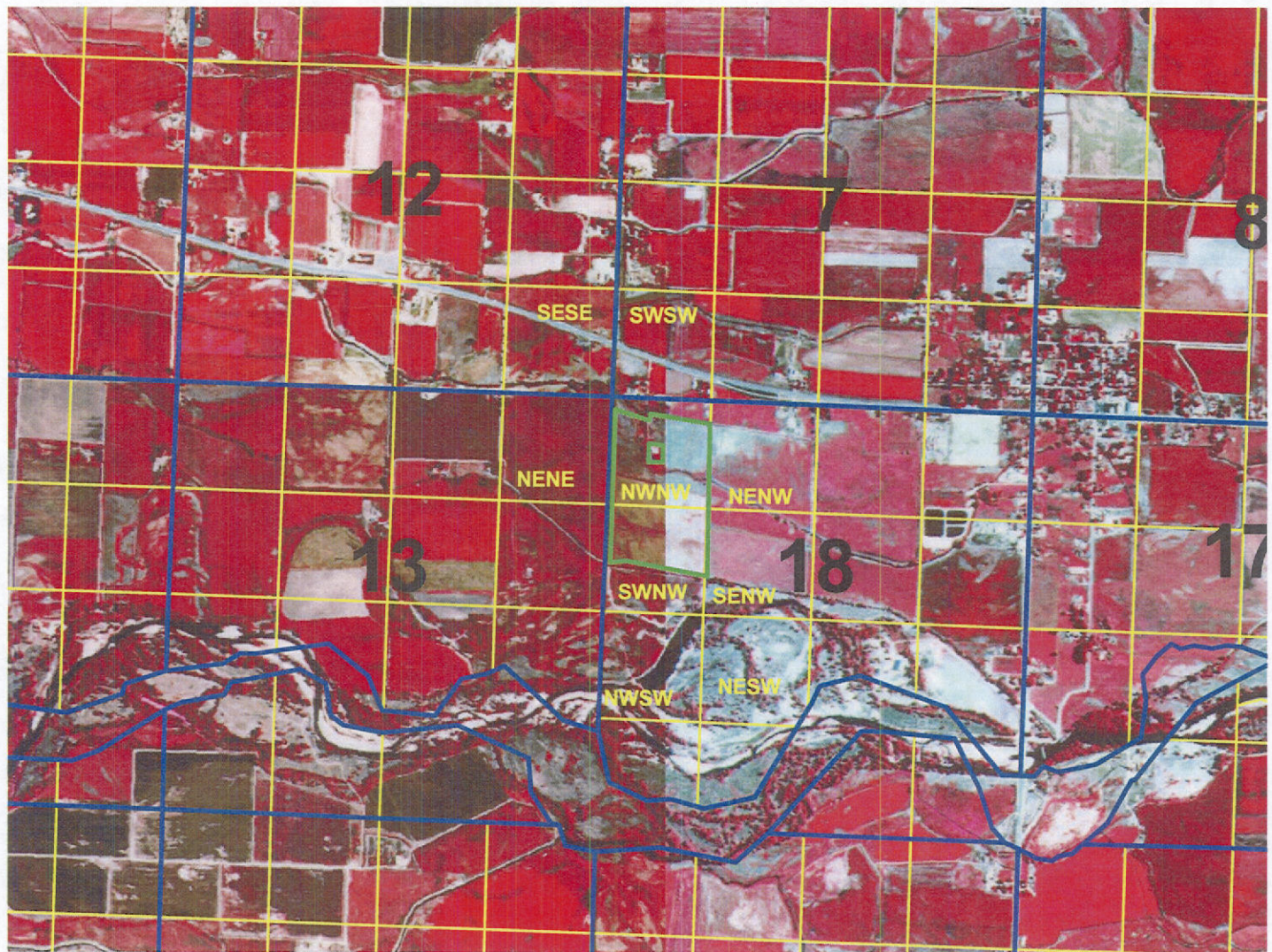




State of Idaho
Idaho Department of Water Resources
Western Region

T4N R1W SECTION 18
Water Right (s): 63-1



1320 0 1320 2640 3960 5280 6600 7920 9240 Feet

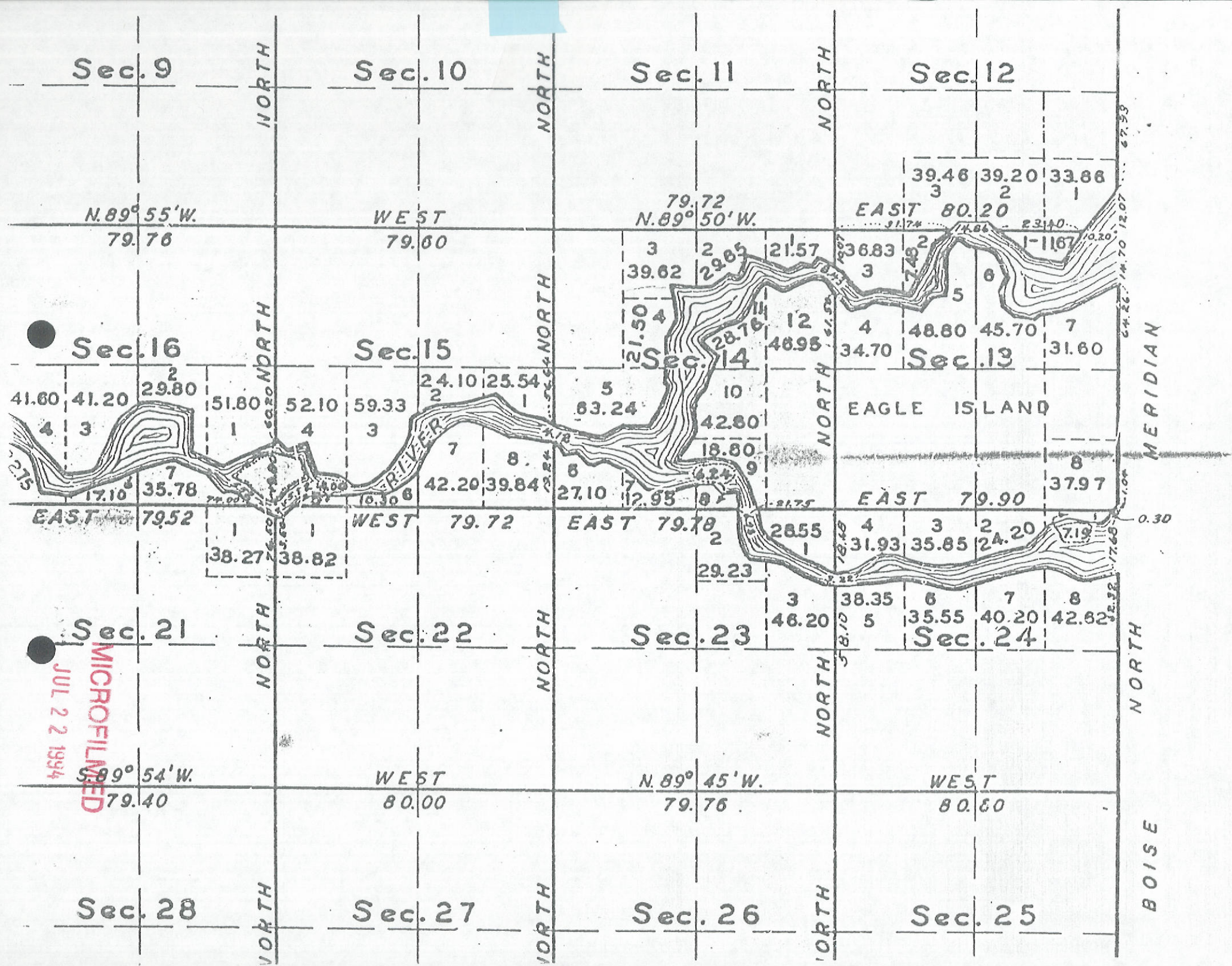
TOTAL IRRIGATED ACRES = 49

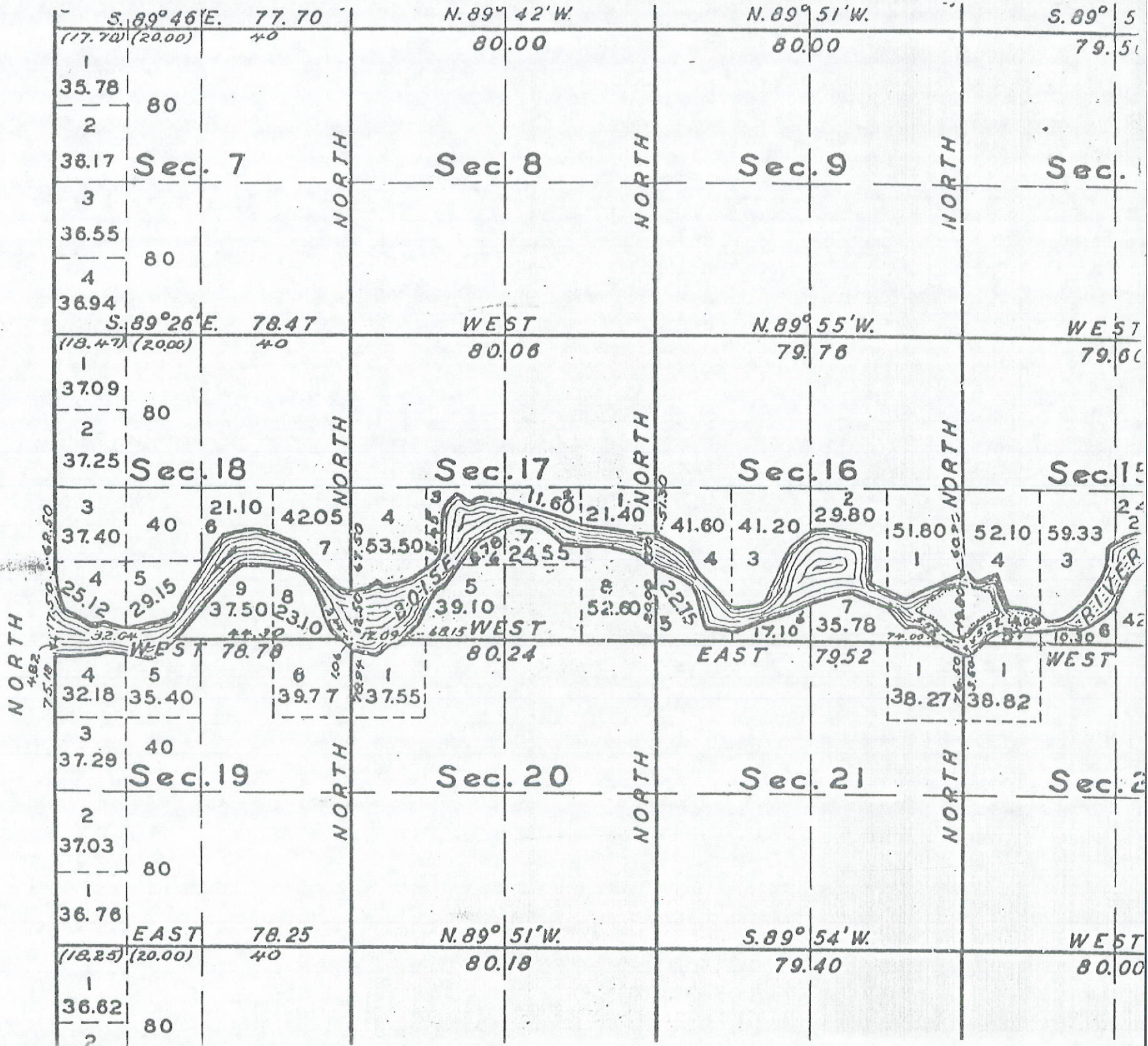
**Point of Diversion from the Boise River located
in T4N R1W SECTION 14 NENW**

-  **Point of Diversion**
-  **Place of Use**
-  **Section Lines**
-  **Quarter Quarter Lines**



GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: April 2005





MICROFILMED
JUL 22 1994

Idaho Department of Water Resources

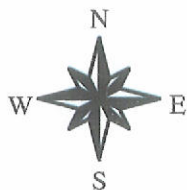
Claim Number: 63-00001

Legal: T4N, R1W, S18

Reviewed By:

1987 Napp Photo

-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



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: A63-00001
Date Received: 8/30/1989
Receipt No: 4005245
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JERRY PAUL 208-286-7345
Address: P.O. BOX 148A
RURAL ROUTE 1
STAR, ID 83669

2. Date of Priority: JUN 01, 1886

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01W	14	SE	NE	NW	3	ADA

5. Description of diverting works:
HEADGATE IN RIVER WITH CANAL, PUMP/GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.980		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	01W	18	NW	NW	1	IRR	22.0
			SW	NW	2	IRR	27.0

Section Acres 49.0

A63-00001

Page 1

Date: 08/30/89

MICROFILMED

JUL 22 1994

10. Place of Use: Continued

Total Acres 49.0

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:
WATER CARRIED THROUGH LAWRENCE & KENNEDY DITCH.
TRANS. 1575.

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

Number of attachments: 10

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): Jerry L. Paul Date: 8-30-89
Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of August 19 89
Seal
Residing at Meridian ID
My Commission Expires 9-14-94
Jan Shute
Notary Public

MICROFILMED
JUL 22 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: **A63-00001**
Date Received: 8/30/1989
Receipt No: W005245
Received By: _____

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

1. Name: SUE PAUL 208-888-7571
Address: 4787 RIVERFRONT PLACE
BOISE ID 83703
AND/OR
Name: JOHN PAUL 208-853-3252
Address: 4787 RIVERFRONT PLACE
BOISE ID 83703

2. Date of Priority: JUN 1, 1886

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01W	14	SE	NE	NW	3	ADA

5. Description of diverting works:
HEADGATE IN RIVER WITH CANAL, PUMP/GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.980		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	18	NW	NW	1	IRR	22.0
			SW	NW	2	IRR	27.0
Section Acres							49.0
Total Acres							49.0

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:
WATER CARRIED THROUGH LAWRENCE & KENNEDY DITCH.
TRANS. 1575.
OWNERSHIP CHANGED. JS

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

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 _____

Receipt Details for ID W005245

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/30/1989 10:52:42 AM	8/30/1989	Western	\$124.00	Check
Payer		PAUL, JERRY L. OR LISA J.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
137			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEES

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$124.00	ADJUDICATION CLAIM FEES	410162	9337	0 0		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	1		\$99.00	Claim
63	18260		\$25.00	Claim

domestic

Print Report

RECEIVED

AUG 08 2006

DEPARTMENT OF
WATER RESOURCES

S. BRYCE FARRIS (ISB #5636)
RINGERT CLARK CHARTERED
455 S. THIRD STREET
P.O. BOX 2773
BOISE, IDAHO 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Ada County Drainage District No. 2

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 63-1
(insert water right no.)

Case No. 39576

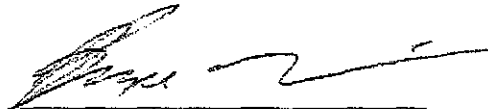
WITHDRAWAL OF OBJECTION

COMES NOW, Ada County Drainage District No. 2, by and through its attorneys of record

Ringert Clark, Chartered, hereby withdraws its objection in the above-referenced matter.

DATED this 4th day of August, 2006.

