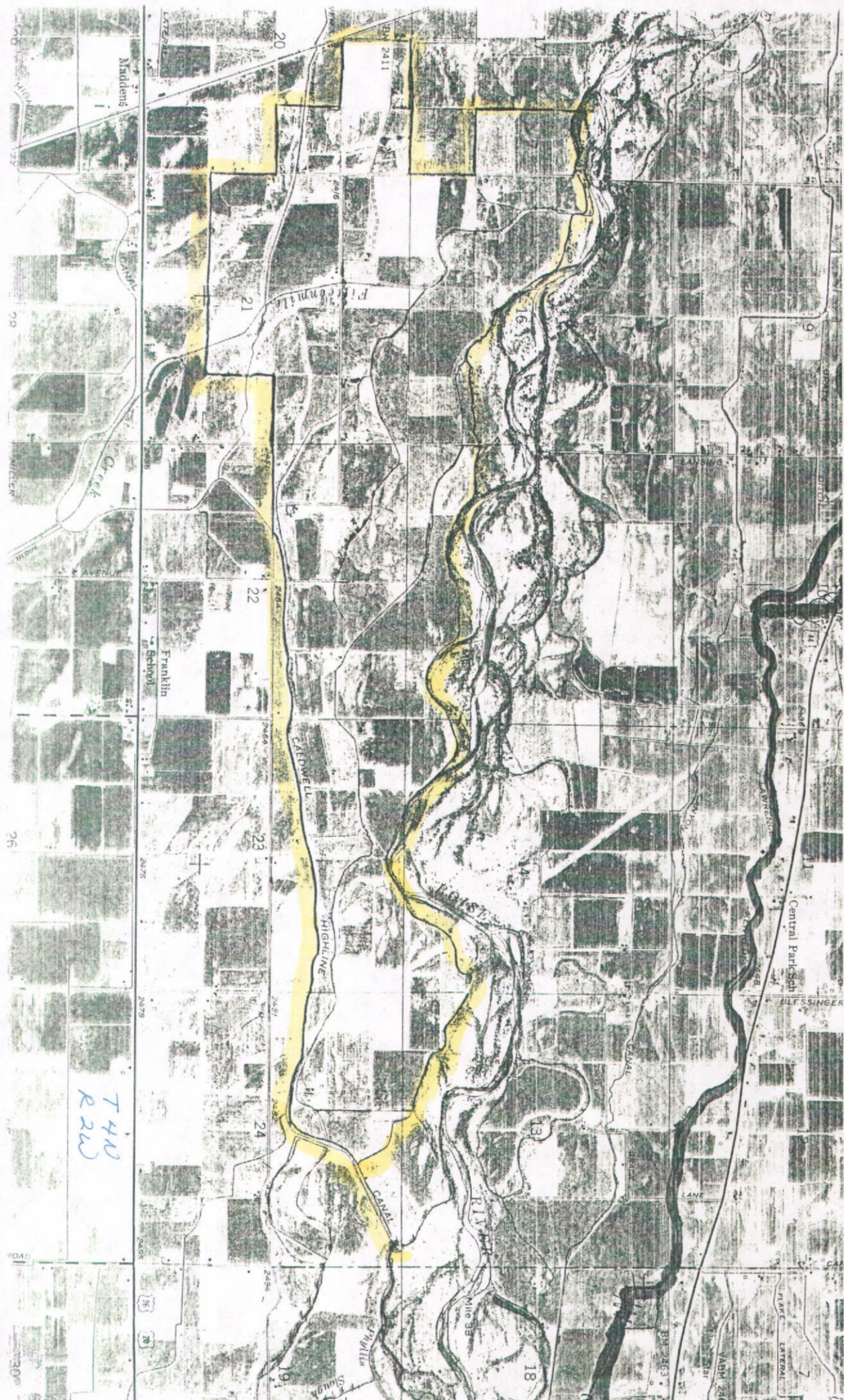
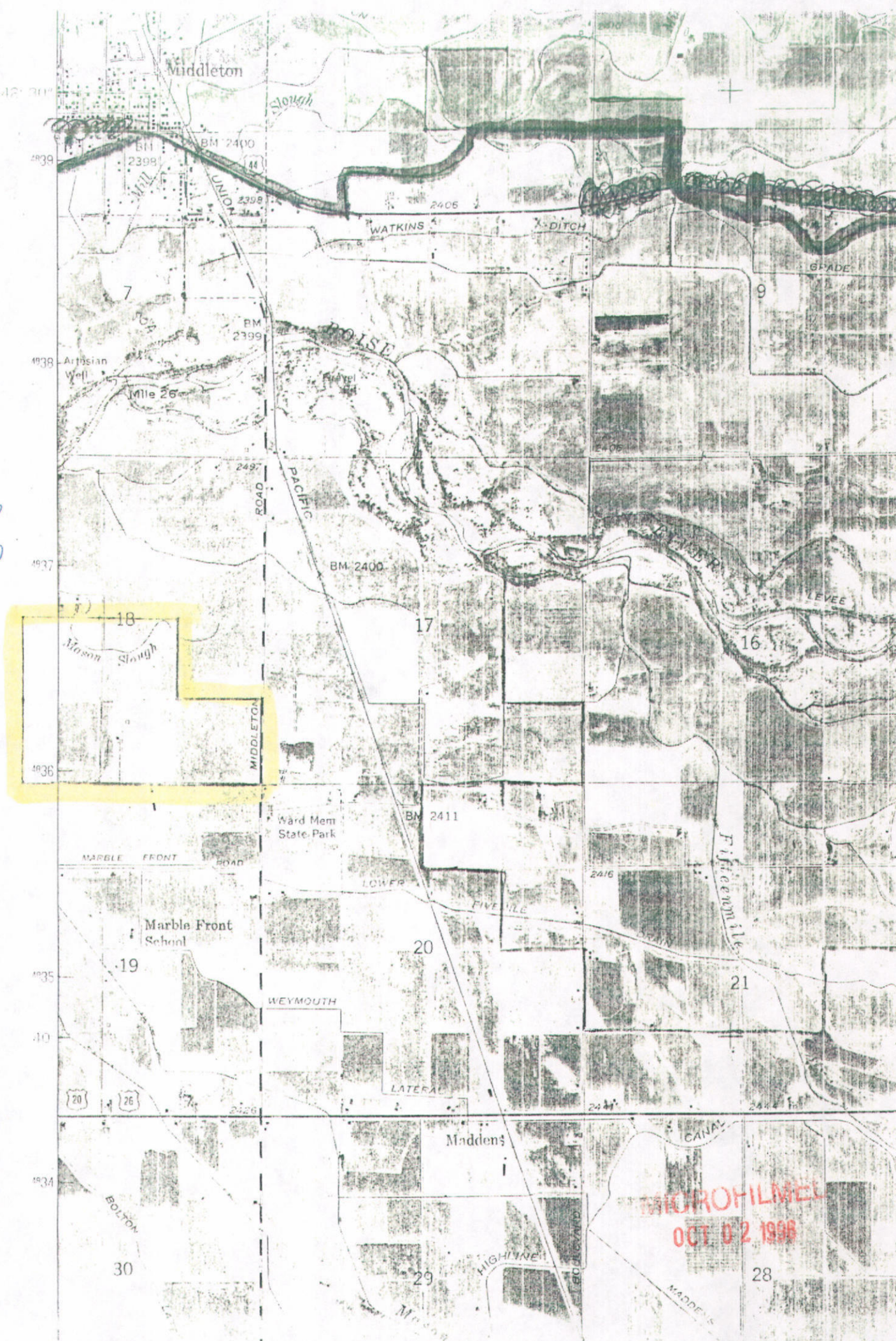
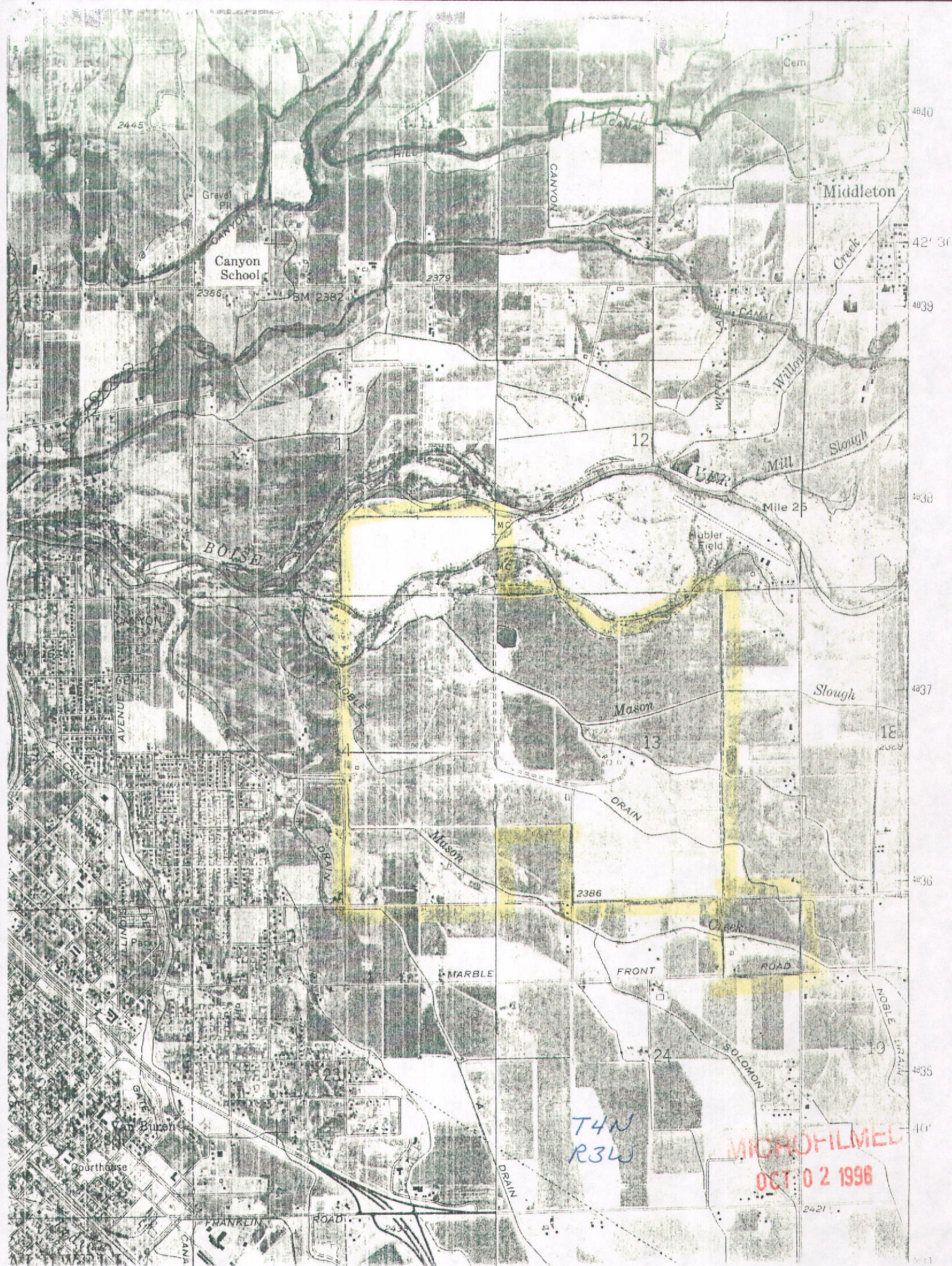




