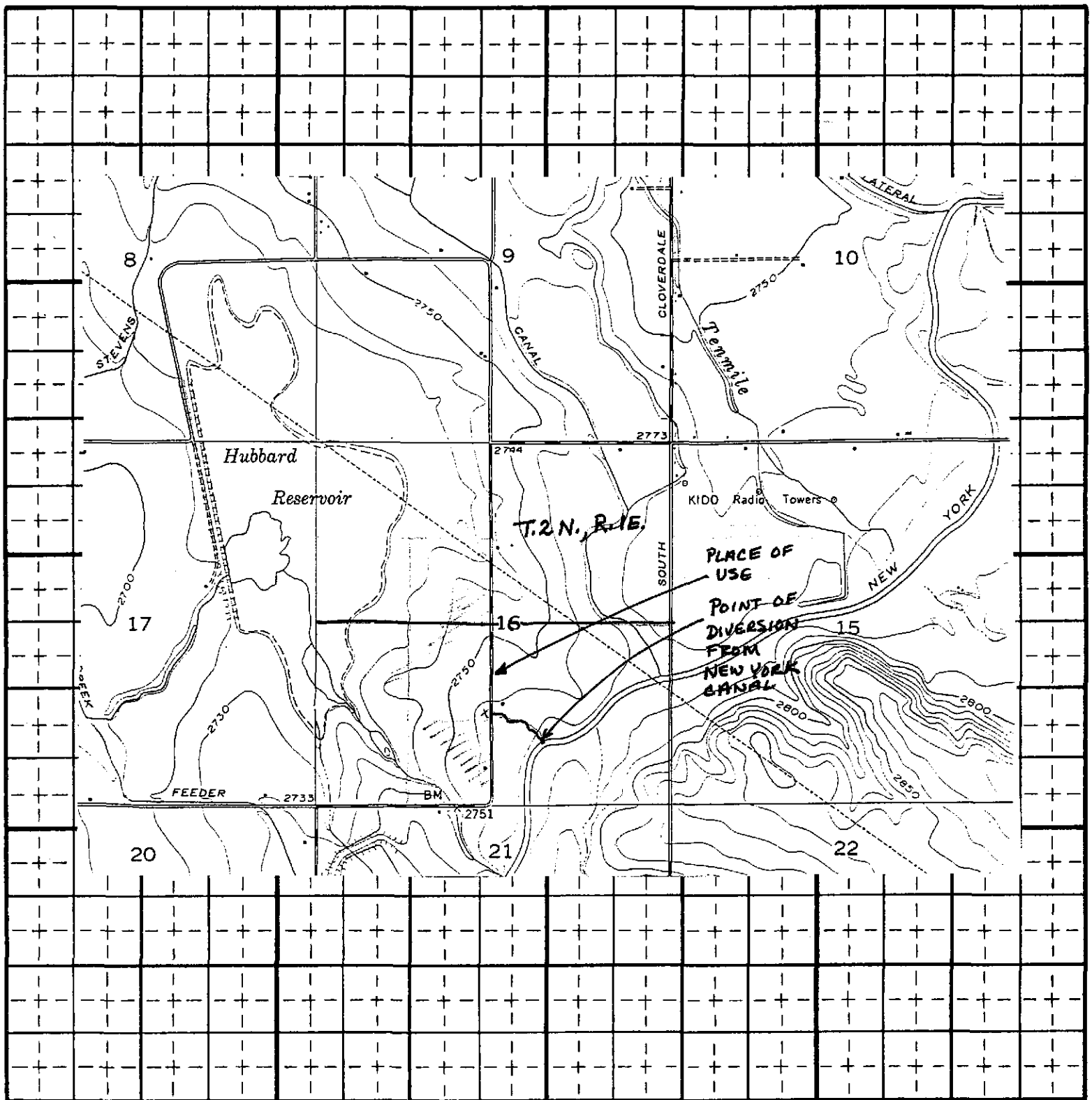
Last Name Ward Stables Ident No. 63-00161 BL

Copies: White 1, Yellow 1, **MICROFILMED**

AUG 17 1992

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

Scale: 2 Inches equals 1 mile



Last Name Ward Stables

Ident No. 63-00161 BL

MICROFILMED
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 BL

Court Canyon County Distr. Case Number _____ Decree Date Jan. 18, 1906

Plaintiff vs Defendant Farmers Coop. Ditch Co. v. 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 X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 0

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Attorney-in-Fact and Authorized Agent

of Ward Stables , that I have signed the foregoing

Organization

document in the space below as the Attorney-in-Fact of Ward Stables

Title

Organization

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

Signature of Authorized Agent

Conley E. Ward
Conley E. Ward

Title and Organization Attorney-in-Fact for Ward Stables Date 9/7/89

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

Subscribed and sworn (or affirmed) before me this 7th day of September 19 89

Notary Public

Jul. Best

Residing at

Boise, Idaho

My Commission Expires

4-21-95

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 Ward Stables Ident. Number 63-00161 BL

MICROFILMED
Copies White-State, Yellow-Claimant

AUG 17 1992

AUG 17 1992

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 07/01/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 63
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- P
Decree Date	- 01/18/1906				

1037

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2007 MAY 17 PM 3 29

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-00161BX

NAME AND ADDRESS: WARD STABLES
C/O CONLEY E WARD
PO BOX 2720
BOISE, ID 83701

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.00 CFS

PRIORITY DATE: 05/01/1866

POINT OF DIVERSION: T62N R03E S03 LOT 9 (NWSW) Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.94 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS
	Domestic	01-01 TO 12-31	0.04 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. Domestic use is for 4 homes.