RINGERT CLARK CHARTERED


S. Bryce Farris

Attorneys for Ada County Drainage District No. 2

COPY

CERTIFICATE OF MAILING

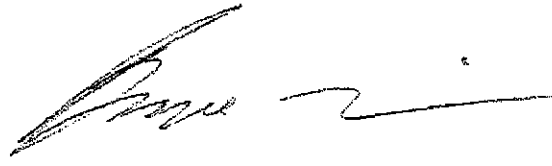
I hereby certify that on this 4th day of August, 2006, I served a true and correct copy of the foregoing document via U.S. mail, postage prepaid to the following:

Sue Paul
c/o Bruce Smith
Moore Smith
950 W. Bannock, 5th Floor
Boise, Idaho 83702

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449



S. Bryce Farris

WA
RECEIVED

MAY 16 2006

DEPARTMENT OF
WATER RESOURCES

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)

A. Subcase 63-1

(Insert water right number
From the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Sue Paul

Address: 4787 River Front Pl

Boise, ID 83703

Daytime Phone: 208-888-7571

Name & Address of Attorney, if any:

Bruce M. Smith

225 North Ninth Street, Suite 420

Boise, ID 83702

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Ada County Drainage District No. 2

Address: 455 S. Third Street
Boise, ID 83701

Phone: 208-342-4591

Page 1

COPY

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☒ Name and Address
2. ☒ Source
3. ☒ Quantity
4. ☒ Priority Date
5. ☒ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☒ Purpose(s) of Use
8. ☒ Period of Year
9. ☒ Place of Use

11. Recommendation

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

Bruce M. Smith, duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing response)

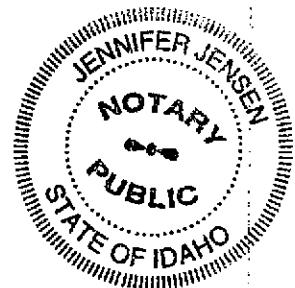
[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 12, 2006
Jennifer Jensen
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 6/5/2006



INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

F: CERTIFICATE OF MAILING

I certify that on May 12th 20, ~~199~~ 06 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: Sue Paul
Address: 4787 River Front Pl, Boise, ID 83703

3. One copy to the party who filed the objection at the following address:

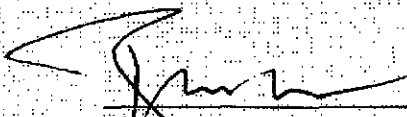
Name: Ada County Drainage District No. 2
Address: 455 S. Third Street
Boise, ID 83701

4. Copies to:

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

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

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


Your signature or signature of attorney
mailing on your behalf

RECEIVED

APR 21 2005

DEPARTMENT OF
WATER RESOURCES

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

A. Subcase 63-1
(insert water right no.)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: ADA COUNTY DRAINAGE DISTRICT NO. 2

Address: 455 S. Third Street
Boise, Idaho 83701

Daytime Phone: 208-342-4591

Name & Address of Attorney, if any:
S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

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

Name: Sue Paul

Address: 4787 River Front Pl
Boise, Idaho 83703

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

1. X **Name and Address**
 Should be: Disallowed. See below.
2. X **Source**
 Should be: Disallowed. See below.
3. X **Quantity**
 Should be: Disallowed. See below.
4. X **Priority Date**
 Should be: Disallowed. See below.
5. X **Point(s) of Diversion**
 Should be: Disallowed. See below.
6. ☐ **Instream Flow Description**
 Should be: N/A
7. X **Purpose(s) of Use**
 Should be: Disallowed. See below.
8. X **Period of Year**
 Should be: Disallowed. See below.
9. X **Place of Use**
 Should be: Disallowed. See below.
10. X **I object because:**

 X 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 (S):** This claimed water right is within the boundaries of Ada County Drainage District No. 2 ("DD#2") and the said claim is diverted from the Lawrence & Kennedy Drain, a drain which was constructed or enlarged by or for DD#2. Said drain is owned, operated, maintained and controlled by DD#2 and the water within said drain is seepage or waste water that has been developed, captured and/or controlled by DD#2. Therefore, said water is not subject to appropriation, would amount to an impermissible trespass, and this claimed water right should not exist.