T 4N
R 2W







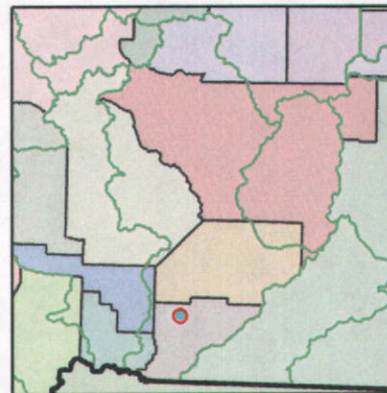
Franklin Ditch Co

SRBA Recommendations: 63-166B, 63-167B, 63-5239

Service Area Boundary
GIS Place of Use Illustration

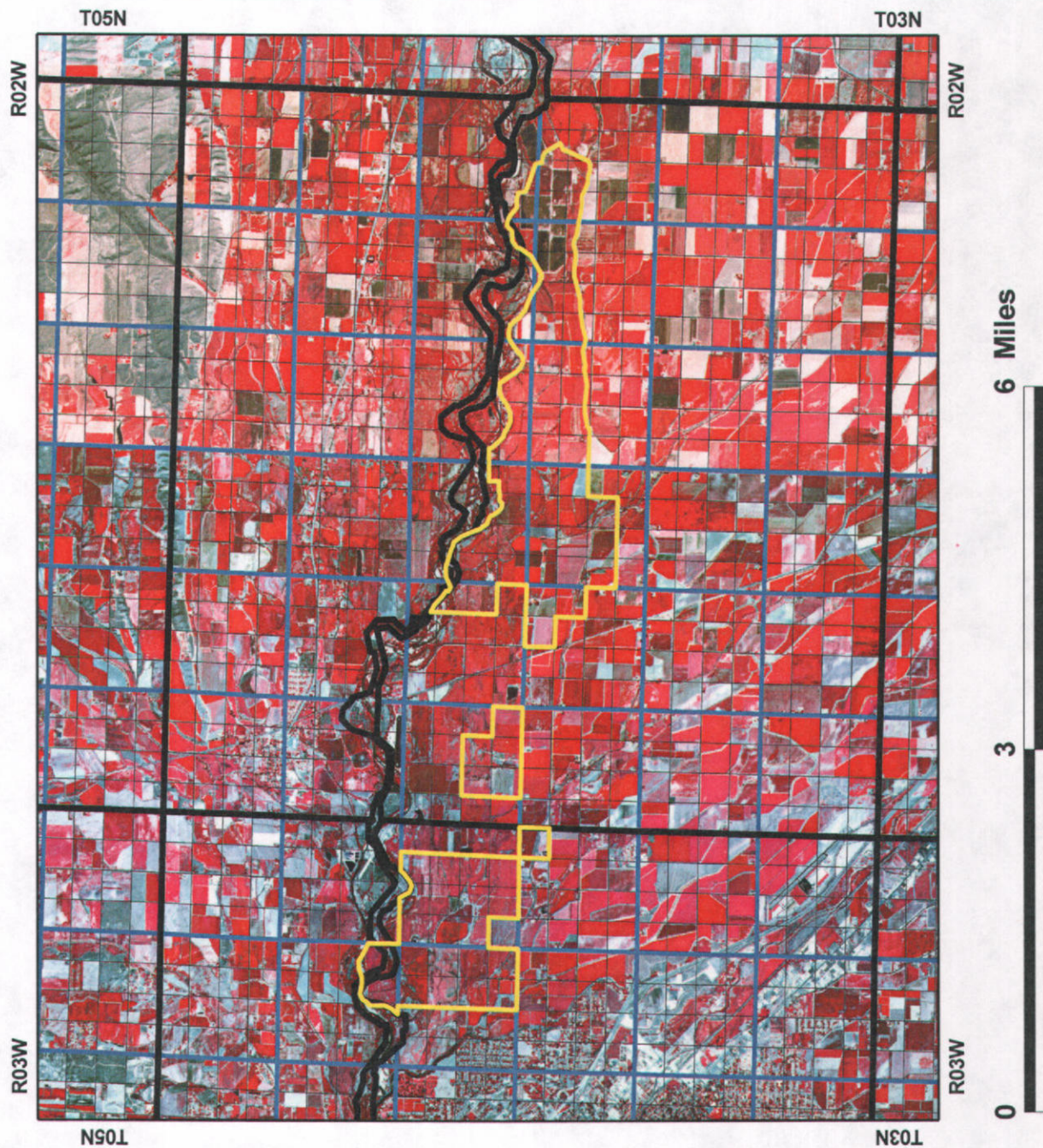
Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by A. Warntjes
On Friday, September 8, 2006
1987/88 Aerial Photography





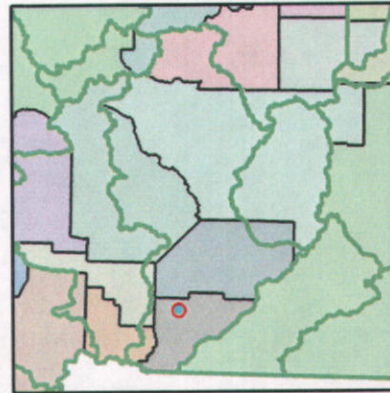
Idaho Department of Water Resources

T4N, R2W
T4N, R3W

Adjudication Claim Number: **63-166 B**

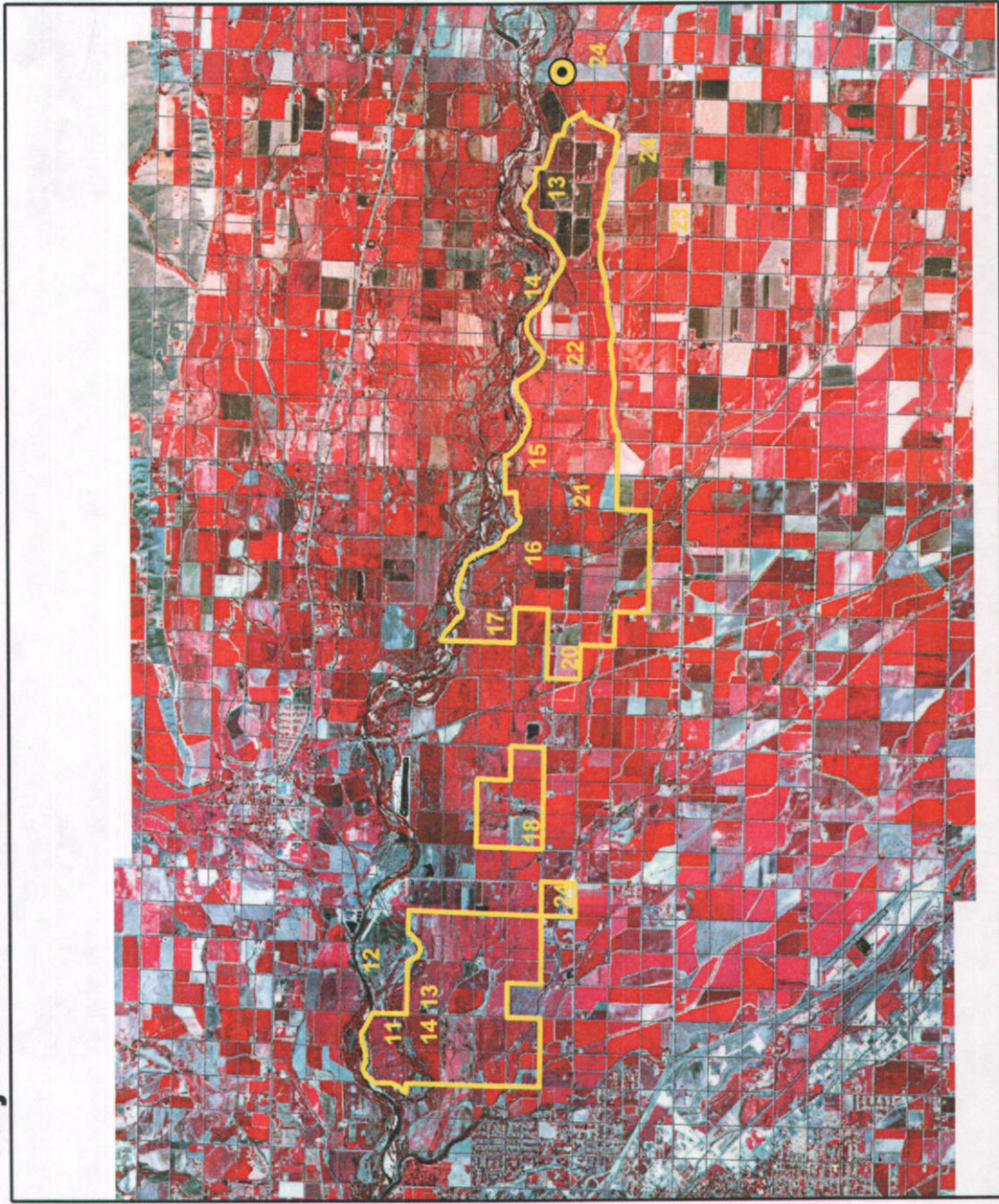
Legend

- POD Recommended
- Franklin Ditch Co



Ada County
IDWR Basin 63

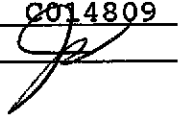
Prepared by A. Warntjes
On Tuesday, January 31, 2006
1987/88 Aerial Photography



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: A63-00166B
Date Received: 2/20/1990
Receipt No: 2014809
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANKLIN DITCH CO. 208-466-1983
Address: C/O FLOYD ROSDAHL
RT. 3
CALDWELL ID 83605

2. Date of Priority: JUL 3, 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
04N	02W	24	NE	NE	NE		ADA

5. Description of diverting works:
DIVERSION DAM W/HEADGATE, DITCH, MAINTAINED BY PIONEER IRR. DIST.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	15.400		

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

8. Total consumptive use is 8813.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK WATER FROM DITCHES DURING THE IRRIGATION SEASON

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02W	13	SW	SW		IRR	40.0
			SE	SW		IRR	25.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	65.0
		14	SW	SW	IRR	25.0
			SW	SE	IRR	20.0
			SE	SE	IRR	40.0
					Section Acres	85.0
		15	SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	20.0
					Section Acres	140.0
		16	SW	NW	IRR	30.0
			SE	NW	IRR	10.0
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NE	SE	IRR	20.0
			NW	SE	IRR	20.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	320.0
		17	SE	NE	IRR	40.0
			NE	SE	IRR	40.0
					Section Acres	80.0
		18	NE	SW	IRR	40.0
			SE	SW	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	200.0
		20	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SE	NE	IRR	40.0

REPRODUCTION
OCT 02 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	120.0
		21	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	25.0
			SE	NE	IRR	30.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			NW	SE	IRR	40.0
					Section Acres	415.0
		22	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	35.0
			SE	NE	IRR	35.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	35.0
			SE	NW	IRR	40.0
					Section Acres	305.0
		23	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	20.0
			SE	NE	IRR	20.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	30.0
			SE	NW	IRR	20.0
					Section Acres	250.0
		24	NW	NE	IRR	20.0
			SW	NE	IRR	20.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	20.0
			SE	NW	IRR	20.0