PLACE OF USE:	Irrigation	Stockwater	Domestic
	T02N R01E S16	T02N R01E S16	T02N R01E S16
	SENW 8.0	SENW	SENW
	NWSW 2.0	NWSW	NWSW
	47.0 Acres Total		
		Within Ada County	Within Ada County
		NESW 30.0	NESW
		SESW 7.0	SESW

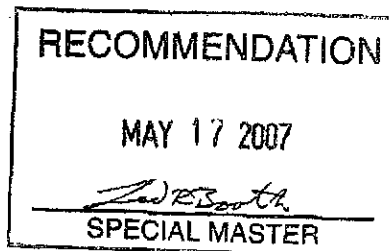
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 MAY 17 PM 3 29

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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

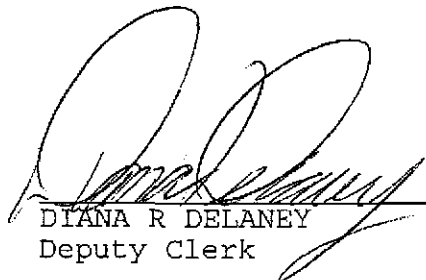
Water Right(s): 63-00161BX

On May 17, 2007, Special Master THEODORE R. BOOTH
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party
to the adjudication including parties to the subcase, may file a Motion
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION
shall constitute a waiver of the right to challenge it before the
Presiding Judge.

DATED May 17, 2007.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 MAY 17 PM 3 29

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-00161BX

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 17, 2007, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

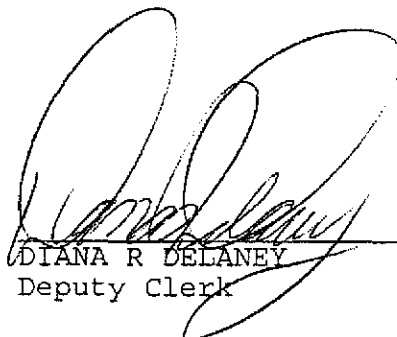
WARD STABLES

Represented by:
MICHAEL P LAWRENCE
PO BOX 2720
BOISE, ID 83701
Phone: 208-388-1200

WARD STABLES

C/O CONLEY E WARD
PO BOX 2720
BOISE, ID 83701
Phone: 208-388-1286

CERTIFICATE OF MAILING



DIANA R DELANEY
Deputy Clerk

PAGE 1
05/17/07

RECEIVED

MAY 18 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 MAY 17 PM 3 29

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

In Re SRBA) SPECIAL MASTER'S REPORT
Case No. 39576) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-00161BX

I. FINDINGS OF FACT

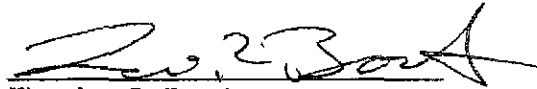
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On April 20, 2006, the claimant of the water right, Ward Stables c/o Conley E. Ward, through its attorney Michael Lawrence, filed an objection to the *Director's Report*, asserting that the quantity element should be 2.0 cfs as claimed, rather than the 1.0 cfs recommended by the Director. The objection explains that the water right is delivered through the New York Canal, and that the New York Irrigation District charges a carrying charge of 50% to deliver the water. On May 4, 2007, the parties to the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-00161BX be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated May 16, 2007



Theodore R. Booth
Special Master
Snake River Basin Adjudication

Shurte, Jan

From: Shurte, Jan
Sent: Monday, May 21, 2007 8:51 AM
To: Spencer, Nick
Cc: Harvey, Becky
Subject: RE: Ward Stables

Nick - I spoke with SM Booth last week concerning this remark. I had put a remark on the SF5 to begin with that stated "1.0 cfs of this water is to be used for conveyance loss". Michael Lawrence called and we discussed this remark. After discussing it with him I decided it could be included in the comments of the ECVR and the letter from the irrigation district is in the file. My main reason is that some time ago it was decided not to put the conveyance loss condition on rights per the SRBA Court. I think it was either Hurlbutt or the following judge. So, I took it off. SM Booth and I decided that as long as it was well recorded for future administration of the water he was ok not having a remark. He has since issued his Special Master Report. This is in response to your email and just so your up to date on what has happened. Jan

-----Original Message-----

From: Spencer, Nick
Sent: Tuesday, May 08, 2007 11:00 AM
To: Shurte, Jan
Cc: Harvey, Becky
Subject: Ward Stables