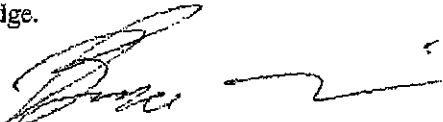
F.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

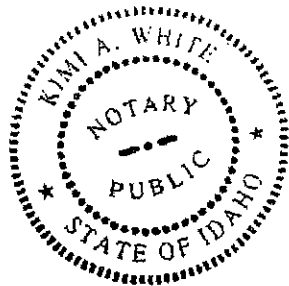
S. Bryce Farris, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



S. Bryce Farris

Subscribed and sworn to before me on: April 20, 2004





Notary Public for Idaho
Residing at: SL Park, Idaho
My Commission Expires: 04/21/10

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.

CERTIFICATE OF MAILING

I certify that on April 27th, 2006, I mailed the original and copies of this objection, 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: Sue Paul

Address: 4787 River Front Pl
Boise, Idaho 83703

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

06/28/2005

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

RIGHT NUMBER: 63-1

NAME AND ADDRESS: SUE PAUL
4787 RIVER FRONT PL
BOISE ID 83703

JOHN PAUL
4787 RIVER FRONT PL
BOISE ID 83703

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.980 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:
T04N R01W S14 NENW Lot 3 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	0.980 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

T04N R01W S18 Lot 1 NWNW 22.0 T04N R01W S18 Lot 2 SWNW 27.0

49 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

PARCEL NOS. S0418223010 and S0418223060.

RIGHT IS DIVERTED THROUGH THE LAWRENCE & KENNEDY DITCH.

This right is also designated as Right No.31-C in the Boise River Stewart Decree and Boise River Distribution Report.



State of Idaho
Idaho Department of Water Resources
Western Region

T4N R1W SECTION 18
Water Right (s): 63-1

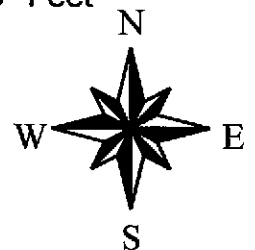


1320 0 1320 2640 3960 5280 6600 7920 9240 Feet



TOTAL IRRIGATED ACRES = 49

**Point of Diversion from the Boise River located
in T4N R1W SECTION 14 NENW**



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: April 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-1 V1

WATER RIGHT NUMBER: 63-1 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ALBERT C BOWERMAN RT 1 STAR, ID 83669
Original Owner	MILTON H SPARKS PO BOX 7 IDAHO CITY, ID 83631
Original Owner	JERRY PAUL RURAL RT 1 PO BOX 148A STAR, ID 83669 (208)286-7345
Current Owner	SUE PAUL 4787 RIVER FRONT PL BOISE, ID 83703 (208)888-7571
Current Owner	JOHN PAUL 4787 RIVER FRONT PL BOISE, ID 83703 (208)888-7571

Priority Date: 06/01/1886

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	0.980 CFS	
	<u>Total Diversion:</u>	0.980 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L3 (NE1/4NW1/4)	Sec. 14, Twp 04N, Rge 01W, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R01W S18 Lot 1 NWNW 22.0 T04N R01W S18 Lot 2 SWNW 27.0

Total Acres: 49

Conditions of Approval:

1. 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-1 V1

1. Explanatory PARCEL NOS. S0418223010 and S0418223060.
2. Explanatory This right is also designated as Right No.31-C in the Boise River Stewart Decree and Boise River Distribution Report.
3. Explanatory RIGHT IS DIVERTED THROUGH THE LAWRENCE & KENNEDY DITCH.
4. Quantity This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

Comments:

1. vmusic 4/1/2005 TRANSFER

Comment: ORIG POD TRANSFERRED PER TRANSFER NO 1575.

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	3/18/2005 10:28:19 AM	lharris	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
Priority Date	4/1/2005 10:00:46 AM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-1 V1

POD	4/1/2005 10:01:21 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	4/1/2005 11:32:10 AM	vmusic	Created polygon from PLS
POD	4/1/2005 10:22:30 AM	vmusic	Edited point location
Source	4/1/2005 11:05:46 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Season	4/1/2005 11:07:07 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Summary	4/1/2005 11:15:32 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	4/1/2005 11:33:01 AM	vmusic	Edited shape boundary
POU	4/1/2005 11:33:18 AM	vmusic	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-1 V1

POU	4/1/2005 11:06:08 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	4/1/2005 11:06:31 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Quantity	4/1/2005 11:07:42 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Contacts	4/1/2005 9:59:07 AM	vmusic	(No) 1. Do you want to schedule an appointment?
Contacts	4/1/2005 9:59:14 AM	vmusic	Comment for 1: DESKTOP REVIEW (No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

January 13, 1999

DIRK KEMPTHORNE
Governor

Re: Notice of Claim to a Water Right No. A63-00001

KARL J. DREHER
Director

Sue Paul
John Paul
4787 Riverfront Pl
Boise ID 83703

Dear Mr. & Mrs. Paul:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water right(s) covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:d

Enclosure

RECEIVED

NOV 30 1998

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
AUG 07 1998
WATER RESOURCES
WESTERN REGIONPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s):
Adjudication Claim No(s): A63-00001 A63-18260
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Jerry Paul
P.O. Box 520 Derby mt. 5829
4. New Owner/Claimant(s) John and/or Sue Paul
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address 4787 RiverFront Pl.
City, State and ZIP Code Boise ID. 83703
New Telephone Number (208) 888-7571 or 853-3252
5. Date you acquired the property 10/1/92 + 6/2/98
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Sue Paul
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161



**TEALEY'S LAND
SURVEYING**

479 Main St., Boise, Idaho 83702
(208) 385-0636

Project No.: 1075
Date: June 19, 1992

DESCRIPTION
FOR
JOHN PAUL
PARCEL 2

A parcel of land situated in Government Lots 1 & 2 of Section 18, T.4N., R.1W., B.M., Ada County, Idaho, as shown on Record of Survey filed in Book _____ of Surveys at Page _____, filed as Instrument No. _____ in the Offices of the Ada County Recorder, more particularly described as follows:

Commencing at the NW corner of said Section 18, a point marked by a brass cap; thence along the West line of said Section 18

S 0°46'39" W 849.75 feet (formerly South) to a point marked by a 5/8" iron pin, THE POINT OF BEGINNING; thence continuing

S 0°46'39" W 1245.25 (formerly South) to a point marked by a 5/8" iron pin on the Northerly boundary of the Canyon County Water Company property as described in Warranty Deed filed in Book 114 at Page 132, Records of Ada County; thence along said Northerly boundary

N 82°56'39" E 205.60 feet (formerly N 82°10" E) to a point marked by a 5/8" iron pin; thence

S 81°23'21" E 1005.00 feet (formerly S 82°10" E) to a point marked by a 5/8" iron pin; thence leaving said Northerly boundary

N 0°34'30" E 1184.43 feet (formerly N 0°13" W) to a point on the centerline of a drain ditch; thence along the centerline of said drain ditch

S 86°52'30" W 132.42 feet to a point; thence

N 77°43'55" W 51.31 feet to a point; thence

N 46°51'12" W 116.73 feet to a point; thence

N 84°41'17" W 49.73 feet to a point; thence

N 78°04'12" W 85.48 feet to a point; thence

S 80°08'49" W 134.39 feet to a point; thence

N 85°27'58" W 133.08 feet to a point; thence

N 49°03'04" W 34.77 feet to a point; thence

N 28°28'06" W 86.49 feet to a point; thence leaving said centerline of the drain ditch

S 89°14'00" W 459.50 feet to THE POINT OF BEGINNING

Said parcel contains 33.31 acres

WARRANTY DEED

FOR VALUE RECEIVED Jerry Lee Paul, an unmarried person

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto John R. Paul and

Margaret S. Paul, husband & wife; Todd Lindsey and Cassandra L. Lindsey, husband and wife.

GRANTEE(S), whose current address is: 4787 Riverfront Pl., Boise, ID 83703
the following described real property in ADA County, State of Idaho,
more particularly described as follows, to wit:

See attached exhibit "A", made a part hereof:

~~Survey No. 2204 MSP~~
Instrument 9250653
Property description for John Paul
Parcel 2 containing 33.31 acres

9266763

RE-RECORDED TO CORRECT ATTACHMENTS

STEWART TITLE
ADA COUNTY, ID. FOR
J. DAVID NAYARRO
RECORDER BY *K. Larson*
6.00
'92 SEP 30 PM 3 37

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: AUGUST 14th, 1992

Jerry Lee Paul
Jerry Lee Paul

STATE OF Idaho, County of Ada, ss.