RECEIVED
JUL 27 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	160.0
	03W	11	SW	SE	IRR	18.0
			SE	SE	IRR	18.0
					Section Acres	36.0
		13	NW	NE	IRR	14.0
			SW	NE	IRR	14.0
			NE	NW	IRR	14.0
			NW	NW	IRR	14.0
			SW	NW	IRR	14.0
			SE	NW	IRR	14.0
			NE	SW	IRR	14.0
			NW	SW	IRR	14.0
			SE	SW	IRR	14.0
			NW	SE	IRR	14.0
			SW	SE	IRR	14.0
					Section Acres	154.0
		14	NE	NE	IRR	18.0
			NW	NE	IRR	18.0
			SW	NE	IRR	18.0
			SE	NE	IRR	18.0
			NE	SE	IRR	18.0
			NW	SE	IRR	18.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	188.0
		24	NE	NE	IRR	20.0
					Section Acres	20.0
					Total Acres	2538.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
63-00167, 63-05239

RECORDED
107 11 126

14. Remarks:

ALL LANDS ARE WITHIN THE SERVICE AREA OF THE FRANKLIN DITCH CO.
NOTE: THIS RIGHT HAS ALSO BEEN CLAIMED BY PIONEER IRRIGATION
DISTRICT WHO SUBMITTED AN AGREEMENT THAT SHOWS THEY RECEIVED
FRANKLIN DITCH COMPANY'S WATER RIGHTS IN AN AGREEMENT UPON WHICH
THEY DELIVER SAID WATER TO FRANKLIN DITCH COMPANY THROUGH THEIR
DITCH. THE AGREEMENT WAS BETWEEN FRANKLIN DITCH CO AND THE IDAHO
& OREGON IMPLEMENT CO. WHO IS THE PREDECESSOR TO PIONEER IRRIG.
DIST. THE AGREEMENT WAS DONE WHEN FRANKLIN DITCH COMPANY'S DITCH
& RIGHTS WERE GIVEN IN EXCHANGE FOR DELIVERY THROUGH THE DITCH
WHICH WAS ENLARGED AT THAT TIME FOR OTHER DELIVERIES. SEE COPY
OF AGREEMENT IN A63-00167A. JS
NUMBER CHANGE OCCURRED AFTER DOUBLE FILING WAS DISCOVERED.

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: _____

DEPOSED
OCT 12 1998

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 _____

RECEIVED
OCT 02 1994

ADJUDICATION MEMORANDUM

CLAIM NO.: A63-00166

SUBJECT: Renumbering

EMPLOYEE: Jan Thunte

DATE: 7-28-84

This claim has been renumbered
due to a duplicate filing on the same
right by Pioneer Drigation Dist ("A" portion).
See remarks on newly numbered claim.

SEP 20 1984

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

RE-NUMBERED TO: A63-00166 B
Ident. Number: A63-00166
Date Received: 2-20-90
Receipt No: CO14809
Received By: CF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANKLIN DITCH CO. 208-466-1983
Address: C/O FLOYD ROSDAHL
RT. 3
CALDWELL, ID 83605
2. Date of Priority: JUL 03, 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
04N	02W	24	NE	NE	NE		ADA
5. Description of diverting works:
DIVERSION DAM W/HEADGATE, DITCH, MAINTAINED BY PIONEER IRR. DIST.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	15.400		
7. Total Quantity Appropriated is:
15.400 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 8813.0 Acre Feet Per Annum.
9. Non-irrigation uses:
STOCK WATER FROM DITCHES DURING THE IRRIGATION SEASON
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02W	13	SW	SW		IRR	40.0
			SE	SW		IRR	25.0
Section Acres							65.0

A63-00166

Page 1

Date: 02/20/90

MICROFILMED
OCT 02 1990

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	02W	14	SW		SW		IRR	25.0
			SW		SE		IRR	20.0
			SE		SE		IRR	40.0
			Section Acres					85.0
		15	SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	20.0
			Section Acres					140.0
		16	SW		NW		IRR	30.0
			SE		NW		IRR	10.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	20.0
			NW		SE		IRR	20.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					320.0
		17	SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			Section Acres					80.0
		18	NE		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					200.0
		20	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SE		NE		IRR	40.0
			Section Acres					120.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	02W	21	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	25.0
			SE		NE		IRR	30.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	415.0
		22	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	35.0
			SE		NE		IRR	35.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	35.0
			SE		NW		IRR	40.0
							Section Acres	305.0
		23	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	20.0
			SE		NE		IRR	20.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	30.0
			SE		NW		IRR	20.0
							Section Acres	250.0
		24	NW		NE		IRR	20.0
			SW		NE		IRR	20.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	20.0
			SE		NW		IRR	20.0
							Section Acres	160.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	11	SW	SE		IRR	18.0
			SE	SE		IRR	18.0
			Section Acres				36.0
		13	NW	NE		IRR	14.0
			SW	NE		IRR	14.0
			NE	NW		IRR	14.0
			NW	NW		IRR	14.0
			SW	NW		IRR	14.0
			SE	NW		IRR	14.0
			NE	SW		IRR	14.0
			NW	SW		IRR	14.0
			SE	SW		IRR	14.0
			NW	SE		IRR	14.0
			SW	SE		IRR	14.0
			Section Acres				154.0
		14	NE	NE		IRR	18.0
			NW	NE		IRR	18.0
			SW	NE		IRR	18.0
			SE	NE		IRR	18.0
			NE	SE		IRR	18.0
			NW	SE		IRR	18.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				188.0
		24	NE	NE		IRR	20.0
			Section Acres				20.0
			Total Acres				2538.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
63-00167, 63-05239

14. Remarks:

ALL LANDS ARE WITHIN THE SERVICE AREA OF THE FRANKLIN DITCH CO.

A63-00166

Page

4

Date: 02/20/90

MICROFILMED
OCT 02 1996

14. Remarks: Continued

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: -4-

For Organizations:

I do solemnly swear or affirm that I am Secretary of
Franklin Ditch Title
Organization, that I have signed the foregoing
document in the space below as Secretary of
Franklin Ditch Co Title
Organization and that the statements contained in the
foregoing document are true and correct.
Floyd J Rosdahl
Signature of Authorized Agent
Sec. Franklin Ditch
Title and Organization
20 Feb 1990
Date

State of Idaho)
County of Ada) SS.

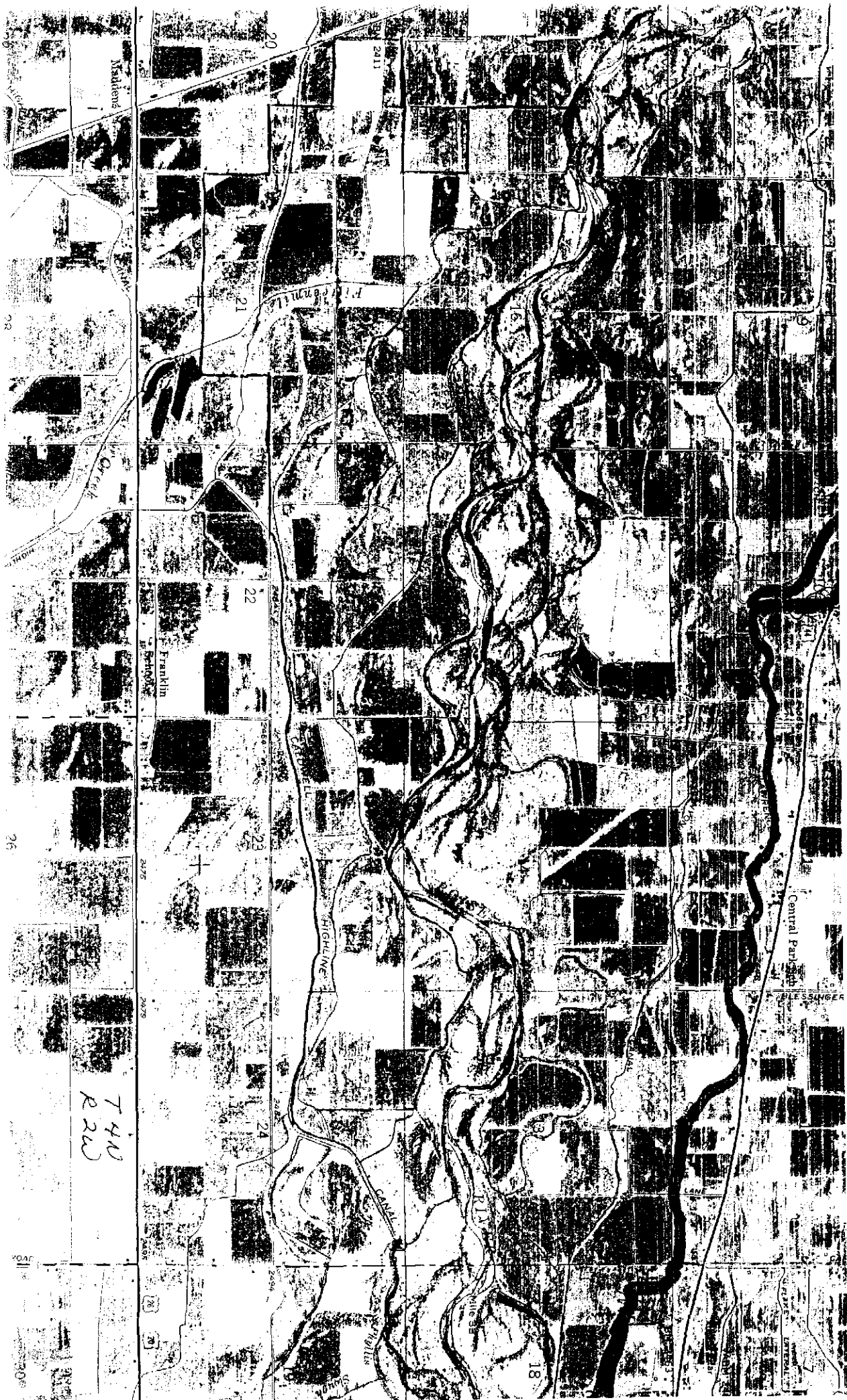
Subscribed and sworn (or affirmed) before me this 20th day