Hi Jan. SM Booth talked to about this SF-5 this morning. He understands the 1 cfs committed to carriage charges, leaving 1 cfs for the irrigation of 47 acres. But he wonders whether he should put a remark in limiting the irrigation component to 1 cfs. I told him I didn't see any purpose because if , e.g. the canal was lined, and the 1 cfs became available for use for something other than carriage, I thought that the claimant would be allowed to transfer it. But the SM was concerned that if that happened he wanted to make it clear that the entire 2 cfs couldn't be used to irrigate the 47 acres. What do you think? Is a remark okay? NBS

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

Approved
UPDATED POWR POP

RIGHT NUMBER: 63-161BX

NAME AND ADDRESS:

WARD STABLES
C/O CONLEY E WARD
PO BOX 2720
BOISE ID 83701

SOURCE:

Source:

Tributary:

BOISE RIVER

SNAKE RIVER

QUANTITY:

2.000 CFS

~~1.000 CFS~~

PRIORITY DATE:

05/01/1866

POINT OF DIVERSION:

T02N R03E S3 Lot 9 NWSW
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

1.940 CFS

~~0.940 CFS~~

STOCKWATER

01/01 12/31

0.020 CFS

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 4 homes

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 SREA Case No. 39576.

PLACE OF USE:

IRRIGATION

within ADA County

T02N R01E S16 SENW 8.0

T02N R01E S16 NESW 30.0

T02N R01E S16 NWSW 2.0

T02N R01E S16 SESW 7.0

STOCKWATER

within ADA County

T02N R01E S16 SENW

T02N R01E S16 NESW

T02N R01E S16 NWSW

T02N R01E S16 SESW

DOMESTIC

within ADA County

T02N R01E S16 SENW

T02N R01E S16 NESW

T02N R01E S16 NWSW

T02N R01E S16 SESW

47 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

Stockwater use is for 20 head horses.
Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
This right is also designated as Right No. 30 in the Boise River Stewart Decree and Boise River Water Distribution Report.
This right is a split from former right 63-161BL.
This right is delivered via the New York Canal.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 63-161BX V2

WATER RIGHT NUMBER: 63-161BX V2

Owner Type Name and Address
 Current Owner WARD STABLES
 C/O CONLEY E WARD
 PO BOX 2720
 BOISE, ID 83701
 (208)342-6571

Priority Date: 05/01/1866

Basis: Decreed

Status: Active

Source Tributary
 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	1.940 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
DOMESTIC	01/01 to 12/31	0.040 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

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	16									8.0	30.0	2.0	7.0					47.0

Total Acres: 47

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	16								X	X	X	X						

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

*See comments
for objection
resolution*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-161BX V2

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N 01E 16								X	X	X		X					

Conditions of Approval:

1. X02 Stockwater use is for 20 head horses.
2. 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.
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 includes 1.0 cfs of water for carriage loss in the New York Canal.~~ *OMITTED PER*
5. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code. *SETTLEMENT*
6. This right is also designated as Right No. 30 in the Boise River Stewart Decree and Boise River Water Distribution Report.
7. P21 This right is a split from former right 63-161BL.
8. This right is delivered via the New York Canal.
9. X01 Domestic use is for 4 homes.

Remarks:Comments:

1. jshurte 4/12/2007 Objection Resolution
 Comment: The total cfs to this right was objected to by the claimant. Transfer No. 1010 transferred 2.0 cfs of 63-161 to this land to be delivered via the New York Canal. This is one of the private rights sold to individuals from 63-161 in the Boise River Decree upon which an agreement occurred with the Canal companies for delivery to lands outside of the City of Boise (where this right was originally appurtenant). I recommended .94 cfs for 47 acres (1 inch per acre) and an objection was filed. In resolution of the objection a letter was submitted from the Boise Project Board of Control stating that the claimant's right is "reduced by 50 percent for carriage loss and is charged at the excess rate." In other words the claimant is delivered 2.0 cfs at the headgate and charged for 2.0 cfs with the understanding that they will only receive 50 percent of that at their headgate, or 1.0 cfs. I did add an explanatory remark explaining that the 1.0 cfs is carriage water in the New York Canal.

Shurte, Jan

From: Harvey, Becky
Sent: Tuesday, April 03, 2007 11:52 AM
To: Spencer, Nick; Shurte, Jan
Subject: RE: 63-161BX (Ward Stables)

Jan - I will do the signature pages and letter to Mike Lawrence - scan and email the revised rec to me when you get it done. Thanks!