On this 14th day of August
in the year of 1992, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Jerry Lee Paul
known or identified to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me that
he executed the same.

Signature: *Evelyn S. Keller*
Name: EVELYN S. KELLER
(type or print)
Residence: BOISE, ID
My commission expires: 2-18-98

9254788
Margaret Paul
ADA COUNTY, ID. FOR
J. DAVID NAYARRO
RECORDER BY *Belmer*
12.00
'92 AUG 14 PM 4 09

This form furnished courtesy of

STEWART TITLE OF IDAHO, Inc.



Sanctity of Contract

THIS FORM FURNISHED COURTESY OF:

**ALLIANCE TITLE &
ESCROW CORP.**

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1998 JUN 12 PM 4:32

RECORDED - REQUEST OF
ALLIANCE TITLE
FEE 300 DEPUTY [Signature]
98057284

READ & APPROVED BY GRANTEE(S): JRP MSR

{2001/0101}

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 98074455 GW/MM

WARRANTY DEED

FOR VALUE RECEIVED THE JERRY L. PAUL LIVING TRUST, Jerry L. Paul,
Trustee

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto JOHN R. PAUL
AND MARGARET S. PAUL, HUSBAND AND WIFE

GRANTEE(S), whose current address is: 4787 River Front Place, Boise, Idaho 83703
the following described real property in ADA County, State of Idaho, more particularly
described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this
reference becomes a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from
all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments,
if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend
the same from all lawful claims whatsoever.

Dated: JUNE 2, 1998

THE JERRY L. PAUL LIVING TRUST

X Jerry L. Paul Trustee
JERRY L. PAUL, Trustee

STATE OF MONTANA, County of Ravalli, ss.

On this 4 day of JUNE in the year of 1998, before me, the
undersigned, a Notary Public in and for said State, personally
appeared JERRY L. PAUL known or identified to me to be the
person(s) whose name(s) is/are subscribed to the within
instrument, as Trustee of THE JERRY L. PAUL LIVING TRUST and
acknowledged to me that he/she/they executed the same as
Trustee.



OFFICIAL SEAL
MELENA ROTERING
NOTARY PUBLIC - MONTANA
RAVALLI COUNTY
My Commission Exp. Mar 15, 2002

Signature: [Signature]
Name: Melena Rotering

Residing At: Ravalli

My Commission expires: 3-15-02

For Value Received

Todd Lindsey and Cassandra L. Lindsey, Husband and Wife

do hereby convey, release and sell as to a FIFTY (50%) un-divided interest the following described property:

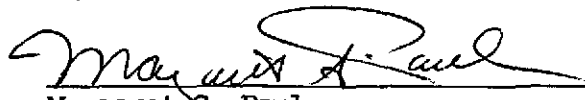
See Exhibit "A" attached hereto and made a part hereof.

Payment of \$45,000.00 for the purchase of said property to be paid as described on promissory note signed and approved by the undersigned.


Todd Lindsey


John R. Paul


Cassandra L. Lindsey


Margaret S. Paul

DATED: 11/7/92

DATED: Nov 7, 1992



QUITCLAIM DEED

For Value Received

Todd Lindsey and Cassandra L. Lindsey, Husband and Wife

do hereby convey, release, remise and forever quit claim unto

John R. Paul and Margaret S. Paul, Husband and Wife

4787 RIVERFRONT PLACE
BOISE ID 83707

the following described premises, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

together with their appurtenances.

Dated: November 3, 1992

Todd Lindsey
Todd Lindsey

Cassandra L. Lindsey
Cassandra L. Lindsey

STATE OF IDAHO)
 : ss
COUNTY OF ADA)

On this 7th day of November, 1992, before me, a notary public in and for said State, personally appeared Todd Lindsey and Cassandra L. Lindsey known to me to be the persons whose names are subscribed to the within instrument, and acknowledge to me that they executed the same.

Nanette Spolger
Notary Public
Residing at:ampa
Commission Expires: 4-21-95

First American Title Company of Idaho



**EALEY'S LAND
SURVEYING**

478 Main St., Boise, Idaho 83702
(208) 385-0636

Project No. 1075
Date: June 19, 1992

EXHIBIT "A"

DESCRIPTION

FOR

JOHN PAUL

PARCEL 2

A parcel of land situated in Government Lots 1 & 2 of Section 18, T.4N., R.1W., B.M., Ada County, Idaho, as shown on Record of Survey filed in Book _____ of Surveys at Page _____, filed as Instrument No. _____ in the Offices of the Ada County Recorder, more particularly described as follows:

Commencing at the NW corner of said Section 18, a point marked by a brass cap; thence along the West line of said Section 18

S 0°46'39" W 849.75 feet (formerly South) to a point marked by a 5/8" iron pin, THE POINT OF BEGINNING; thence continuing

S 0°46'39" W 1245.25 (formerly South) to a point marked by a 5/8" iron pin on the Northerly boundary of the Canyon County Water Company property as described in Warranty Deed filed in Book 114 at Page 132, Records of Ada County; thence along said Northerly boundary

N 82°56'39" E 205.60 feet (formerly N 82°10" E) to a point marked by a 5/8" iron pin; thence

S 81°23'21" E 1005.00 feet (formerly S 82°10" E) to a point marked by a 5/8" iron pin; thence leaving said Northerly boundary

N 0°34'30" E 1184.43 feet (formerly N 0°13" W) to a point on the centerline of a drain ditch; thence along the centerline of said drain ditch

S 86°52'30" W 132.42 feet to a point; thence

N 77°43'55" W 51.31 feet to a point; thence

N 46°51'12" W 116.73 feet to a point; thence

N 84°41'17" W 49.73 feet to a point; thence

N 78°04'12" W 85.48 feet to a point; thence

S 80°08'49" W 134.39 feet to a point; thence

N 85°27'58" W 133.08 feet to a point; thence

N 49°03'04" W 34.77 feet to a point; thence

N 28°28'06" W 86.49 feet to a point; thence leaving said centerline of the drain ditch

S 89°14'00" W 459.50 feet to THE POINT OF BEGINNING

Said parcel contains 33.31 acres

Handwritten signature and initials:
jl cu

THIS FORM FURNISHED COURTESY OF:

**ALLIANCE TITLE &
ESCROW CORP.**ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1998 JUN 12 PM 4:32

RECORDED - REQUEST OF

ALLIANCE TITLE

FEE 300 DEPUTY J. Paul

98057284

READ & APPROVED BY GRANTEE(S): JRP MSR

{2001/0101}

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 98074455 GW/MM

WARRANTY DEEDFOR VALUE RECEIVED THE JERRY L. PAUL LIVING TRUST, Jerry L. Paul,
TrusteeGRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto JOHN R. PAUL
AND MARGARET S. PAUL, HUSBAND AND WIFEGRANTEE(S), whose current address is: 4787 River Front Place, Boise, Idaho 83703
the following described real property in ADA County, State of Idaho, more particularly
described as follows, to wit:As set forth on the attached EXHIBIT "A", which by this
reference becomes a part hereof.

("This Deed is being re-recorded to add Exhibit A - legal description")

Be-Record
ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1998 DE -1 PM 12:17

Margaret Paul
RECORDED - REQUEST OFFEE 200 DEPUTY J. Paul

98115261

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: JUNE 2, 1998

THE JERRY L. PAUL LIVING TRUST

Jerry L. Paul Trustee
JERRY L. PAUL, Trustee

STATE OF MONTANA, County of Ravalli, ss.

On this 4 day of JUNE in the year of 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared JERRY L. PAUL known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, as Trustee of THE JERRY L. PAUL LIVING TRUST and acknowledged to me that he/she/they executed the same as

Trustee



MELENA ROTERING
NOTARY PUBLIC - MONTANA
RAVALLI COUNTY
My Commission Expires Mar 15, 2002

Signature: [Signature]
Name: Melena Rotering

Residing At: Ravalli
My Commission expires: 3-15-02

ORDER NO. 98074455 MM/GW

EXHIBIT "A"

PARCEL A

A parcel of land situated in Government Lot 1 of Section 18, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, as shown on Amended Record of Survey No. 2940, filed as Instrument No. 94073086 in the offices of the Ada County Recorder, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 18 a point marked by a brass cap; thence along the west line of said Section 18
South 0 degrees 46'39" West 215.75 feet (formerly South) to a point marked by a 1/2" iron pin, the POINT OF BEGINNING; thence continuing
South 0 degrees 46'39" West 634.00 (formerly South) to a point marked by a 5/8" iron pin; thence leaving said West boundary
North 89 degrees 14'00" East 459.50 feet to a point on the centerline of a drain ditch; thence along the centerline of said drain ditch
South 28 degrees 28'06" East 86.49 feet; thence
South 49 degrees 03'04" East 34.77 feet; thence
South 85 degrees 27'58" East 133.08 feet; thence
North 80 degrees 08'49" East 134.39 feet; thence
South 78 degrees 04'12" East 85.48 feet; thence
South 84 degrees 41'17" East 49.73 feet; thence
South 46 degrees 51'21" East 116.73 feet; thence
South 77 degrees 43'55" East 51.31 feet; thence
North 86 degrees 52'30" East 132.42 feet; thence leaving said centerline of the drain ditch
North 0 degrees 34'30" East 660.54 feet (formerly North 0'13" West) to a point marked by a 5/8" iron pin; thence
North 80 degrees 38'00" West 773.64 feet (formerly North 81'25" West) to a point marked by a 5/8" iron pin; thence
South 01 degrees 06'39" West 92.00 feet (formerly South 0'20" West) to a point marked by a 5/8" iron pin; thence
North 73 degrees 34'21" West 443.73 feet to the POINT OF BEGINNING.