of February 19 90

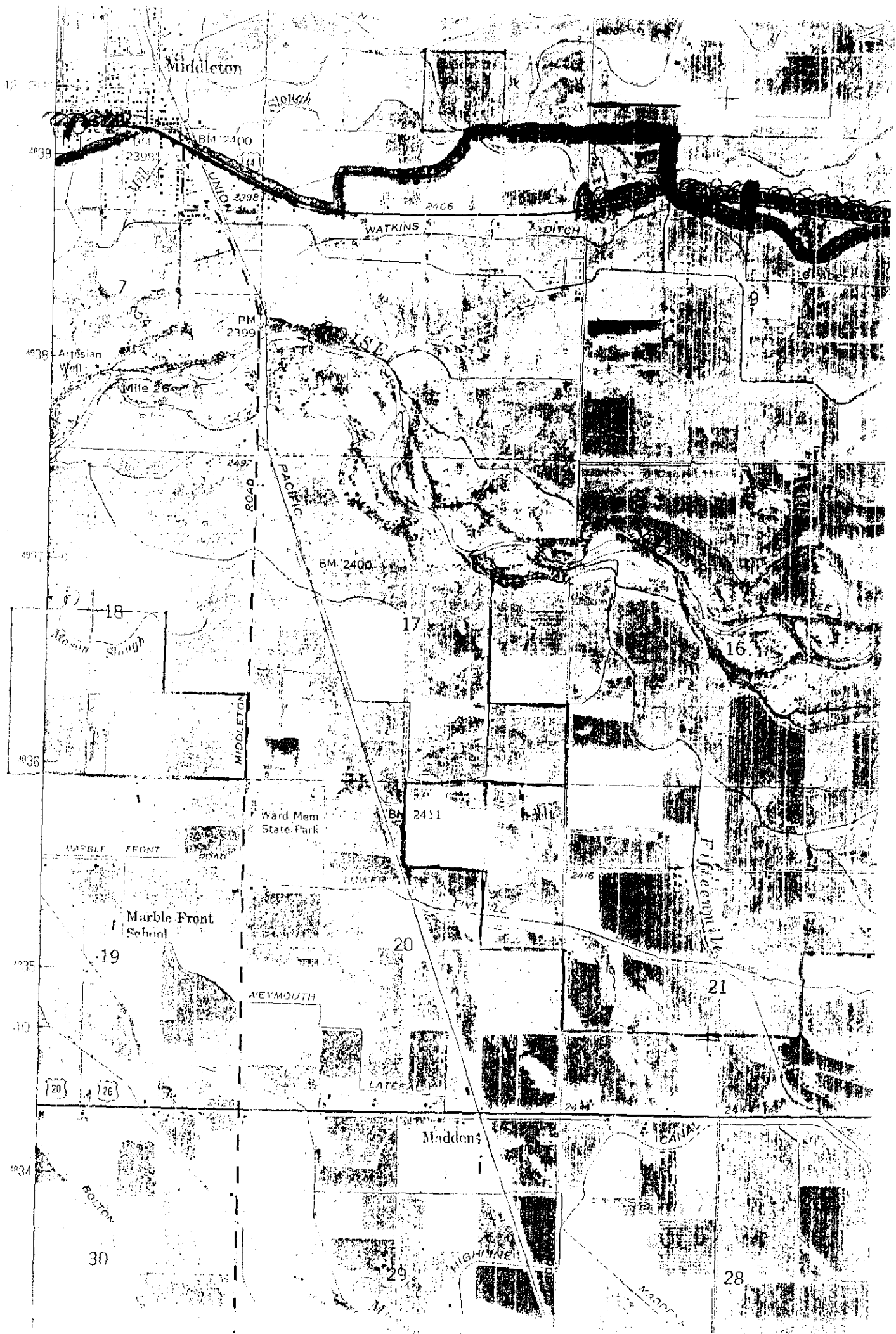
Seal

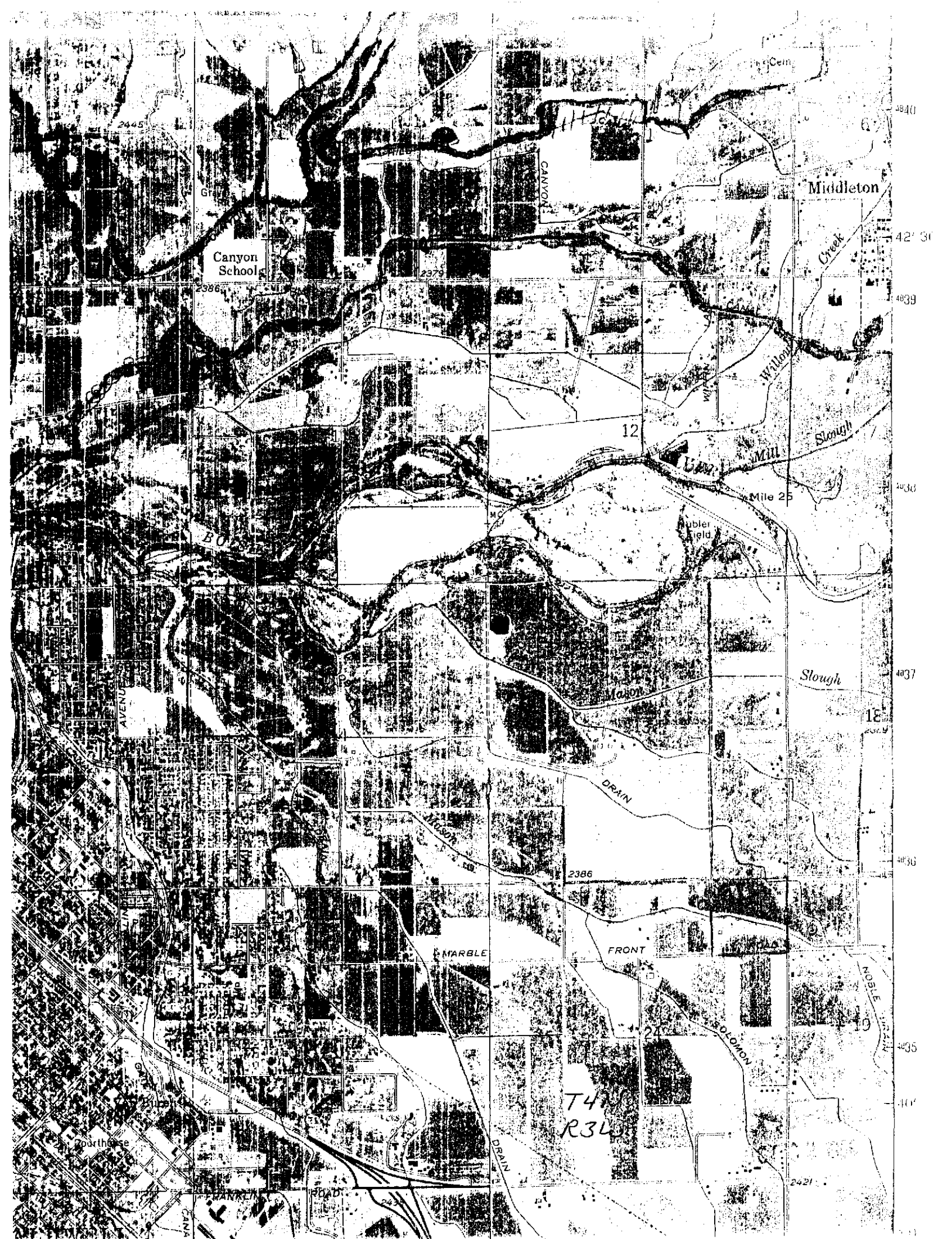
Carter Fritschle
Notary Public

Residing at Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994
My Commission Expires _____



T 4N
R 2W





Franklin Park Co.

Town-ship	Range	Sec	NE 1/4				NW 1/4				SE 1/4				TOTALS			
			NE 1/4	NW 1/4	NE 1/4	SW 1/4	NE 1/4	NW 1/4	NE 1/4	SW 1/4	NE 1/4	NW 1/4	NE 1/4	SW 1/4	SE 1/4	SE 1/4	SE 1/4	SE 1/4
4 N	20	24		20	20	20		40	40	20	20							160
		23	40	40	20	20		40	40	30	20							250
		22	40	40	35	35		40	40	35	40							305
		21	40	40	25	30		40	40	40	40				40			415
		13											40	25				65
		14												25				25
		15												40	40			80
		16								30	10	40	40	40	20	20	40	140
		17													40			40
		18																40
		20	40	40		40												200
4 N	30	11																120
		13		14	14			14	14	14	14				14	14	18	36
		14	18	18	18	18												154
		24	20										18	18	40	40		188
																		20
																		1520

OCT 2 1996

63-166B

8-31-07

To: Jan Shirt

Telephone 334-2190

Fax 334-2348

From: Helen Larson

Franklin Ditch Co.

Telephone and Fax 466-3819

Jan,

I recently became aware of these
2 documents. They are the
deeds between Franklin Ditch
and Idaho Oregon Land Improvement
Company. Dated June 1884.

to
Franklin
Ditch Co

This Indenture, Made the 25th day of June in the year of our Lord one thousand Eight hundred and Eighty four, Between The Idaho and Oregon Land Improvement Company of Ada County Idaho Territory the party of the first part, and The Franklin Ditch Company of Ada County Idaho Territory the party of the second part, Witnesseth: That the said party of the first part, for and in consideration of the sum of Five thousand (\$5000) Dollars, lawful money of the United States of America to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged does by these presents grant, bargain, sell, remise, convey and confirm unto the said party of the second part, and to - - - - - heirs and assigns all of the property situate in The County of Ada and Territory of Idaho and described as follows, to wit: The first Thirteen Hundred and Fifty (1350) inches of Water of The Main Caldwell Canal said Water to be appurtenant to, and used only on the lands owned or claimed by Thos Wheatley, Joseph Howard, Adam Schindler, Charles E. Carter, A. L. Ball, G. W. Ford, D. P. Dodd, A. J. Ragan, Robert White, Charles Woodson, John Thomas, Hamilton Davis, George W. Wootan, L. J. Look, Michael Potts, & He got on October 2nd 1883, said Water to be furnished at such points East of Mason Creek as said Franklin Ditch Company may designate.

Together with all and singular the Tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions and Remainder and remainders, rents, issues, and profits thereof.

To Have and to Hold, all and singular the said premises, together with the appurtenances unto the said party of the second part and to its heirs and assigns forever.

And the said party of the first part for itself, assigns or representatives does hereby covenant and agree to and with the said party of the second part, its heirs, Executors, administrators and assigns, that it has not done, committed, executed or suffered any act or acts, thing or things whatsoever whereby or by means whereof the said premises or any part thereof now or at any time hereafter, shall or may be charged or incumbered in any manner or way whatever.

And the said party of the first part hereby agrees to and with the said party of the second part, that as against all acts done, performed or suffered by the said party of the first part, the said party of the first part will Harriant and forever defend.

In witness whereof. The party of The

first part has caused these presents to be subscribed by its Attorney in fact thereunto duly authorized and its corporate name and seal affixed the day and year first above written.

The Idaho & Oregon Land Improvement Company
 Witness, } By Robt E. Strahorn
 H. C. Wallace } Attorney in fact

Territory of Idaho } ss
 County of Ada }

On this 25th day of June A. D. 1884 before me a Notary Public, in and for said County and Territory personally appeared Robert E. Strahorn known to me to be the Attorney in fact of said Idaho and Oregon Land Improvement Company and who acknowledged to me that the said Corporation executed the foregoing instrument as its free act and deed, and for the purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and official seal, the day and year above written.



J. T. Danilson
 Notary Public

Recorded at the request of Mrs. Wheatley Dec. 4th 1884
 at 30 min past 9 o'clock A. M.

B. S. Bickett
 Recorder

J. C. R.
 Deeds
 Book 2
 Page 507

Franklin
Ditch Co
to
B.O.L.C.

This Indenture, Made the 24th day of June in the year of our Lord one thousand eight hundred and eighty four Between, Franklin Ditch Company, a Corporation, by its board of Trustees duly authorized by a resolution of its stockholders the party of the first part and The Idaho and Oregon Land Improvement Company, a corporation the party of the second part, Witnesseth, That the said party of the first part for and in consideration of the sum of Five thousand (\$5000) Dollars Lawful money of the United States of America to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged has granted bargained and sold and by these presents does grant, bargain, sell, convey and confirm, unto the said party of the second part and to its successors and assigns forever all the following described property situate in the County of Ada Territory of Idaho, to wit: all of the Water Rights, Sloughs and ditches known as the Franklin Ditch property, or owned or claimed to be owned by the Franklin Ditch Company, said Sloughs and ditches have their sources on the South side of Boise River on the farm of William Frost about seven miles above the town of Middleton Ada County, Idaho Territory.

Together with all and singular the Tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in Equity of the said party of the first part, of, in or to the said premises, and every part and parcel thereof with the appurtenances.

To Have and to Hold, all and singular, The said premises, Together with the appurtenances, unto the party of the second part and to its successors and assigns forever. And the said party of the first part and its successors The said premises, in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said party of the first part and its successors against all and every persons and persons Whosoever lawfully claiming or to claim the same shall and will warrant.

and by these presents forever defend.