-----Original Message-----

From: Spencer, Nick
Sent: Tuesday, April 03, 2007 11:49 AM
To: Shurte, Jan
Cc: Harvey, Becky
Subject: 63-161BX (Ward Stables)

Hi Jan. With both you and I seeing eye to eye that the letter from the Boise Project provides us with what we needed to agree to change the diversion rate, I told the SM this morning that we had an agreement and would be drafting the SF-5 shortly. Could you prepare the corrected recommendation changing the diversion rate from 1.00 to 2.00 cfs so we can sign the SF-5 and send it to Mike Lawrence in the near future? Thanks. NBS

Shurte, Jan

From: Spencer, Nick
Sent: Tuesday, April 03, 2007 11:49 AM
To: Shurte, Jan
Cc: Harvey, Becky
Subject: 63-161BX (Ward Stables)

Hi Jan. With both you and I seeing eye to eye that the letter from the Boise Project provides us with what we needed to agree to change the diversion rate, I told the SM this morning that we had an agreement and would be drafting the SF-5 shortly. Could you prepare the corrected recommendation changing the diversion rate from 1.00 to 2.00 cfs so we can sign the SF-5 and send it to Mike Lawrence in the near future? Thanks. NBS

Need SF5 - 2.0 cfs

Shurte, Jan

From: Spencer, Nick
Sent: Friday, March 30, 2007 11:39 AM
To: Shurte, Jan
Cc: Harvey, Becky
Subject: FW: 63-161BX Settlement

Hi Jan. In looking at this letter my initial take is that it provides us the information we need to amend the quantity from 1.00 cfs to the 2.00 cfs that was claimed, and thereby resolve Conley Ward's objection. However I don't want to make a commitment to Mike Lawrence until you have had the chance to look at it and let me know your opinion. I spoke with him on the phone this morning and told him that while I thought it likely this would resolve the matter I could not commit to that until I heard back from you. Particularly I want to make sure that if we increase the quantity of this split we don't screw up your quantity allocations to the other splits of this right. Mike is very anxious to settle this, and would like to report to the Special Master on Tuesday that we have an agreement. The status conference for this right is at 11:30, but I have a hearing every half hour all morning starting at 9:00. However, if you could let me know your thoughts before 11:30 I would very much appreciate it. If you call and don't get me just leave me a voice mail. I'll check my voice mails right after each hearing. Thanks.
NBS

-----Original Message-----

From: Bromley, Chris
Sent: Friday, March 30, 2007 10:09 AM
To: Spencer, Nick; Harvey, Becky
Subject: 63-161BX Settlement

Here's the pdf attachment. If it doesn't come through again, let me know and I'll just print it off of my machine.

Chris

-----Original Message-----

From: Michael Lawrence [mailto:mpl@GivensPursley.com]
Sent: Monday, March 19, 2007 9:27 AM
To: Bromley, Chris
Subject: FW: FW: Fax MPL/Boise Project Div # 1

Chris:

Attached is a letter from the Boise Project Board of Control detailing the 50% conveyance charge imposed on Ward Stables' water right number 63-161BX. It is upon this basis that the Department should stipulate to a quantity of 2.0 cfs for 63-161BX, so NYID will continue to deliver 1.0 cfs to Ward Stables.

Please call me at your earliest convenience to discuss settling this matter .

Thanks.

Mike

Michael P. Lawrence
Givens Pursley LLP
601 W. Bannock St.
P.O. Box 2720
Boise, Idaho 83702

4/3/2007

phone: (208) 388-1294
fax: (208) 388-1300
website: www.givenspursley.com

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HENRY WEICK
CHAIRMAN OF THE BOARD

RON PLATT
VICE CHAIRMAN OF THE BOARD

PAUL J. DEVEAU
PROJECT MANAGER

TIMOTHY M. PAGE
ASSISTANT PROJECT MANAGER

JUDITH A. JEMMETT
SECRETARY-TREASURER

JERRI FLOYD
ASSISTANT SECRETARY-TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

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

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

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

March 17, 2007

Mike Lawrence

Givens Pursley LLP
601 W. Bannock Street
Boise, Idaho 83701

RE: Foreign Water / New York Canal
BK 175-6

Dear Mike:

With reference to water right number 63-161BX, owned by Ward Stables, this water right is delivered by the Project as foreign water and, pursuant to Item No. 56 of the Boise Project Board of Control's operational policy, the water right is "reduced by 50% for carriage loss and [is] charged at the excess rate."

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

Sincerely,



Paul J. Deveau
Project Manager BPBC

pjd/pd

Shurte, Jan

From: Spencer, Nick
Sent: Thursday, January 18, 2007 5:08 PM
To: Shurte, Jan
Cc: Harvey, Becky
Subject: 63-161BX

Hi Jan. I got a call late today from the new water attorney at Givens Pursley (Mike Henderson?), inquiring about this water right. He says IDWR approved a transfer in the '50s for 2 cfs: 1 cfs at the field headgate and 1 cfs in conveyance loss. However, he says, in the SRBA we recommended 1 cfs, with no allowance for conveyance loss. Jan, could you check the claim file on this and let me know why we did what we did, and Becky, could you pull the legal file for me? In preparation for the initial hearing on Tuesday, Mike wants to discuss with me how easy this one might be to settle. I told him I'd check into it and call him back on Friday. Thanks. NBS

63-161BX - 1-23-07

At initial hearing it was decided that Mike Henderson would find out from NYTD concerning the extra carry H₂O to bring this up to 2 cfs from 1 cfs. Rec. is for 47 acres. 94 Stock & dom. = 1.0 cfs. OK if NYTD report shows charges for carry H₂O.