PARCEL B

A permanent 25 foot easement for ingress and egress along the entire East side of the following described property:

A portion of the Southwest Quarter of the Southwest Quarter Section 7 and the Northwest Quarter of the Northwest Quarter of Section 18, both in Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Continuation of Exhibit A

Order No.: 98074455 MM/GW

BEGINNING at the Southwest corner of said Section 7; thence North along the West line of said Section 7, a distance of 555.06 feet to a point, thence South 72 degrees 34' East 453.75 feet to a point; thence South 00 degrees 30' West 654.06 feet to a point; thence South 00 degrees 20' West 92.00 feet to a point; thence North 74 degrees 21' West 443.73 feet to a point on the West line of said Section 18; thence North 00 degrees 00' along said West line 215.75 feet to the POINT OF BEGINNING.

EXCEPT that portion of said land described in the deed to the State of Idaho recorded March 29, 1955 under Instrument No. 374560, and being more particularly described as follows:

A strip of land 60.00 feet wide on the Southwesterly side of the following described center line of highway as surveyed and shown on the official plat of State Highway 44 - Project No. S-3748(3) Highway Survey on file in the office of the Department of Highways of the State of Idaho and lying over and across a portion of Lot 4 of Section 7, Township 4 North, Range 1 West, Boise Meridian.

BEGINNING at Station 495+89.6 of the said Highway Survey, which station is a point on tangent approximately 577.70 feet North from the Southwest corner of Section 7, Township 4 North, Range 1 West, Boise Meridian; thence running South 73 degrees 12'30" East - 305.90 feet to Station 498+95.5 of said Survey, which station is a point of curvature; thence 152.50 feet with a 00 degree 30' curve left, said curve having a central angle of 16 degrees 05' to Station 500+48, which station is a point on curvature, approximately 458.00 feet North and 430.00 feet East from the Southwest corner of Section 7 Township 4 North, Range 1 West, Boise, Meridian.

PARCEL C

An easement for ingress and egress over the following described parcel:

A parcel of land located in the Northwest Quarter, Northwest

Continuation of Exhibit A

Order No.:98074455 MM/GW

Quarter, Section 18, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the section corner common to Sections 18 and 7, Township 4 North, Range 1 West and Sections 12 and 13, Township 4 North, Range 2 West; thence
South along the section line common to Sections 13 and 18, a distance of 215.75 feet to a point; thence leaving said section line
South 74 degrees 21' East 443.73 feet to a point, said point being the POINT OF BEGINNING; thence
North 0 degrees 20' East 97.00 feet to a point; thence
North 0 degrees 30' East 654.06 feet to a point; thence
North 72 degrees 34' West 26.13 feet to a point; thence
South 0 degrees 30' West 660.92 feet to a point; thence
South 0 degrees 20' West 596.27 feet to a point; thence
North 89 degrees 20' East 25.00 feet to a point; thence
North 0 degrees 20' East 503.01 feet to the POINT OF BEGINNING.

DESKTOP REVIEW/VLM

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-1

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

dry. diverted from ditch NW of house - just north of trees.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

*See claims***OVERLAP REVIEW**

Other water rights with the same point of diversion:

NO

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

*NA***WATER USES**☒ No change☐ Different UsesUse *177* From *3-1* To *14-15* Amount *.98* CFS AFA

Use _____ From _____ To _____ Amount _____ CFS AFA

Use _____ From _____ To _____ Amount _____ CFS AFA

*49 x 4.5 = 220.5 AFA OR (.93)(1.9835)(260) = 479.6***TOTAL VOLUME – Groundwater only**☐ Incomplete on claim, the total is, Amount _____ CFS AFA☐ Changes found, the new total is, Amount _____ CFS AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: no

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

NA

Delivery System Narrative: all claim

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

90419223010 16.2 ac
90419223060 33.3 ac
49.5 ac.
stop down
rel over # 31-C
diverted thru the Lawrence-Kennedy ditch
(per decree)
✓ 545 904

AFTER EXAM THE FILE SHOULD CONTAIN:

- DATE EXAM CONDUCTED: _____

4

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-1

WATER RIGHT NUMBER: 63-1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ALBERT C BOWERMAN RT 1 STAR, ID 83669
Original Owner	MILTON H SPARKS PO BOX 7 IDAHO CITY, ID 83631
Original Owner	JERRY PAUL RURAL RT 1 PO BOX 148A STAR, ID 83669 (208)286-7345
Current Owner	SUE PAUL 4787 RIVER FRONT PL BOISE, ID 83703 (208)888-7571
Current Owner	JOHN PAUL 4787 RIVER FRONT PL BOISE, ID 83703 (208)888-7571

Priority Date: 06/01/1886

Basis: Decreed

Status: Active

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To
3/15 to 11/15

Diversion Rate

0.980 CFS

Annual VolumeTotal Diversion: 0.980 CFSLocation of Point(s) of Diversion

BOISE RIVER

L3 (SE1/4NE1/4NW1/4)

Sec. 14, Twp 04N, Rge 01W, 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	
04N	01W	18						22.0	27.0										49.0
								L1	L2										

Total Acres: 49

Remarks:

- General WATER CARRIED THROUGH LAWRENCE & KENNEDY DITCH.
TRANS. 1575.
OWNERSHIP CHANGED. JS

Or/b # 31-C

no son

Or/b 65
ac.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-1

WATER RIGHT NUMBER: 63-1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALBERT C BOWERMAN RT 1 STAR, ID 83669
Current Owner	MILTON H SPARKS PO BOX 7 IDAHO CITY, ID 83631

Priority Date: 06/01/1886

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 /	1.100 CFS	
	<u>Total Diversion:</u>	1.100 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NE1/4NW1/4	Sec. 14, Twp 04N, Rge 01W, 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	
04N	01W	7											X						
04N	01W	18					X	X											

Conditions of Approval:Remarks:

- General WATER CARRIED THROUGH LAWRENCE & KENNEDY DITCH.
TRANS. 1575.

use upon the following described lands, situated in Ada County, Idaho, to-wit:

Commencing at the quarter section corner between Sections 7 and 18, Township 4 North, Range 1 West, Boise Meridian, and running thence South 80 chains to a stone; thence East 19.25 chains to a stone; thence North 11.81 chains to a stone; thence West 6.25 chains to a stone; thence South 1.81 chains to a point; thence West 3 chains to a point; thence North 10 chains to a point on the North boundary line of said Section Eighteen; thence West along the North boundary line of said Section Eighteen 9.98 chains, more or less, to the place of beginning, containing 31 acres.

to the amount of 30 inches, with a priority of June 1, 1886, hereby designated as Right No. 31B.

V

W3 0001

That intervenor Albert C. Bowerman be, and he hereby is, awarded the use of the waters of Boise River, diverted from said river through what is now known as the Lawrence and Kennedy ditch, at a point on the north bank of said river in the SW $\frac{1}{4}$ of Section 17, Township 4 North, Range 1 West, Boise Meridian, for use upon the following described lands, situated in Ada County, Idaho, to-wit:

Beginning at the section corner common to Sections 7, 12, 13 and 18 on the West line of Township 4 North, Range 1 West, Boise Meridian; thence North on the section line 8.41 chains to the center of the road; thence South 72°34' East 6.875 chains along the center of the road; thence South 0°30' West 9.91 chains; thence South 81°16' East 11.625 chains; thence South 0°15' East 34 chains; thence South 70°09' West 1.60 chains; thence North 68°05' West 6.40 chains; thence North 82°11' West 2.80 chains; thence North 50°16' West 2 chains; thence North 70°50' West 4 chains; thence North 85°26' East 2 chains; thence South 87°03' West 1.48 chains to the West line of said Section 18; thence North 32.80 chains along said West line to the place of beginning, containing 65 acres, more or less, but excepting therefrom that certain tract of land containing approximately 7 acres on the South side of said tract, conveyed to Canyon County Water Company, a corporation, by the predecessors in interest of intervenor, by deed recorded in Ada County, Idaho, in Book 114 of Deeds, at page 132, the North line of which said excepted tract is described as follows, to-wit:

Beginning at a point on the West line of Lot 2, Section 18, Township 4 North, Range 1 West, B.M., 31.425 chains (2095 feet) South of the Northwest corner of said Section 18; thence North 82°10' East 3.115 chains (208.6 feet); thence South 82°10' East 15.2275 chains (1205 feet) to the East line of said Lot 2,

to the amount of 55 inches, with a priority of June 1, 1886, hereby

Deable
63-1

65 AC.
- 7
58 AC.

designated as Right No. 310.

VI

That the answers and cross-complaints in intervention of the said intervenors, William Messer, Minnie Couzens and Jeremiah Couzens, and H. McClellan and Jessie McClellan, predecessors in interest of intervenor Albert C. Bowerman, be amended to conform to the proofs of said intervenors.

Dated this 27 day of October, 1930.

Ed. L. Drven
District Judge.