In Witness whereof the said party of the first part has hereunto set its hand and seal the day of the year first above written.

Signed Sealed and
Delivered in the
presence of ---

The Franklin Ditch Company
By Thomas Wheatley
G W Ford
Michael Potts
Trustees



Territory of Idaho }
County of Ada }

On this 26th day of June 1884, personally appeared before me J J Danilson a Notary Public in and for the said County of Ada Thomas Wheatley, G W Ford Michael Potts, Trustees of The Franklin Ditch Company known to me to be the persons described in and who executed the foregoing instrument, and who acknowledged to me that they executed the same freely and voluntarily and as a free and voluntary act of the said Corporation and for the uses and purposes therein mentioned.

In Witness whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



J J Danilson
Notary Public

Recorded at the request of R E Strahorn June 30th
1884 at 9 o'clock A.M.

B S Brickett
Recorder

C. L. R.
Lueds
Book 2
Page 370

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 63-00166B

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B NAME AND ADDRESS OF PERSON OBJECTING

Name: Pioneer Irrigation District

Address: PO Box 426

Caldwell Idaho 83606

Daytime Phone: (208) 459-3617

Name & Address of Attorney, if any:

Scott L. Campbell

Moffatt Thomas Barrett Rock & Fields

PO Box 829, Boise, Idaho 83701

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

Name: Franklin Ditch Co.

Address: c/o Helen I. Larson

8500 Joplin Rd., Caldwell Idaho 83605

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: _____

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: _____

11. **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(S):

This water right should be recommended as No. 63-00166A, as claimed by Pioneer Irrigation District, based upon historic diversion, delivery, and use by the Pioneer Irrigation District through its system of canals and laterals. A true and correct copy of the claim is attached hereto as Attachment 1.

F.

VERIFICATION (Must be Completed)

State of Idaho)
County of Ada) ss.

Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

(Signature of person filing objection)

Scott L. Campbell
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

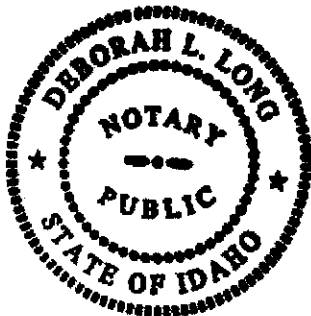
Deborah J. Long 6/19/07

Deborah J. Long

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 10/10/07



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 63-00166B

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

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Name: Pioneer Irrigation District

Address: PO Box 426

Caldwell Idaho 83606

Daytime Phone: (208) 459-3617

Name & Address of Attorney, if any:

Scott L. Campbell

Moffatt Thomas Barrett Rock & Fields

PO Box 829, Boise, Idaho 83701

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

Name: Franklin Ditch Co.

Address: c/o Helen I. Larson

8500 Joplin Rd., Caldwell Idaho 83605

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: _____
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: _____

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(Signature of person filing objection)

Scott L. Campbell
(Attorney signing in representative capacity)

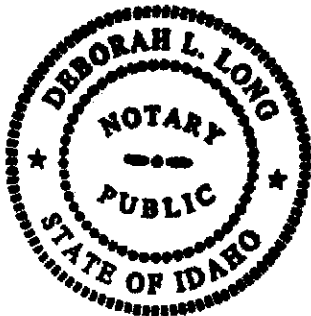
Subscribed and sworn to before me on:

Deborah J. Long 6/19/07

Deborah J. Long
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 10/10/07



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 June 19, 2007, 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: Franklin Ditch Co.
Address: c/o Helen I. Larson
8500 Joplin Rd., Caldwell Idaho 83605

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 and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

mailing on Objector's behalf

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A63-00166

Date Received

Receipt Number

AMENDED
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWRECEIVED
FEB 08 2000
WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617

Mailing Address P.O. Box 426, Caldwell, Idaho Zip 83605

2. Date of Priority (Only one (1) per claim) July 3, 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 4 N. Range 2 W. Section 24

1/4 of N.E. 1/4 of N.E. 1/4, Govt. Lot, B.M., County of Canyon

Additional points of diversion if any: See Attachment A

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 Concrete diversion dam in Boise River
to headgate and Caldwell Highline Canal to lateral ditches.

6 Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount 15.40 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 15.40 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

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

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
			Lands within the boundaries of the Pioneer Irrigation District																

Total number of acres irrigated 34,047.16

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

12. Do you own the property listed above as place of use? Yes _____ No x
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: pioneer Irrigation District provides water delivery to the privately owned lands within its service area. Claim to this water right is based upon an agreement Attachment B hereto) between the Franklin Ditch Company and the Idaho and Oregon Land Improvement Company, the predecessor in interest to Pioneer Irrigation District. The claim is also based upon the historic use and practice which has existed since the date of that agreement.

ast Name Pioneer Ident No. A63-00166

ATTACHMENT ONE

T. 3 N., R. 1 E., Section 23,
S.W. 1/4 of N.W. 1/4.

This "point of diversion" is a concrete diversion structure with flashboards which regulates the flow of the south and north channels of the Boise River. It is located at the east end of Eagle Island and permits diversion of sufficient amounts of water down the south channel of the Boise River to permit Pioneer Irrigation District to divert its water into the Phyllis and Caldwell Highline canals.

1350
Franklin Ditch Co.

To

Idaho & Oregon Land Imp. Co.

This agreement made this second day of October A. D. 1883, by and between the Franklin Ditch Company a corporation, organized under the laws of Idaho Territory the party of the first part and the Idaho & Oregon Land Improvement Company, a corporation organized under the laws of the State of Colorado, the party of the second part,

Witnesseth: Whereas the party of the first part is the claimant of and in possession of a certain Water Right and irrigating ditch taking water out of Boise River or its Sloughs, on the south side of the River, on the farm of William Frost, about Seven or Eight miles above the town of Middleton in Ada County, Idaho Territory by means of a ditch and through the sloughs of said River for the irrigation of the lands of the Shareholders of said company: and whereas said party of the second part desires to acquire said Water right and ditch and to enlarge and extend the same for the irrigation of lands below those now covered by it.

Now, therefore, said party of the first part acting by and through its board of Trustees, for and in consideration of the conveyance of thirteen hundred and fifty inches of Water by said party of the second part, to said party of the first part; or to such persons being its shareholders, as it may designate, in such several shares as it may designate, covenants and agrees to convey to said party of the second part all its said Water Right and ditches at any time on or before the first day of May 1884, upon the performance by said party of the second part, of its covenants and agreements as herein after contained and the execution and delivery of the deeds as hereinafter mentioned.

EXHIBIT "A"

Attachment B

It is understood and agreed that said conveyance or conveyances shall be sufficient to vest the first thirteen hundred and fifty inches of water carried by said ditch and to convey the same, appurtenant to said lands in such severall interests as may be designated by the party of the first part, free and clear of all expenses costs and charges for the construction, repair, and maintenance of said ditch forever. That said ^{water} ditch/shall only be appurtenant to and shall only be used upon the lands now owned, entered, occupied or claimed by the shareholders of the party of the first part, but may be taken at any time or place by said shareholders, their successors or assigns for that purpose, but when not desired for that purpose, shall not be taken from said ditch.

The party of the second part is to have the necessary right of way for said ditch over the lands of the shareholders of the party of the first part, without charge therefor.

The party of the second part is to have immediate possession of the premises, but if this agreement is not duly executed and delivered by the party of the second part, on or before the first day of November next, such possession shall be surrendered and all work and improvements forfeited.

The Expense of all conveyances shall be borne equally by the parties hereto.

Time is the essence of this agreement and if said party of the second part shall fail or omit to enlarge said ditch or to convey said water as aforesaid, on or before said first day of May next, or shall be unable on said day to furnish and supply said thirteen hundred and fifty inches of water on said day or when required thereafter, there and in that case the party of the first part shall be released from all obligations to make its said conveyance and the said party of the second part shall forfeit

And in consideration of the foregoing agreement said party of the second part, acting by and through its corporate officers thereunto duly authorized by its Board of Trustees, Covenants and agrees to and with said party of the first part that it will, before the first day of May next, enlarge said ditch from the point where the water is taken from Boise River to where the line of the ditch crosses what is known as Mason Creek, and will on or before said day convey by good and sufficient deed of conveyance, to the said party of the first part, or at the option of the said party of the first part, to such persons as the party of the first part may designate, they being shareholders of the party of the first part, and as appurtenant to the lands now owned, entered occupied or claimed by the said shareholders, one thousand three hundred and fifty (1350) Statutory inches of Water, to be taken by the party of the first part, or its said shareholders or their grantees from the ditch of the party of the second part, or from any slough along the line of said ditch, at such point or points, as said party of the first part or said shareholders, or their grantees, may from time to time prefer, and said party of the second part further covenants and agrees, to leave at all times at least three hundred and fifty (350) inches of water in what is known as the outside or South Slough, into which the ditch of the party of the first part now empties near the Bluff, and not less than Eight hundred (800) inches of water in what is known as the Back Slough that leaves the main slough about twenty feet above the head gate of the party of the first part, said slough water being for the use of said shareholders and their grantees, over and above thirteen hundred and fifty inches to be taken from the ditch as aforesaid. Said party of the second part further agrees to bridge all public roads crossed by said ditch and to bridge at least three private roads or trails, sufficient to cross cattle and stock at points to be designated by the party of the first part.

all rights under this agreement and all work and improvements on said premises and all claim thereto shall upon demand quit and surrender the premises to the party of the first part or its assigns.

In Witness Whereof, said party of the first part has by resolution of its board of trustees, caused this agreement to be signed by its Trustees and sealed with their private seals said company having no corporate seal, and said party of the second part has by resolution of its Board of Trustees caused this agreement to be subscribed by its President and Secretary and its corporate seal to be hereunto affixed.

In Duplicate

Thomas Wheatley (Seal)

G. W. Wootan (Seal)

his
Robert I White (Seal)

mark
Trustees Franklin Ditch Company
A. Caldwell, Pres. I & O.L.I.Co.

Attest (Seal)

H. C. Wallace, Secretary

Territory of Idaho }
County of Ada } ss

On this 2nd day of October A. D. 1883, personally appeared, before me H. R. Jenkins, a Justice of the Peace, in and for said Ada County, Thomas Wheatley, G. W. Wootan and Robert White, whose names are subscribed to the annexed instrument as parties thereto, personally known to me to be the same persons described in and who executed the said annexed instrument as parties thereto, who each of them acknowledged to me that they each of them respectively, executed the same freely and voluntarily and for the uses and purposes therein mentioned.

Franklin Ditch Co.

To

Idaho & Oregon Land Imp Co.

This agreement made this second day of October A.D.

1883, by and between the Franklin Ditch Company, a corporation, organized under the laws of Idaho Territory the party of the first part and the Idaho & Oregon Land Improvement Company, a corporation organized under the laws of the State of Colorado, the party of the second part,

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Now therefore, said party of the first part acting by and through its Board of Trustees, for and in consideration of the conveyance of thirteen hundred and fifty inches of water by said party of the second part, to said party of the first part, or to such persons being its shareholders, as it may designate, in such several shares as it may designate, covenants and agrees to convey to said party of the second part all its said Water Right and ditches at any time on or before the first day of May, 1884, upon the performance by said second party, of its covenants and agreements as herein after contained and the execution and delivery of the deeds as hereinafter mentioned.