Michael C. Creamer (ISB# 4030)
Brad V. Sneed (ISB# 6254)
GIVENS PURSLEY LLP
601 West Bannock Street
Post Office Box 2720
Boise, Idaho 83701-2720
Telephone: (208) 388-1200
Facsimile: (208) 388-1300
S:\Clients\209146\Objection to Recommendation.doc

RECEIVED
APR 20 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for Objector

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

In Re SRBA)

A. Subcase 63-161BX

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Ward Stables, c/o Conley E. Ward
Address: P.O. Box 2720; Boise, Idaho 83701
Daytime Phone: (208) 388-1286

Name & Address of Attorney, if any:

Michael C. Creamer
Givens Pursley LLP
601 W. Bannock
P.O. Box 2720
Boise, Idaho 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Ward Stables, c/o Conley E. Ward
Address: P.O. Box 2720; Boise, Idaho 83701

SCANNED
OCT 10 2006

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 2.00 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION: Water Right No. 63-161BX was acquired by the Claimant/Objector's predecessor in interest and made appurtenant to Claimant/Objector's property pursuant to Transfer No. 1010, dated June 24, 1963. Transfer No. 1010 authorized diversion of this right at the Boise River in the amount of 2.0 cfs to be delivered to Claimant/Objector's property via the New York Canal. New York Irrigation District assesses a carrying charge of 50% to deliver this water. At all times subsequent to issuance of Transfer No. 1010, the full 2 cfs of water has been

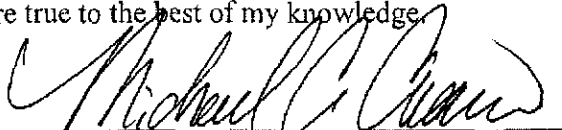
diverted at the Boise River for beneficial use on Claimant/Objector's property. Transfer No. 1010 is a determination by the Department of the duty of water for this right, measured at the point of diversion with allowance for reasonable carriage losses. The right should be recommended and decreed in the amount confirmed by Transfer No. 1010, as claimed by Claimant/Objector, and as actually diverted and beneficially used historically. That amount is 2.0 cfs.

F. VERIFICATION

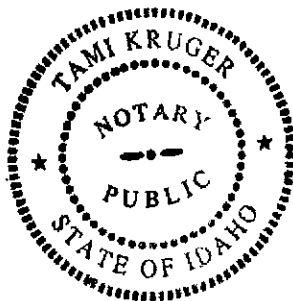
State of Idaho)
) ss.
County of Ada)

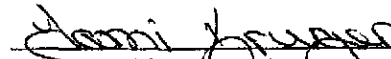
Michael C. Creamer , duly sworn, upon oath, deposes and says:

That I am the attorney for Ward Stables and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


Michael C. Creamer

Subscribed and sworn to before me on: 4-19-2006




Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 4-25-2011

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 19, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

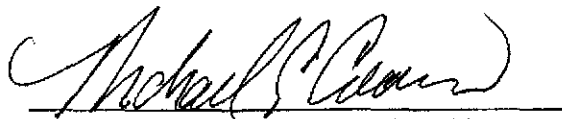
Name: Ward Stables, c/o Conley E. Ward
Address: P.O. Box 2720; Boise, Idaho 83701

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Michael C. Creamer, counsel for Objector

11/20/2005

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

RIGHT NUMBER: 63-161BX

NAME AND ADDRESS: WARD STABLES
C/O CONLEY E WARD
PO BOX 2720
BOISE ID 83701

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.000 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	0.940 CFS
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS

Domestic use is for 4 homes.

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 S16	SE	8.0	T02N R01E S16	NESW	30.0
T02N R01E S16	NWSW	2.0	T02N R01E S16	SESW	7.0

STOCKWATER Within ADA County

T02N R01E S16	SE		T02N R01E S16	NESW	
T02N R01E S16	NWSW		T02N R01E S16	SESW	

DOMESTIC Within ADA County

T02N R01E S16	SE		T02N R01E S16	NESW	
T02N R01E S16	NWSW		T02N R01E S16	SESW	

47 ACRES TOTAL

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

11/20/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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 a split from former right 63-161BL.

This right is delivered via the New York Canal.