RECORDED IN BOOK 2 OF DECREES
PAGE 488

STATE OF IDAHO, } ss.
County of Canyon, }

I, Myrtle Bernard, Clerk of the District Court and Ex-officio Recorder of the County of Canyon, State of Idaho, do hereby certify that the foregoing copy of Decree

has been compared by me with the original, and that it is a correct transcript therefrom, and of the whole of such original Decree

as the same appears
of Record in my office

In TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this 10th
day of Nov, 19 30

Myrtle Bernard
Clerk of the District Court and Ex-officio Recorder.

By _____ Deputy

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-1

03/18/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
124N	Claim	04N	01W	18	NW	NW		IRRIGATION	3/9159	MIDDLETON MILL DITCH CO
125G	Claim	04N	01W	18	NW	NW		IRRIGATION	3/9159	MIDDLETON MILL DITCH CO
126E	Claim	04N	01W	18	NW	NW		IRRIGATION	3/9159	MIDDLETON MILL DITCH CO
161X	Claim	04N	01W	18	NW	NW		IRRIGATION	3/9159	MIDDLETON MILL DITCH CO
168B	Claim	04N	01W	18	NW	NW		IRRIGATION	3/9159	MIDDLETON IRRIGATION ASSOCIATIO
168D	Claim	04N	01W	18	NW	NW		IRRIGATION	3/9159	MIDDLETON MILL DITCH CO
-173	Claim	04N	01W	18	NW	NW		IRRIGATION	3/9159	MIDDLETON MILL DITCH CO
-254	Claim	04N	01W	18	NW	NW		IRRIGATION	3/9159	MIDDLETON IRRIGATION ASSOCIATIO
-255	Claim	04N	01W	18	NW	NW		IRRIGATION	3/9159	MIDDLETON IRRIGATION ASSOCIATIO
-370	Claim	04N	01W	18	NW	NW		IRRIGATION	3/9159	MIDDLETON MILL DITCH CO
2406	Claim	04N	01W	18	NW	NW		IRRIGATION	40/29248	DRAINAGE DIST NO 2
21502	Claim	04N	01W	18	NW	NW		IRRIGATION	3/8651	MIDDLETON MILL DITCH CO
3-1	Water Right	04N	01W	18	NW	NW		IRRIGATION		ALBERT C BOWERMAN
2406	Water Right	04N	01W	18	NW	NW		IRRIGATION	40/29248	DRAINAGE DIST NO 2
3-1	Claim	04N	01W	18	NW	NW	1	IRRIGATION	22/49	SUE PAUL
2406	Claim	04N	01W	18	SW	NW		IRRIGATION	24/29248	DRAINAGE DIST NO 2
3-1	Water Right	04N	01W	18	SW	NW		IRRIGATION		ALBERT C BOWERMAN
2406	Water Right	04N	01W	18	SW	NW		IRRIGATION	24/29248	DRAINAGE DIST NO 2
3-1	Claim	04N	01W	18	SW	NW	2	IRRIGATION	27/49	SUE PAUL

Identification Number 63-0001

Transfer No. 1575

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

SEP ²³ 16 1968

APPLICATION FOR TRANSFER OF WATER RIGHT Department of Reclamation
To Change the Point of Diversion and/or the Place of Use **APPROVED**

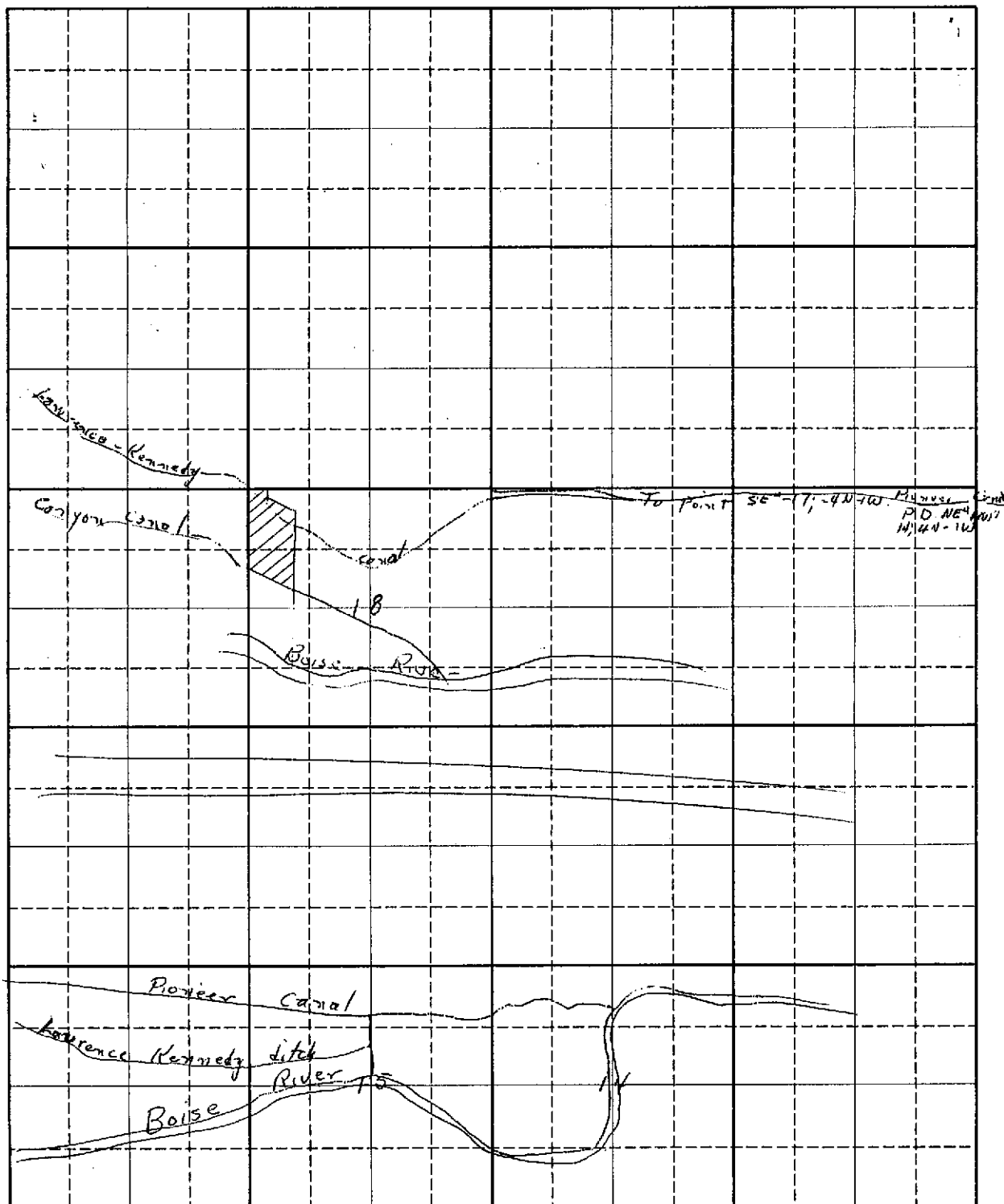
APPROVED

1. Name of Right Holder Milton H. Sparks
Post office address Route 1, Star, Idaho 83669
2. Right obtained by:
- a. Decree to Albert C. Bowerman in Case of Farmers Co-operative Ditch Co.
(Name) (Musser, Couzens & Bowerman, Intervenor)
vs. Riverside Canal, Dated 10-30-30 in 7th Judicial District
Co. (Name of Court)
Court. County of Canyon
- b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Boise River tributary to Snake River
(Name of stream or source)
4. Date of Priority June 1, 1866
5. Amount of water a. 1.1 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from April 1 to November 1
(Month, Day) (Month, Day)
7. Original location of point of diversion is 1/4 SW 1/4 of Section 17,
Township 4N, Range 1W, B.M., in Ada County;
Additional points of diversion, if any None
8. Lands presently irrigated or place of use: Get metes & bound description from decree.

[illegible]

Total number of acres presently irrigated 50

transfer
1575



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not original holder of this right explain how it was acquired: By purchase

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 1.1 c.f.s. and/or _____ acre feet
- b. New point of diversion: NE 1/4 NW 1/4, Section 14, Township 4N
_____, Range 1W, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: Water to be carried by Little Pioneer Ditch Co. to the Lawrence-Kennedy Canal.
(See copy of attached agreement.)
- d. Is water to be conveyed to the lands previously irrigated? Yes X No _____
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
Unable to obtain water from old point of diversion.
- f. Do you intend to make the transfer permanent? Yes
- g. Do you intend to abandon completely the old point of diversion? Yes
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

b. Do you intend to make the transfer permanent? yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

No change

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Milton N. Spack
(signature of applicant)

Subscribed and sworn to before me this 20th day of August, 1968

Mr. James South
(notary public)

My commission expires Jan. 19, 1968

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

APPROVED

This is to certify that I have examined Application for Transfer of Water Rights No. 1575,
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

That headgate and measuring device be installed at point of
diversion.

2. Denial of said application is for the following reasons: _____

Witness my hand this 20 day of December, 1968

R. Kirk Higgins
State Reclamation Engineer

63-7
COPY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CAYUSE

FARMERS' CO-OPERATIVE DITCH COMPANY,
a corporation,

Plaintiff,

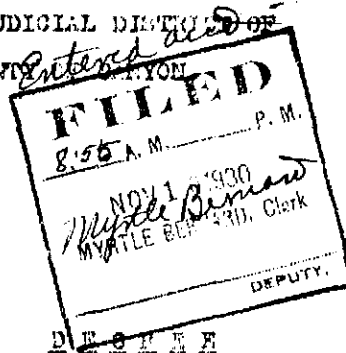
- vs -

RIVERSIDE IRRIGATION DISTRICT, LTD.,
et al,

Defendants,

WILLIAM MUSSER, MINNIE COUZENS and
JEREMIAH COUZENS, and ALBERT C.
BOWERMAN,

Intervenors.