And in consideration of the foregoing agreement said party of the second part, acting by and through its corporate officers thereunto duly authorized by its Board of Trustees, Covenants and agrees to and with said party of the first part that it will, before the first day of May next, enlarge said ditch from the point where the water is taken from Boise River to where the line of the ditch crosses what is known as Mason Creek, and will on or before said day convey by good and sufficient deed of conveyance, to the said party of the first part, or at the option of the said party of the first part, to such persons as the party of the first part may designate, they being shareholders of the party of the first part, and as appurtenant to the lands now owned, entered occupied or claimed by the said shareholders, one thousand three hundred and fifty (1350) Statutory inches of water to be taken by the party of the first part, or its said shareholders or their grantees from the ditch of the party of the second part, or from any slough along the line of said ditch, at such point or points, as said party of the first part or said shareholders, or their grantees, may from time to time prefer, and said party of the second part further covenants and agrees to leave at all times at least three hundred and fifty (350) inches of water in what is known as the outside or South Slough, into which the ditch of the party of the first part now empties near the Bluff, and not less than Eight Hundred (800) inches of water in what is known as the Back Slough that leaves the main slough about twenty feet above the head of the party of the first part, said slough water being for the use of said shareholders and their grantees, over and above the thirteen hundred and fifty inches to be taken from the ditch as aforesaid.

Said party of the second part further agrees to bridge all public roads crossed by said ditch and to bridge at least three private roads or trails, sufficient to cross cattle and stock at points to be designated by the party of the first part.

It is understood and agreed that said conveyance or conveyances shall be sufficient to vest the first thirteen hundred and fifty inches of water carried by said ditch and to convey the same, appurtenant to said lands in such several interests as may be designated by the party of the first part, free and clear of all expenses, costs and charges, for the construction, repair, and maintenance of said ditch forever. That said ditch water shall only be appurtenant to and shall only be used upon the lands now owned, entered, occupied or claimed by the shareholders of the party of the first part, but shall not be taken at any time or place by said shareholders, their successors or assigns for that purpose, but when not desired for that purpose shall not be taken from said ditch.

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The party of the second part is to have immediate possession of the premises, but if this agreement is not duly executed and delivered by the party of the second part, on or before the first day of November next, such possession shall be surrendered and all work and improvements forfeited.

The expense of all conveyances shall be borne equally by the parties hereto.

Time is the essence of this agreement and if said party of the second part shall fail or omit to enlarge said ditch or convey said water as aforesaid, on or before said first day of May next, or shall be unable on said day to furnish and supply said thirteen hundred and fifty inches of water on said day or when required thereafter, then and in that case the party of the first part shall be released from all obligations to make its said conveyance and the said party of the second part shall forfeit all rights under this agreement and all work and improvements on said premises and all claim thereto shall upon demand quit and surrender the premises to the party of the first part or its assigns.

In Witness Whereof, said party of the first part has by resolution of its board of Trustees caused this agreement to be signed by its Trustees and sealed with their private seals said company having no corporate seal, and said party of the second part has by resolution of its Board of Trustees caused this agreement to be subscribed by its President and Secretary and its corporate seal to be hereunto affixed.

In Duplicate

Thomas Wheatley (Seal)

G. W. Wootan (Seal)

his
Robert X White (Seal)
mark

Trustees Franklin Ditch Company,

A Caldwell,

Pres. I & O L I Co.

Attest (Seal)

H C Wallace, Secretary.

Territory of Idaho } ss
County of Ada }

On this 2nd day of October A.D. 1883, personally appeared before me M R Jenkins, a Justice of the Peace, in and for said Ada County, Thomas Wheatley, G W Wootan and Robert White, whose names are subscribed to the annexed instrument as parties thereto, personally known to me to be the same persons described in and who executed the said annexed instrument as parties thereto, who each of them acknowledged to me that they each of them respectively, executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed my seal the day and year in this certificate first above written.

M R Jenkins,

Justice of the Peace.

120

Territory Of Idaho }
County of Alturas } ss

On the 27th day of October one thousand and
hundred and eighty three, personally appeared before me, C B Fox a
Notary Public in and for the County of Alturas, A. Caldwell, Preside
and H. C. Wallace, Secretary of the Idaho & Oregon Land Improvement
Company, a corporation and whose names --- subscribed to the an-
nexed instrument as parties thereto personally known to me to be the
same persons described in and who executed the said annexed instrumer
as parties thereto as President and Secretary of said Company, who
duly acknowledged to me that they executed the same freely and vol-
untarily and for the purposes and uses therein mentioned.

In Witness Whereof I have hereunto set my hand and affixed
my official seal the day and year in this certificate first above
written.

C. B. Fox,

(Seal)

Notary Public

C and B

B1 P296

Recorded at the request of Thomas Wheatley Dec. 3rd 1883 at
10 o'clock A.M.

Compared

B. S. Prickett,

Indexed.

Recorder

May 29, 1940

STATEMENT BY TURNER AND WELSH

Franklin Ditch Company contract

Agreement between that company and Idaho and Oregon Land Improvement Company, dated October 2, 1883, covers 1350 inches of water, but Turner thinks there are now 2150 inches involved.

In the Stewart decree the Franklin Ditch Company has the following rights:

Right No. 34, 6/1/66 770 inches
Right No. 77, 10/29/80 1380 inches.

We should investigate as to how the water above the 1350 inches was taken over by P. I. D.

The majority of Franklin water is all taken out of Highline canal north of Franklin road. Nine points of diversion above Franklin road to the headgate and six below.

John says Franklin rights are cut the same as other rights, except that when the latest Franklin right would be entitled to be cut entirely off P.I.D. continues to deliver to Franklin the same percentage as to its other users. This has been the practice for a number of years. But he is not sure P.I.D. would be required to do that under its Franklin contract.

Welsh says there is a possibility that when this agreement was made the Franklin water was the only water in the ditch and the only water referred to.

At the time P.I.D. transferred right No. 90 from Highline to Phyllis there was a hearing before the State Engineer. Walter Griffiths represented Highline users and Welsh thinks there is considerable testimony in that file as to these rights. Right No. 90 was decreed to P.I.D. for Highline canal and that right was later than the date of this contract and had a priority of 1884.

W. T. CALLAWAY
R. A. COWDEN
WILLIAM S. FLORA
S. L. BALL
A. K. STEINBERG
Treasurer

Canyon and Ada Counties. Principals, Caldwell, Idaho

H. M. HEDGES, - - SECRETARY AND SUPERINTENDENT

Payth Canal, 25 ft
covering 13,400 Ac
Caldwell High Line
miles long, covered
Acres
Cost of System, :
Owned and operated
1905.

Office of the Pioneer Irrigation District

Caldwell Ida Apr 25th 1905

We the undersigned constituting a majority of the Board of Directors of the Pioneer Irrigation District do hereby call a special meeting of the Board of Directors for the purpose of considering the advisability of bearing a part of the expense of defending the water right of the Franklin Ditch Co.

The time of special meeting is set for 4 P.M.

25th
April 25th 1905.

N. S. Dike
W. T. Callaway
L. E. Grunnet

Aug 7, 1926

We the directors of the Franklin
Ditch Company agree to assume the
responsibility for damages that may
be incurred by the requested number
of inches of water turned from the
High Line Ditch into the south
slough under the contract of the
Franklin Ditch Company with Idaho
and Oregon Land Imp Co

Robt. M. White (Pres.)

J. T. Bales

Walter Thomas

01/15/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
63-167A	PIONEER IRRIGATION DISTRICT PO BOX 426 CALDWELL ID 83606	Disallowed	Recommended as Right No. 63-167B.

10/10/2006

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

RIGHT NUMBER: 63-166B

NAME AND ADDRESS: FRANKLIN DITCH CO
C/O HELEN I LARSON
8500 JOPLIN RD
CALDWELL ID 83605

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 15.400 CFS

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. 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 proceeding 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 proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 07/03/1866

POINT OF DIVERSION:

T04N R02W S24 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	15.400 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, 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:

2056 ACRES TOTAL

10/10/2006

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

This right when combined with Right Nos. 63-167B and 63-5239 can be used to irrigate up to 2056 present and future acres within the boundary of the Franklin Ditch Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

This right is designated as No. 34 in the Stewart Decree and the Boise Water Distribution Report.

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

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

SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

Water Right Number(s): 63-167B, 63-166B, 63-5239

Previous Mailing Address: Franklin Ditch Co.

% Floyd Rosdahl

Rt 3 Box 111 Caldwell, ID 83605

New Mailing Address: Franklin Ditch Co.
% Helen I. Larson

8500 Joplin Road

Caldwell, ID 83605

Telephone Number: (208) 466-3819

Signature of all Claimant(s): Helen I. Larson

Please print your name below your signature.

Helen I. Larson

Please mail or FAX this completed form to the office nearest you:

**Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177**

**Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701**

SS
ADDRESS FM.doc
Revised 12/3/04

IDWR Use Only:
Data Entry: Shorne

Date: 10-10-06

SCANNED

OCT 10 2006

08/08/2006

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 29, 2006

Water right number: 63-166B

FRANKLIN DITCH CO
C/O FLOYD ROSDAHL
RT 3 BOX 111
CALDWELL ID 83605

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 9-29-06 SIGNATURE: Helen I Larson
Please print your name: Helen I Larson

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

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

2056 ACRES TOTAL

This right when combined with Right Nos. 63-167B and 63-5239 can be used to irrigate up to 2056 acres within the boundary of the Franklin Ditch Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

This right is designated as No. 34 in the Stewart Decree and the Boise Water Distribution Report.