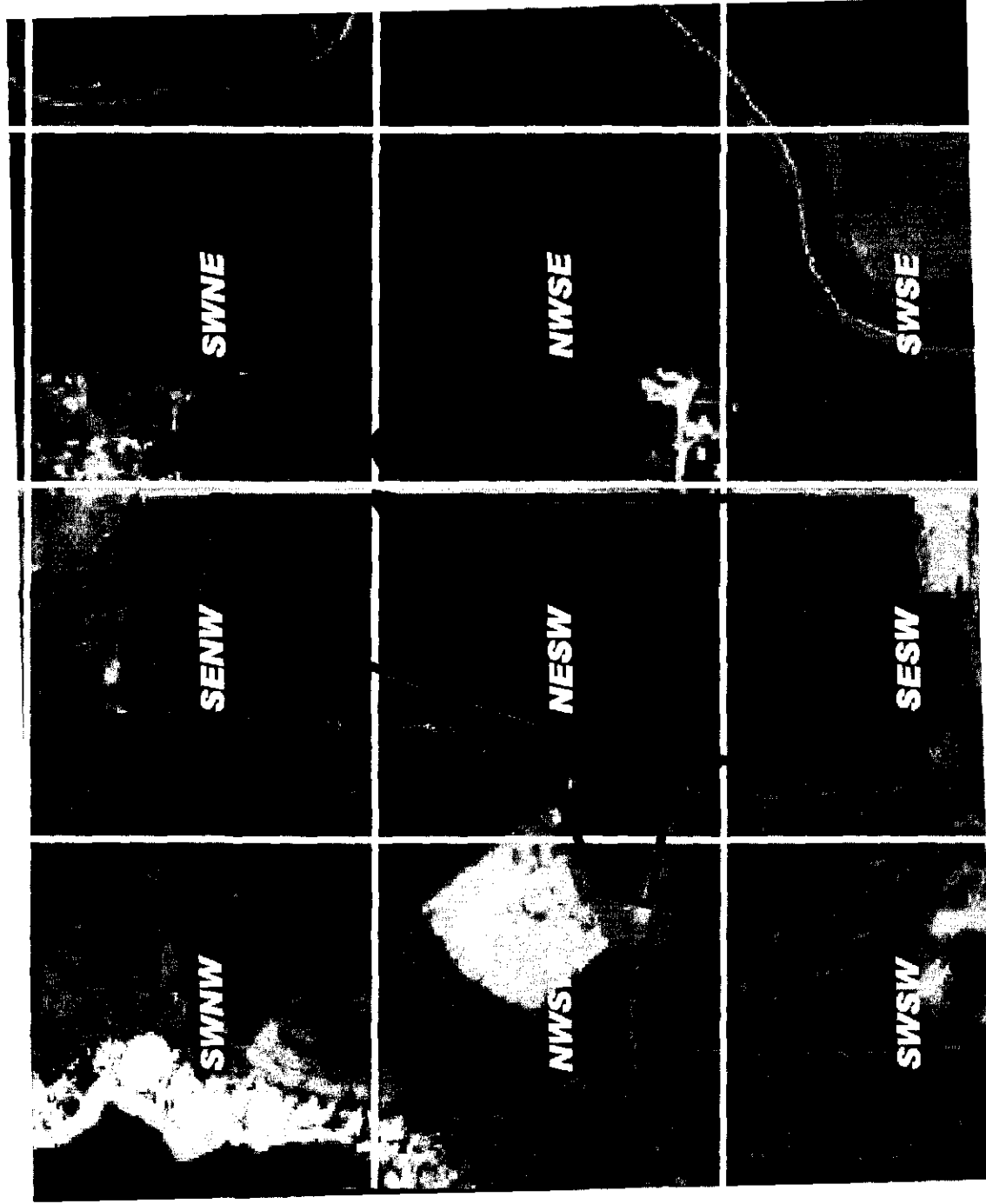
Stockwater use is for 20 head horses.

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPT OF WATER RESOURCES

Claim No. 63-161BX

Twp. 2N, Rge. 1E
Sec. 16



Place of Use

114114 Lines

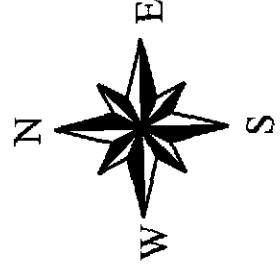


Section Lines



Pt. of Diversion

Prepared by:
Jan Shurte
11-20-05



1000 Feet



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

WATER RIGHT NUMBER: 63-161BX V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARD STABLES C/O CONLEY E WARD PO BOX 2720 BOISE, ID 83701 (208)342-6571

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	0.940 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

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

Place of UseIRRIGATION Within ADA County

T02N R01E S16	SE	NW	8.0	T02N R01E S16	NE	SW	30.0
T02N R01E S16	NW	SW	2.0	T02N R01E S16	SE	SW	7.0

Total Acres: 47

STOCKWATER Within ADA County

T02N R01E S16	SE	NW		T02N R01E S16	NE	SW	
T02N R01E S16	NW	SW		T02N R01E S16	SE	SW	

DOMESTIC Within ADA County

T02N R01E S16	SE	NW		T02N R01E S16	NE	SW	
T02N R01E S16	NW	SW		T02N R01E S16	SE	SW	

Conditions of Approval:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-161BX V1

2. P21 This right is a split from former right 63-161BL.
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. X01 Domestic use is for 4 homes.
5. This right is delivered via the New York Canal.
6. X02 Stockwater use is for 20 head horses.
7. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
8. 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.