This cause coming on regularly for hearing upon the answers and cross-complaints in intervention of William Musser, Minnie Couzens and Jeremiah Couzens, and Albert C. Bowerman (substituted for H. McClellan and Jessie McClellan), the said parties having heretofore, by consent of all parties to the above action, been permitted to intervene in this cause and file herein their respective answers and cross-complaints in intervention, and it having been stipulated that the allegations of the said cross-complaints in intervention were deemed to be denied, and the said Albert C. Bowerman having been duly substituted for his predecessors in interest, H. McClellan and Jessie McClellan, and witnesses having been sworn and testified, and documentary evidence having been introduced in behalf of said intervenors, and the Court having heretofore filed its findings of fact and conclusions of law herein,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, AS FOLLOWS:

I

That the lands hereinafter described are arid in character and require the artificial application of water thereon.

MICROFILMED

DECEMBER

use upon the following described lands, situated in Ada County, Idaho, to-wit:

Commencing at the quarter section corner between Sections 7 and 18, Township 4 North, Range 1 West, Boise Meridian, and running thence South 20 chains to a stone; thence East 19.23 chains to a stone; thence North 11.81 chains to a stone; thence West 5.25 chains to a stone; thence South 1.81 chains to a point; thence West 3 chains to a point; thence North 10 chains to a point on the North boundary line of said Section Eighteen; thence West along the North boundary line of said Section Eighteen 9.98 chains, more or less, to the place of beginning, containing 31 acres,

to the amount of 30 inches, with a priority of June 1, 1866, hereby designated as Right No. 31B.

V

P.O. 1-2nd #1275
11-1-1901

That intervenor Albert C. Bowerman be, and he hereby is, awarded the use of the waters of Boise River, diverted from said river through what is now known as the Lawrence and Kennedy ditch, at a point on the north bank of said river in the SW $\frac{1}{4}$ of Section 17, Township 4 North, Range 1 West, Boise Meridian, for use upon the following described lands, situated in Ada County, Idaho, to-wit:

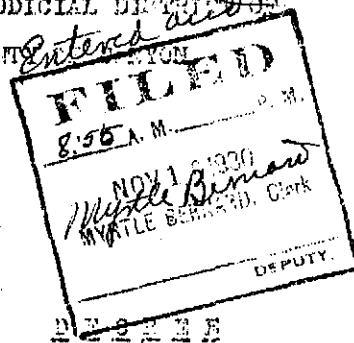
Beginning at the section corner common to Sections 7, 12, 13 and 18 on the West line of Township 4 North, Range 1 West, Boise Meridian; thence North on the section line 3.41 chains to the center of the road; thence South 72°34' East 6.875 chains along the center of the road; thence South 0°30' West 9.91 chains; thence South 31°16' East 11.625 chains; thence South 0°13' East 34 chains; thence South 70°09' West 1.60 chains; thence North 68°05' West 6.40 chains; thence North 59°51' West 2.90 chains; thence North 30°16' West 2 chains; thence North 70°50' West 4 chains; thence North 85°36' West 2 chains; thence South 87°03' West 1.43 chains to the West line of said Section 18; thence North 32.80 chains along said West line to the place of beginning, containing 65 acres, more or less, but excepting therefrom that certain tract of land containing approximately 7 acres on the South side of said tract, conveyed to Canyon County Water Company, a corporation, by the predecessors in interest of intervenor, by deed recorded in Ada County, Idaho, in Book 114 of Deeds, at page 132, the North line of which said excepted tract is described as follows, to-wit:

Beginning at a point on the West line of Lot 2, Section 18, Township 4 North, Range 1 West, B.M., 31.425 chains (2095 feet) South of the Northwest corner of said Section 18; thence North 82°10' East 3.115 chains (205.6 feet); thence South 82°10' East 15.2275 chains (1205 feet) to the East line of said Lot 2,

to the amount of 55 inches, with a priority of June 1, 1866, hereby

BOOK

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF



FARMERS' CO-OPERATIVE DITCH COMPANY,
a corporation,

Plaintiff,

- vs -

RIVER USE IRRIGATION DISTRICT, LTD.,
et al,

Defendants,

WILLIAM MUSSER, MINNIE COUZENS and
JEREMIAH COUZENS, and ALBERT C.
BOWERMAN,

Intervenors.

This cause coming on regularly for hearing upon the answers and cross-complaints in intervention of William Musser, Minnie Couzens and Jeremiah Couzens, and Albert C. Bowerman (substituted for H. McClellan and Jessie McClellan), the said parties having heretofore, by consent of all parties to the above action, been permitted to intervene in this cause and file herein their respective answers and cross-complaints in intervention, and it having been stipulated that the allegations of the said cross-complaints in intervention were deemed to be denied, and the said Albert C. Bowerman having been duly substituted for his predecessors in interest, H. McClellan and Jessie McClellan, and witnesses having been sworn and testified, and documentary evidence having been introduced in behalf of said intervenors, and the Court having heretofore filed its findings of fact and conclusions of law herein,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
DECREED, AS FOLLOWS:

I

That the lands hereinafter described are arid in
character and require the artificial application of water thereon

MICROFILMED

in order to raise profitable agricultural crops.

II

That the quantity of water required for the successful cultivation and irrigation of said lands, measured under a four inch pressure, at the points of diversion hereinafter set forth, is one inch per acre, and that the above mentioned one inch per acre is understood to be in the same status as the one inch per acre provided for in the judgment made and entered in the above entitled cause on January 19, 1906, and is subject to such temporary orders and modifications as the Court may hereafter make for the above entitled cause.

III

That intervenor William Musser be, and he is hereby awarded the use of the waters of Boise River, diverted from said river through what is now known as the Lawrence and Kennedy ditch, at a point on the north bank of said river, in the SW $\frac{1}{4}$ of Section 17, Township 4 North, Range 1 West, Boise Meridian, for use upon the following described lands, situated in Ada County, Idaho, to-wit:

The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and a strip of land along the East side of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, 50 feet wide, commencing at the Northeast corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence North 20 chains; thence West .7575 chains; thence South 20 chains; thence East .7575 chains to the place of beginning, all in Section 18, Township 4 North, Range 1 West, Boise Meridian, except a strip of land in said subdivision lying within the bed of Boise River, the balance of said land containing 115 acres,

to the amount of 115 inches, with a priority of June 1, 1866, hereby designated as Right No. 514.

IV

That intervenors Minnie Couzens and Jeremiah Couzens be, and they are hereby awarded the use of the waters of the Boise River, diverted at the headgate of the Middleton Water Company, located on the north bank of said river in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 4 North, Range 1 West, Boise Meridian, for

use upon the following described lands, situated in Ada County, Idaho, to-wit:

Commencing at the quarter section corner between Sections 7 and 18, Township 4 North, Range 1 West, Boise Meridian, and running thence South 80 chains to a stone; thence East 19.23 chains to a stone; thence North 11.81 chains to a stone; thence West 6.25 chains to a stone; thence South 1.81 chains to a point; thence West 3 chains to a point; thence North 10 chains to a point on the North boundary line of said Section Eighteen; thence West along the North boundary line of said Section Eighteen 9.28 chains, more or less, to the place of beginning, containing 31 acres,

to the amount of 30 inches, with a priority of June 1, 1886, hereby designated as Right No. 31B.

V

33 0001

That intervenor Albert O. Bowerman be, and he hereby is, awarded the use of the waters of Boise River, diverted from said river through what is now known as the Lawrence and Kennedy ditch, at a point on the north bank of said river in the SW $\frac{1}{4}$ of Section 17, Township 4 North, Range 1 West, Boise Meridian, for use upon the following described lands, situated in Ada County, Idaho, to-wit:

Beginning at the section corner common to Sections 7, 12, 13 and 18 on the West line of Township 4 North, Range 1 West, Boise Meridian; thence North on the section line 8.41 chains to the center of the road; thence South 73°34' East 6.875 chains along the center of the road; thence South 0°30' West 9.91 chains; thence South 81°16' East 11.625 chains; thence South 0°15' East 34 chains; thence South 70°09' West 1.60 chains; thence North 68°05' West 6.40 chains; thence North 59°51' West 2.90 chains; thence North 30°16' West 3 chains; thence North 70°50' West 4 chains; thence North 85°36' West 2 chains; thence South 87°03' West 1.48 chains to the West line of said Section 18; thence North 32.80 chains along said West line to the place of beginning, containing 65 acres, more or less, but excepting therefrom that certain tract of land containing approximately 7 acres on the South side of said tract, conveyed to Canyon County Water Company, a corporation, by the predecessors in interest of intervenor, by deed recorded in Ada County, Idaho, in Book 114 of Deeds, at page 132, the North line of which said excepted tract is described as follows, to-wit:

Beginning at a point on the West line of Lot 2, Section 18, Township 4 North, Range 1 West, B.M., 31.425 chains (2095 feet) South of the Northwest corner of said Section 18; thence North 82°10' East 3.115 chains (205.6 feet); thence South 82°10' East 15.2275 chains (1205 feet) to the East line of said Lot 2;

to the amount of 53 inches, with a priority of June 1, 1886, hereby

RECORDED

designated as Right No. 310.