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

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



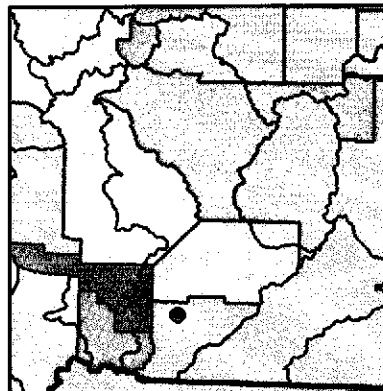
Franklin Ditch Co

SRBA Recommendations: 63-166B, 63-167B, 63-5239

Service Area Boundary
GIS Place of Use Illustration

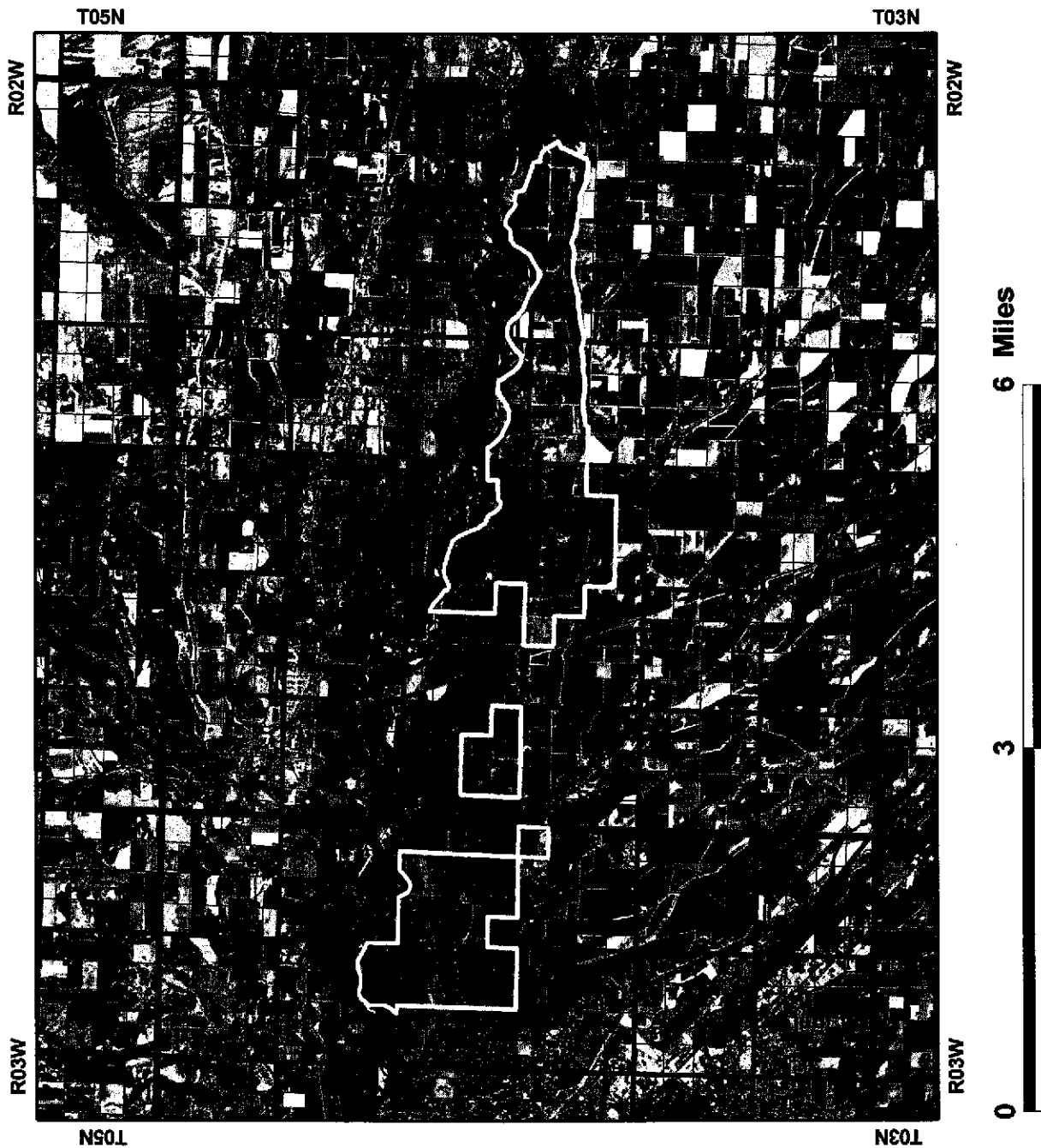
Legend

- Service Area
- Townships
 - PLS Sections
 - Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by A. Warntjes
On Friday, September 8, 2006
1987/88 Aerial Photography



- Confidential -

63-166 – Stewart Decree* 770 inches 6/1/1866	63-167 – Stewart Decree** 1380 inches 10/27/1880
SRBA Claim No. 63-166A	SRBA Claim No. 63-167A
Pioneer Irr Dist 15.4 cfs based upon Stewart Decree	Pioneer Irr Dist 27.60 cfs based upon Stewart Decree
SRBA Claim No. 63-166B	SRBA Claim No. 63-167B
Franklin Ditch Co 15.4 cfs based upon Stewart Decree	Franklin Ditch Co. 27.60 cfs based upon Stewart Decree

Agreement to convey 1,350 inches of water from Franklin Ditch Company to Idaho & Oregon Land (Pioneer Irr District's predecessor) signed on **October 2, 1883**. Franklin Ditch Company conveys all its water right and ditches which existed at any time on or before May 1, 1884. *pre-dates - to Pioneer*

* Stewart Decree signed by judge on January 18, 1906 decrees 770 inches to Franklin Ditch Company.

** Stewart Decree signed by judge on January 18, 1906 decrees 1380 inches to Franklin Ditch Company

Franklin Ditch signs a statement on **August 7, 1926** assuming liability for the High Line ditch.

William Frost farm - POD - Section 18

1350 in. Franklin Ditch & ditch

carried in ditch we convey to you

What water right is this referring to?

What was decreed to Pioneer?

Does it match POD on farm?

*pull up POD's - decreed to Pioneer
in Stewart Decree*

*Danielle - digitized POD's
in Pioneer?*

63-166 – Stewart Decree* 770 inches 6/1/1866	63-167 – Stewart Decree** 1380 inches 10/27/1880
SRBA Claim No. 63-166A	SRBA Claim No. 63-167A
Pioneer Irr Dist 15.4 cfs 770 based upon Stewart Decree	Pioneer Irr Dist 27.60 cfs 1380 based upon Stewart Decree
SRBA Claim No. 63-166B	SRBA Claim No. 63-167B
Franklin Ditch Co 15.4 cfs 770 based upon Stewart Decree	Franklin Ditch Co. 27.60 cfs 1380 based upon Stewart Decree

Agreement to convey 1,350 inches of water from Franklin Ditch Company to Idaho & Oregon Land (Pioneer Irr District's predecessor) signed on **October 2, 1883**. Franklin Ditch Company conveys all its water right and ditches which existed at any time on or before May 1, 1884.

* Stewart Decree signed by judge on January 18, 1906 decrees 770 inches to Franklin Ditch Company.

** Stewart Decree signed by judge on January 18, 1906 decrees 1380 inches to Franklin Ditch Company

Franklin Ditch signs a statement on **August 7, 1926** assuming liability for the High Line ditch.

8-26-05 Meeting Summary
Franklin Ditch Co.

Attendees:

Dave Tuthill, Danielle Favreau, and Helen Larsen

Reviewed Claims 63-166B, 63-167B, and 63-5239 for Franklin Ditch Co.

- 63-5239 – PODs verified by Helen. They are bridges with boards for diversion.
- 63-166B and 63-167B on first glance seem to be in good shape - 63-166B for 15.4 cfs (770 acres) and 63-167B for 27.6 cfs (1380 acres). One is for lands serviced by the Highline Canal, the other for the upstream (east) portion of the Back Slough.
- Helen had quarter quarter breakdown of claim Franklin Ditch Co. Went through break down to illustrate areas where over claimed based on imagery.
- Helen received 2 maps of boundary and irrigated acres and one map of the boundary only of the Franklin Ditch Co. Also, she has a map of what is on file for the boundary of the Mason Creek Ditch Co.

Actions:

- Helen will verify no. acres irrigated from Back Slough. Later in meeting, did find a map by section of number of acres. (Copy in file 63-5239.) Will need to compare to edited map information.
- Helen will provide affidavit to support 63-5239. The claimed priority date (4-1-1880) is before decree date. Will try to support 7-4-1866 date. The earliest date we can recommend is the day after the Stewart Decree, as this right was not included in the decree.
- Helen will speak to owner of property in West portion of district. There is overlap and co-mingling with Mason Creek D.C. water.
- Helen will review maps with landowners again to verify identified acres. Danielle will digitize any corrections as maps arrive.
- Maximum flow rate for the Back Slough and Highline Canal are needed. Helen will see if there is any information in the paperwork. If not, follow up may be necessary.
- Mason Creek Ditch Co. (63-179C) does not have an irrigated acres shape. Danielle will check with Eric. If no shape can be found, one will be created from quarter quarter listing provided by Helen.

Draft

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-166B V1

WATER RIGHT NUMBER: 63-166B V1

Owner Type Name and Address
Current Owner FRANKLIN DITCH CO
 C/O FLOYD ROSDAHL
 RT 3 BOX 111
 CALDWELL, ID 83605
 (208)466-1983

Priority Date: 07/03/1866

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	3/15 to 11/15	15.400 CFS	
	<u>Total Diversion:</u>	15.400 CFS	

Location of Point(s) of Diversion

BOISE RIVER NE1/4NE1/4 Sec. 24, Twp 04N, Rge 02W, B.M.
 ADA County

Place of Use

Conditions of Approval:

1. ALL LANDS ARE WITHIN THE SERVICE AREA OF THE FRANKLIN DITCH CO. NOTE: THIS RIGHT HAS ALSO BEEN CLAIMED BY PIONEER IRRIGATION DISTRICT WHO SUBMITTED AN AGREEMENT THAT SHOWS THEY RECEIVED FRANKLIN DITCH COMPANY'S WATER RIGHTS IN AN AGREEMENT UPON WHICH THEY DELIVER SAID WATER TO FRANKLIN DITCH COMPANY THROUGH THEIR DITCH. THE AGREEMENT WAS BETWEEN FRANKLIN DITCH CO AND THE IDAHO & OREGON IMPLEMENT CO. WHO IS THE PREDECESSOR TO PIONEER IRRIG. DIST. THE AGREEMENT WAS DONE WHEN FRANKLIN DITCH COMPANY'S DITCH & RIGHTS WERE GIVEN IN EXCHANGE FOR DELIVERY THROUGH THE DITCH WHICH WAS ENLARGED AT THAT TIME FOR OTHER DELIVERIES. SEE COPY OF AGREEMENT IN A63-00167A. JS NUMBER CHANGE OCCURRED AFTER DOUBLE FILING WAS DISCOVERED.
2. This right when combined with Right Nos. 63-167B and 63-5239 can be used to irrigate up to 2056.1 present and future acres within the boundary of the Franklin Ditch Company.
3. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
5. This right is designated as No. 34 in the Stewart Decree and the Boise Water Distribution Report.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-166B V1

6. 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.
7. 155 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 proceeding 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 proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
8. 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:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 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

Combined Use Limits: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	1/31/2006 9:29:49 AM	awarntje			Active
Priority Date	1/31/2006 9:34:08 AM	awarntje			Active
Use	1/31/2006 9:36:28 AM	awarntje			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-166B V1

POU	1/31/2006 9:41:02 AM	awarntje	Active
Source	1/31/2006 9:41:21 AM	awarntje	Active
POD	1/31/2006 9:50:20 AM	awarntje	Active
Season	1/31/2006 9:50:52 AM	awarntje	Active
Quantity	1/31/2006 9:51:36 AM	awarntje	Active
Summary		01/31/2006 awarntje	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	1/31/2006 9:50:20 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (Yes) 10. Is a POD remark and/or condition required?
Summary	1/31/2006 9:52:33 AM	awarntje	(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? (No) 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?
Use	1/31/2006 9:36:29 AM	awarntje	(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?
Contacts	1/31/2006 9:29:49 AM	awarntje	(No) 1. Do you want to schedule an appointment?