Remarks:Comments:

1. jshurte 11/20/2005 Number change

Comment: This right was originally claimed and filed as Right No. 63-161BL. During review it was discovered that a split of 63-161BL had been filed which did cover a portion of 63-161BL. Therefore, this right was split into 63-161BX (Ward) and 63-161BY(Coles). According to Transfer No. 1010 both claimants have a right to a portion of the original Right No. 63-161BL. Each are getting their proportionate share based on the number of acres irrigated from the original right.

2. jshurte 11/20/2005 Change in Nature of Use

Comment: This decree was originally for irrigation only. In digitizing the acres owned and irrigated by Ward Stables it was found that 47 acres of the 52 acres claimed were actually owned and irrigated. The claim had also added stockwater and domestic uses - those were added in as accomplished transfers and added into the amount of water allocated. The irrigation use was calculated at 1" per acre for 47 acres or .94 cfs and with the .02 and .04 cfs from the domestic and stockwater a total of 1.0 cfs is being recommended.

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	11/20/2005 2:29:49 PM	jshurte			Active
Priority Date	11/20/2005 2:30:27 PM	jshurte			Active
POD	11/20/2005 2:30:43 PM	jshurte			Active
Source	11/20/2005 2:31:38 PM	jshurte			Active
POU	11/20/2005 2:33:35 PM	jshurte			Active
Use	11/20/2005 2:45:04 PM	jshurte			Active
Season	11/20/2005 2:47:15 PM	jshurte			Active
Quantity	11/20/2005 2:47:47 PM	jshurte			Active
Summary			11/20/2005	jshurte	Active

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

Water Supply Bank:

No Overlapping Rte

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

11/20/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-161BX	Claim	02N	01E	16	SE	NW		IRRIGATION	8.7/52	WARD STABLES
63-5389	Claim	02N	01E	16	SE	NW		IRRIGATION	26/178	STATE OF IDAHO
63-161BL	Water Right	02N	01E	16	SE	NW		IRRIGATION		CONSUMERS WATER CORP
63-5389	Water Right	02N	01E	16	SE	NW		IRRIGATION	26/178	STATE OF IDAHO
63-161BX	Claim	02N	01E	16	NE	SW		IRRIGATION	30/52	WARD STABLES
63-5389	Claim	02N	01E	16	NE	SW		IRRIGATION	3/178	STATE OF IDAHO
63-161BL	Water Right	02N	01E	16	NE	SW		IRRIGATION		CONSUMERS WATER CORP
63-5389	Water Right	02N	01E	16	NE	SW		IRRIGATION	3/178	STATE OF IDAHO
63-161BX	Claim	02N	01E	16	NW	SW		IRRIGATION	5/52	WARD STABLES
63-5389	Claim	02N	01E	16	NW	SW		IRRIGATION	35/178	STATE OF IDAHO
63-161BL	Water Right	02N	01E	16	NW	SW		IRRIGATION		CONSUMERS WATER CORP
63-5389	Water Right	02N	01E	16	NW	SW		IRRIGATION	35/178	STATE OF IDAHO
63-161BX	Claim	02N	01E	16	SE	SW		IRRIGATION	8.3/52	WARD STABLES
63-161BY	Claim	02N	01E	16	SE	SW		IRRIGATION	15.5/	RONALD E COLES
63-5389	Claim	02N	01E	16	SE	SW		IRRIGATION	6/178	STATE OF IDAHO
63-161BL	Water Right	02N	01E	16	SE	SW		IRRIGATION		CONSUMERS WATER CORP
63-5389	Water Right	02N	01E	16	SE	SW		IRRIGATION	6/178	STATE OF IDAHO

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Transfer of Water Right
Transferred Right No. 1010

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 Ferrault 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 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 and agricultural lands
lying under what is known as the
Walling Ditch ^{Consumers} Canal, in Sec-
tions 11, 12, 13 and 14, Town-
ship 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 miners 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:

DEPARTMENT OF RECLAMATION

remainder to
Ward's as rec.
under 63-161BX

E. 8.7 acres of SE $\frac{1}{4}$ NW $\frac{1}{4}$ and portions
of E $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, East of Hubbard
Lake Reservoir, and north of said
Reservoir Feeder Canal, Section 16,
Township 2 North, Range 1 E.B.M.,
known as the John Dobson Tract;

15.5 acres
to Coles in SE $\frac{1}{4}$ SW $\frac{1}{4}$

63-161BX

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 con-
ducted 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 offi-
cial seal of the Department of Reclamation of the State of Idaho to be here-
unto affixed at Boise, Idaho, this 24th day of June, 1963.

CARL E. TAPPAN, Acting
State Reclamation Engineer
By

(SEAL)

s/ RALPH W. THOMAS

RALPH W. THOMAS, Deputy
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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

ORDER GRANTING TRANSFER

NO. 1010

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

WHEREAS, On the 14th day of June, 1963, 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 24th day of June, 1963.