VI

That the answers and cross-complaints in intervention of the said intervenors, William Masner, Minnie Couzens and Jeremiah Couzens, and H. McLellan and Jessie McLellan, predecessors in interest of intervenor Albert C. Bowxman, be amended to conform to the proofs of said intervenors.

Dated this 27 day of October, 1930.

Ed. L. Bryan
District Judge.

1930-171-1038

Recorded in Book 2 of Decrees

FILE #83

STATE OF IDAHO, } ss.
County of Canyon,

I, Myrtle Bernard, Clerk of the District Court and Ex-officio Recorder of the County of Canyon, State of Idaho, do hereby certify that the foregoing copy of Decree

has been compared by me with the original, and that

it is a correct transcript therefrom, and of the whole of such original. Decree

as the same appears

Of Record

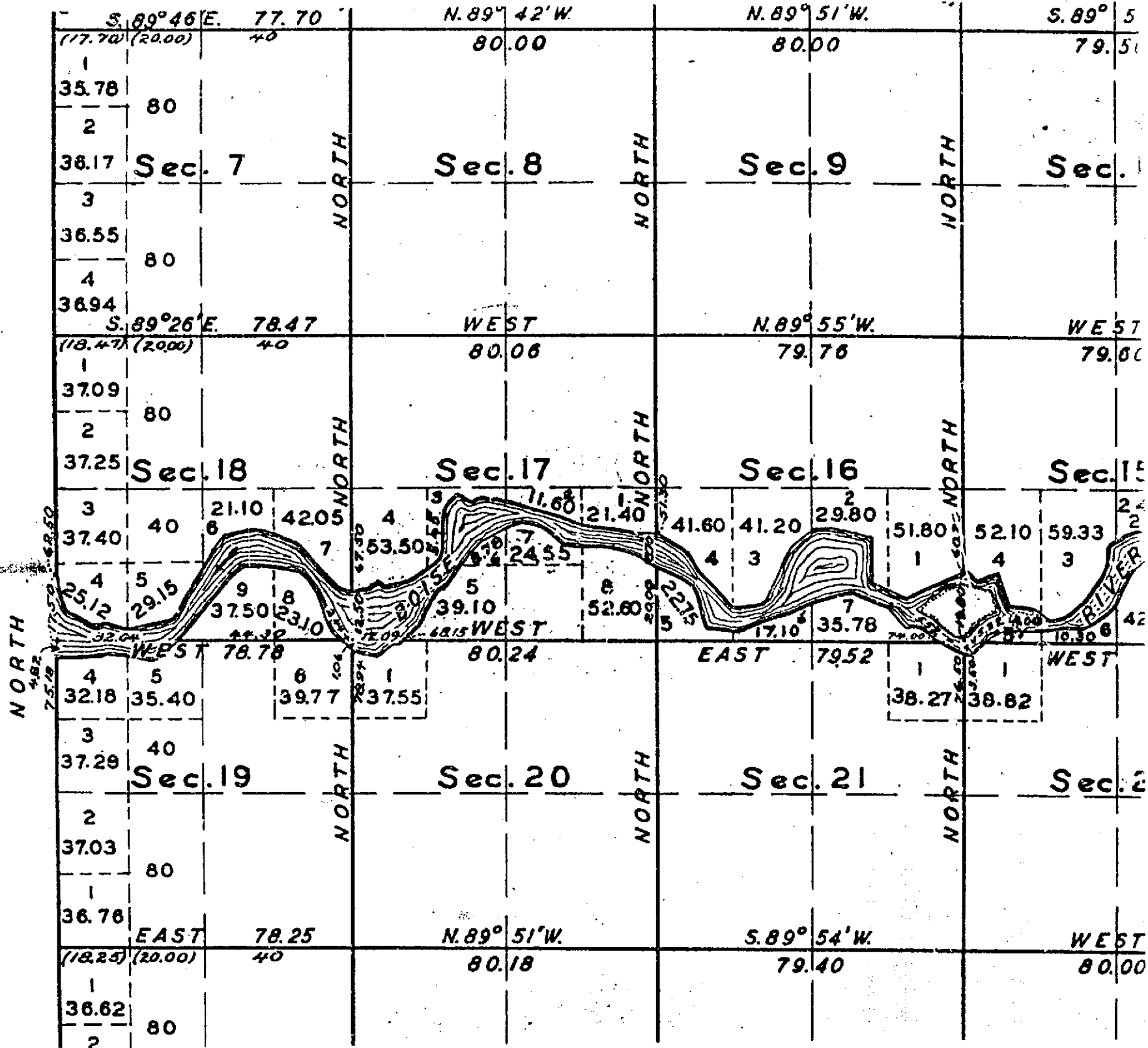
in my office

In TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this 10th

day of Nov, 19 30

Myrtle Bernard
Clerk of the District Court and Ex-officio Recorder.

By _____ Deputy



MICROFILMED

JUL 22 1994

1 STATE OF IDAHO

2 County of _____

ss.

POOR ORIGINAL

3 On this _____ day of _____, 1968, before me, the under-
4 signed, a Notary Public in and for said State, personally appeared
5 _____ and _____ known to me
6 to be the Chairman of the Board and Secretary respectively of the
7 corporation that executed the within instrument and acknowledged to
8 me that such corporation executed the same.

9 IN WITNESS WHEREOF, I have hereunto set my hand and af-
10 fixed my official seal the day and year in this certificate first
11 above written.

12
13 (SEAL)

14 Notary Public for Idaho
15 Residing at _____, Idaho
16
17
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CHERRY, BOYD & DOWNEN
ATTORNEYS AT LAW
CALDWELL, IDAHO

MICROFILMED
JUL 23 1968

1 Pioneer Ditch Company has caused its corporate name to be hereunto
2 subscribed by its Chairman and its corporate seal to be hereunto af-
3 fixed by its Secretary, the day and year first above written.

4
5 Milton Sparks (SEAL)
6 Milton Sparks

7 PIONEER DITCH COMPANY

8
9 By Lloyd W. ... Chairman

10 ATTEST:

11 James D. Foster
12 Secretary

POOR ORIGINAL

CHERRY, BOYD & DOWNEY
ATTORNEYS AT LAW
CALDWELL, IDAHO

13
14
15
16
17
18
19 STATE OF IDAHO }
20 County of ADA } ss.
21

22 On this 15th day of October, 1968, before me, the
23 undersigned, a Notary Public in and for said State, personally ap-
24 peared MILTON SPARKS known to me to be the person whose name is sub-
25 scribed to the within instrument and acknowledged to me that he exe-
cuted the same.

26 IN WITNESS WHEREOF, I have hereunto set my hand and af-
27 fixed my official seal the day and year in this certificate first
28 above written.

29
30 (SEAL)

31 Dr. Russell ...
32 Notary Public for Idaho
Residing at Caldwell, Idaho

MICROFILMED

50135

JUL 22 1968

A G R E E M E N T

1
2 THIS AGREEMENT, Made and entered into this 10 day of
3 OCT., 1968, by and between MILTON SPARKS, hereinafter referred
4 to for convenience as Sparks, and PIONEER DITCH COMPANY, an Idaho
5 corporation, hereinafter referred to for convenience as Pioneer,
6 WITNESSETH:

7 WHEREAS, Sparks has a decreed water right to waters in the
8 Boise River; and

9 WHEREAS, It is more convenient for the waters to be used
10 by Pioneer, and the parties desire to reduce their understanding
11 with respect to said waters, to writing;

12 NOW, THEREFORE, The parties agree as follows:

13 1. That Pioneer may use 50 inches of Sparks' waters in
14 the Boise River from the date of this agreement until notified in
15 writing by Sparks of his desire to have the same returned to his use.
16 That upon such notification by Sparks, Pioneer agrees to dump the 50
17 inches of water into the Lawrence-Kennedy Canal.

18 2. That upon notification by Sparks of the return of the
19 waters by Pioneer, Sparks agrees to pay the normal costs and assess-
20 ments levied by the ditch company for the delivery of the water to
21 the Lawrence-Kennedy Canal, such costs and assessments being the
22 normal costs and assessments levied to the individual water users of
23 Pioneer.

24 3. This agreement shall be subject to approval by the
25 water users of Pioneer and shall be submitted by the Secretary of
26 Pioneer to the users at the fall meeting in 1968.

27 4. This agreement may be terminated by either party by
28 giving thirty days notice in writing.

29 5. This agreement is binding on the heirs, administrators,
30 executors, successors and assigns of all the parties hereto.

31 IN WITNESS WHEREOF, Milton Sparks has hereunto set his hand
32 and seal, and pursuant to due authorization of its Board of Directors

ILWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: A63-00001

Date: 4-19-01

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	1W	18						22	27										49
GIS									27	22										49
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 49

Overlapping POU Claim #'s:

Total GIS Acres: 49

COMMENTS:

map shows larger portion in NWNW, I digitized according to map.

Idaho Department of Water Resources

Claim Number: 63-00001

Legal: T4N, R1W, S18

Reviewed By:

1987 Napp Photo

- ☐ Place of Use
- ☐ Section Lines
- ☐ Quarter Quarter Lines



0 0.25 0.5 Miles

A scale bar with markings for 0, 0.25, and 0.5 miles.