Comment for 1: Sufficient info in file

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-166B V1

POU	1/31/2006 9:41:03 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?
Source	1/31/2006 9:41:22 AM	awarntje	(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?
POD	1/31/2006 9:42:46 AM	awarntje	Updated shape
General	1/31/2006 9:34:09 AM	awarntje	(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?
Season	1/31/2006 9:50:53 AM	awarntje	(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? (Yes) 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) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-166B V1

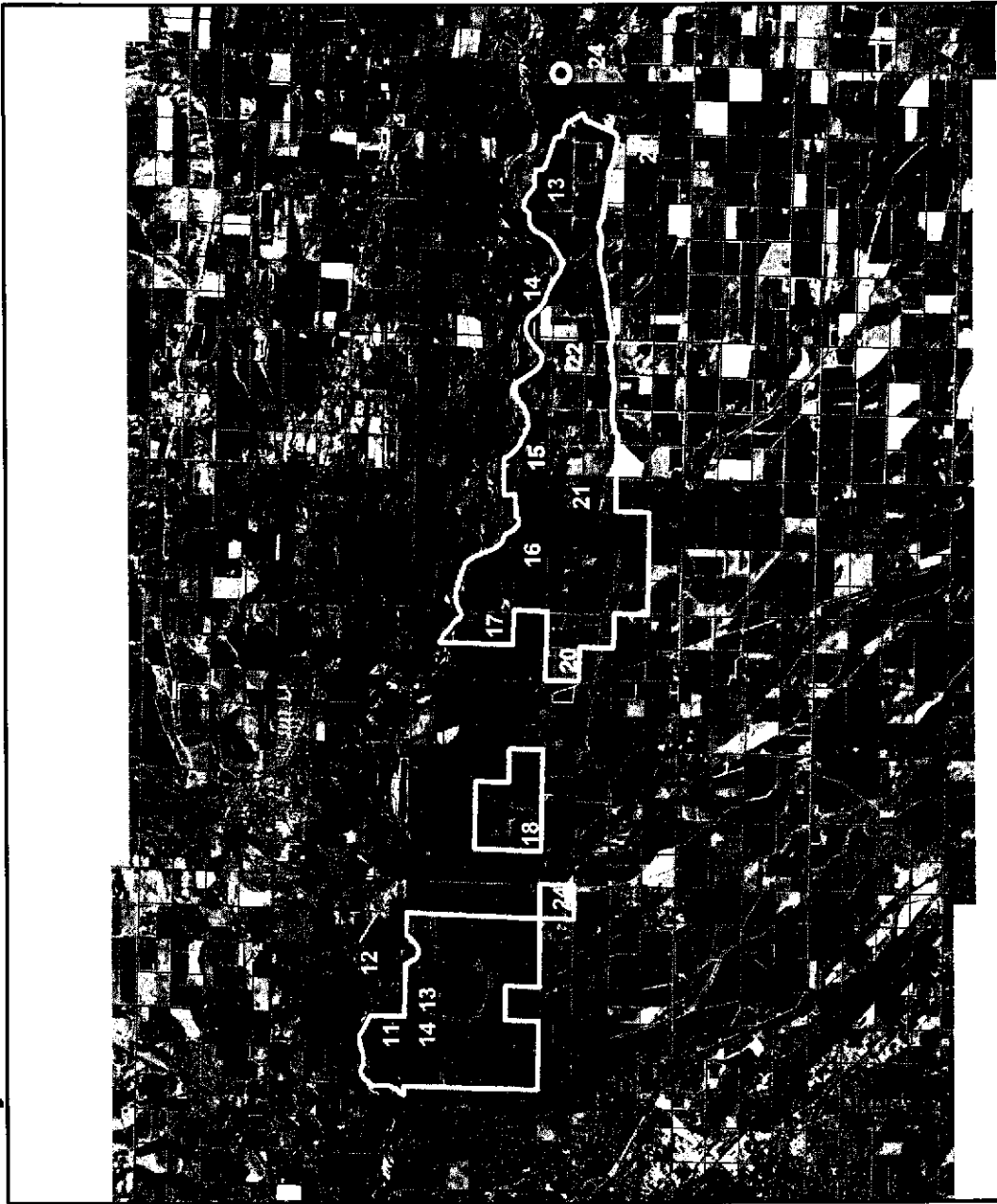
Quantity	1/31/2006 9:51:36 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an 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?
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Water Supply Bank:

Idaho Department of Water Resources



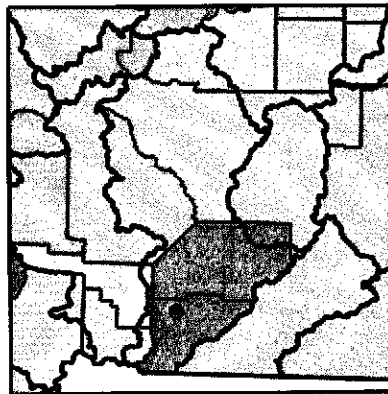
Adjudication Claim Number: **63-166 B**



Legend

⊙ POD Recommended

Franklin Ditch Co



Ada County
IDWR Basin 63



0 3 6 Miles



Prepared by A. Warrtjes
On Tuesday, January 31, 2006
1987/88 Aerial Photography

XXXI.

That the defendant, THE BOISE CITY CANAL COMPANY a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on said river above the city of Boise for use on the lands lying under its canal system, in the following amount from the following date;

63 0165 T 370, 373, 1048, 1059
1903 inches, from June 1, 1866; and hereby designated as Right No. 33.
And be adjudged to pay \$133.21 costs in addition to the costs incurred by it.

XXXII

That the defendant THE FRANKLIN DITCH COMPANY, a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the William Frost farm in Sec. 18, T. 4 N. R. 1 W. B.M., for use upon the lands lying under its canal system, in the following amounts from the following dates;

63 0166
770 inches, from July 3, 1866; and hereby designated as Right No. 34.
63 0167
1380 inches, from Oct. 29, 1880; and hereby designated as Right No. 77.
And be adjudged to pay \$150.50 costs in addition to the costs incurred by it.

XXXIII.

That the defendant THE CANYON COUNTY WATER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river near where the east line of Canyon County intersects said north bank, for use upon the lands lying under its canal system, in the following amount from the following date;

63 0168
3790 inches, from June 1, 1867; and hereby designated as Right No. 35.
And be adjudged to pay \$265.30 costs in addition to the costs incurred by it.

XXXIV.

That the defendant MARTHA E. MCCARTHY be, and she is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river on SE 1/4 of NE 1/4, Sec. 5, T. 3 N. R. 3 E. B.M., through what is known as the Thurman Mill Slough or ditch, for use upon lands lying under said ditch, in the following amount from the following date;

63 0169
706 inches, from June 1, 1868; and hereby designated as Right No. 36.
And be adjudged to pay \$49.35 costs in addition to the costs incurred by her.

63-179C

Wagon Creek Hatch Co.

0061 179

Town-ship	Range	Sec	NE 1/4				NW 1/4				SE 1/4				SW 1/4				SEX				TOTALS
			NE 1/4		NW 1/4		SE 1/4		NE 1/4		NW 1/4		SE 1/4		NE 1/4		NW 1/4		SE 1/4		SW 1/4		
			NE 1/4	NW 1/4	NE 1/4	NW 1/4	NE 1/4	NW 1/4	NE 1/4	NW 1/4	NE 1/4	NW 1/4	NE 1/4	NW 1/4	NE 1/4	NW 1/4	NE 1/4	NW 1/4	NE 1/4	NW 1/4	NE 1/4	NW 1/4	
4M	20	8																				9	
4N	20	7																				400	
4N	20	18	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	480	
4N	20	17			40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	21	
4N	20	7																				150	
4N	20	19	40	40					40	40	30											30	
4N	30	24	30																			12	
4N	30	12																				440	
4N	30	13	40	R26	R25	R25	R25	R25	R26	R25	R25	R25	R25	R25	R26	R26	R25	R25	R25	R25	R25	185	
4N	30	14	R22	R22	R22	R22	R22	R22	40	40	40	40	40	40	40	40	40	40	40	40	40	21	
4N	30	11																				100	
4N	20	24		20	20				40	40	20	20	20	20								250	
4N	20	23	40	40	20	20	20	20	40	40	30	30	30	30	20	20						225	
4N	20	22	40	40	35	35	35	35	40	40	40	40	40	40	40	40	40	40	40	40	40	415	
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4N	30	24	20																			20	
4N	30																					258	

Wagon Creek Hatch Co.

Wagon Creek Hatch Co.

Wagon Creek Hatch Co.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

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[Handwritten signature]

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C/O FLOYD ROSDAHL
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CALDWELL ID 83605

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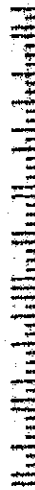
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DEPARTMENT OF
WATER RESOURCES

83720-0098





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 7, 2005

Distribution: See Enclosed List

RE: Invitation to Water Rights Meeting

Dear Boise River Basin 63 Part 3 Water Delivery Organization Representative:

As you are aware, the Idaho Department of Water Resources (IDWR) is presently investigating water right claims in the Boise River Basin in preparation for submittal of Director's Report recommendations to the Snake River Basin Adjudication (SRBA) Court. Many of the recipients of the distribution list enclosed herewith attended a Counting Acres Workshop held on January 13, 2004, where we distributed maps and discussed the process of preparing these recommendations.

Thus far we have had good success in receiving input regarding water rights from many of the water delivery organizations in the Boise River Basin. We plan to issue our preliminary recommendations for water rights for Basin 63 Part 3 water delivery organizations this fall. In preparation for these recommendations we seek input from your organization. As a step toward assisting you with providing needed input, we will be conducting a **meeting to discuss the water rights of your organization at the Caldwell Elks Lodge #1448, 1015 N. Kimball Ave., Caldwell, on Wednesday, July 20, from 10:00 am until no later than noon.** Our intent is to answer questions relative to the water rights of your organization, to ensure that they will be correctly reported to the SRBA Court. This is important because the SRBA decree will supercede earlier decrees, licenses and beneficial use rights.

Please plan to bring the maps that we distributed to your organization last year, and any questions that you might have concerning this process. Our experience is that this type of advance planning results in a much smoother and more efficient process when we prepare the SRBA recommendations for your specific basin. IDWR personnel from the Western Regional Office and the State Office look forward to meeting your organizational representatives in this important matter.

Sincerely,

David R. Tuthill, Jr.
Administrator, Water Management Division

Enclosure: Distribution List

PIONEER IRRIGATION DISTRICT (90, 117, 135)

That the grantors and predecessors in interest of the defendant the Pioneer Irrigation District did actually divert and apply to a beneficial use 2655 inches of the waters of Boise River on the 1st day of June, 1884, diverting the same from said river at a point on the farm known as the William Frost farm in Sec. 18, T. 4 N. R. 1 W. B.M. about seven miles above the town of Middleton, through what is known as the Caldwell canal, to and upon the agricultural lands lying under said canal, and there used said quantity of water in the irrigation of said lands, and that ever since said date said defendant and its predecessors in interest have continued to so use said quantity of water upon said lands.

That the grantors and predecessors in interest of said defendant did further actually divert and apply to a beneficial use 10000 inches of the waters of Boise river on the 1st day of September, 1890, diverting the same at a point on the south bank of said river opposite the lower part of Eagle Island in Sec. 24, T. 4 N. R. 1 W. B.M. through what is known as the Phyllis canal, to and upon the agricultural lands lying under said canal, and there used said quantity of water in the irrigation of said lands, and that ever since said date said defendant and its predecessors in interest have continued to so use said quantity of water on said lands.

That said defendant, its grantors and predecessors in interest, did further actually divert and apply to a beneficial use 2817 inches of the waters of said river on the 1st day of April, 1904, by enlargement of the said Phyllis canal prior to said 1st day of April, 1904, and applied said quantity of water upon the agricultural lands lying under said canal, and that ever since said date said defendant and its predecessors in interest have continued to so use said quantity of water on said lands.

THIS LOOKS LIKE THE SAME POD AS WAS DESCRIBED IN THE 1883 AGREEMENT. UNDER THAT AGREEMENT PIONEER'S PREDECESSOR WAS SUPPOSED TO ENLARGE THE EXISTING DITCH. THIS SUGGESTS TO ME THAT DURING THE WINTER & SPRING OF 1883-4 THEY DID ENLARGE THE DITCH AND THIS RIGHT IS FOR THE ADD'L WATER THEY DIVERTED DOWN THE ENLARGED DITCH. SO THAT LEAVES THE QUESTION AS TO WHICH RIGHT DID FRANKLIN DITCH CONVEY IN THE OCTOBER 1883 AGREEMENT? IT HAD TO BE A RIGHT WITH A PRIORITY DATE EARLIER THAN OCTOBER 1883.