CARL E. TAPPAN, Acting
State Reclamation Engineer
By

(SEAL)

s/ RALPH W. THOMAS

RALPH W. THOMAS, Deputy
State Reclamation Engineer

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-161BL

WATER RIGHT NUMBER: 63-161BL

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARD STABLES C/O CONLEY E WARD PO BOX 2720 BOISE, ID 83701 (208)342-6571
Original Owner	RICHARD Z JOHNSON
Original Owner	, ZZ JOSEPH PERRAULT
Original Owner	, ZZ CONSUMERS WATER CORP BOISE, ID

*63-161BLV (Coles) is
claimed as a split of
this right 63-161BL.*

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 To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
IRRIGATION	1/01 to 12/31	2.000 CFS	
<u>Total Diversion:</u>		2.000 CFS	

*1.0 cfs / 1000 - 9000
remaining 96 cfs*

Location of Point(s) of Diversion

BOISE RIVER

ADA County

NW1/4NW1/4SW1/4

Sec. 3,

Twp 02N, Rge 03E, B.M.

Place of UseDOMESTIC Within ADA County

T02N R01E S16	SESW	T02N R01E S16	NESW
T02N R01E S16	NWSW	T02N R01E S16	SESW

STOCKWATER Within ADA County

T02N R01E S16	SESW	T02N R01E S16	NESW
T02N R01E S16	NWSW	T02N R01E S16	SESW

IRRIGATION Within ADA County

T02N R01E S16	SESW	8.7	T02N R01E S16	NESW	30.0
T02N R01E S16	NWSW	5.0	T02N R01E S16	SESW	8.3

Total Acres: 52

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-161BL

Conditions of Approval:Remarks:

1. General #5 CONT: THE WATER IS DIVERTED THROUGH THE NEW YORK CANAL. IT IS THEN CONVEYED THROUGH A HEADGATE ON THE NEW YORK CANAL LOCATED IN THE SW 1/4 SE 1/4, SEC. 16, T 2 N, 4 1 E, THROUGH A DITCH APPROXIMATELY 1/4 MILE IN LENGTH TO THE PLACE OF USE DESCRIBED BELOW.

Comments:Dates and Other Information:

Claim Received Date: 9/7/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

A63-00161BL

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 3, 1990

Ward Stables
C/O Conley E. Ward
P.O. Box 2720
Boise, ID 83701

Re: Snake River Basin Adjudication (SRBA)
Ada County, A63-00161BL

Dear Claimant:

We are forwarding to you a data entered copy of the claim you filed for your property in Ada County.

We have interpreted the data from your claim in the process of data entry in a manner which we feel more accurately reflects the true status of your water right. Please review the enclosed claim to assure that these modifications are in agreement with your water right. The highlighted areas show items which have been modified.

If you believe our data is incorrect and you make any changes to this Notice of Claim, initial the changes, sign the form, having your signature notarized, and return it to this office by February 5, 1990.

Please feel free to contact this office if you have any questions.

Yours Truly,

for 
Donald V. Shaff
Manager, Adjudication Section

DVS:cp:state:western
Enclosures:
Claim #A63-00161BL

MICROFILMED

AUG 7 1992

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-161BL

WATER RIGHT NUMBER: 63-161BL

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RICHARD Z JOHNSON
	, ZZ
Original Owner	JOSEPH PERRAULT
	, ZZ
Current Owner	CONSUMERS WATER CORP
	, ZZ

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	/ to /	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

BOISE RIVER

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	01E	16								X	X	X		X					

Conditions of Approval:Remarks:

- General TRANS. 1010.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-161BL

Dates and Other Information:

Licensed Date:
Decreed Date: 1/18/1906
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

check w/
Jym about
signature ^{she} ^{is} ok

9-28

SRBA CLAIMS RECEIVING CHECKLIST #2

CLASS. IDENT. NO. A63-0016/B2

CK #

AMOUNT \$ 102⁰⁰

YES	NO	Required Info?
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- | | | | | |
|-----|--|--------|--|---|
| 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 owner-
ship 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? | | | |
| 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 claimant requested a monthly docket sheet, is payment enclosed?
(If yes, describe payment status in "Comments" below.) | N/A | | |
| 17. | Is the claim signed by the claimant, and is the signature appropriate?
Organizations must complete the organization block. | | | * |
| 18. | Has the claim been signed, sealed, and dated by a notary? | | | * |
| 19. | Was this claim filed on time, or was an extension granted? | | | * |
| 20. | Is the fee enclosed correct? | Exempt | | * |
| 21. | If this claim is based on an existing water right, has the
identification number been entered? | N/A | | |
| 22. | Should this claim be data entered? | | | |

Date:

(Yes) (No)

~~(Yes)~~ (No)

Date:

Date: 12/1/89

Date:

Checked by: *RAM*

Date: 12/19/88

Comments: Flag-domestic uses do not appear to exist.

New York Canal P.O.D: 2N 3E 6c.3 NW NW SW

MICROFILMED

AUG 17 1992