



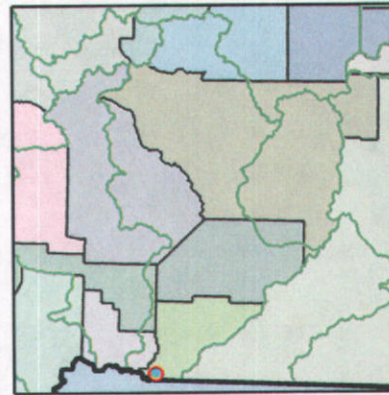
River Flat Ditch Co

SRBA Recommendation: 63-21779

Service Area Boundary
GIS Place of Use Illustration

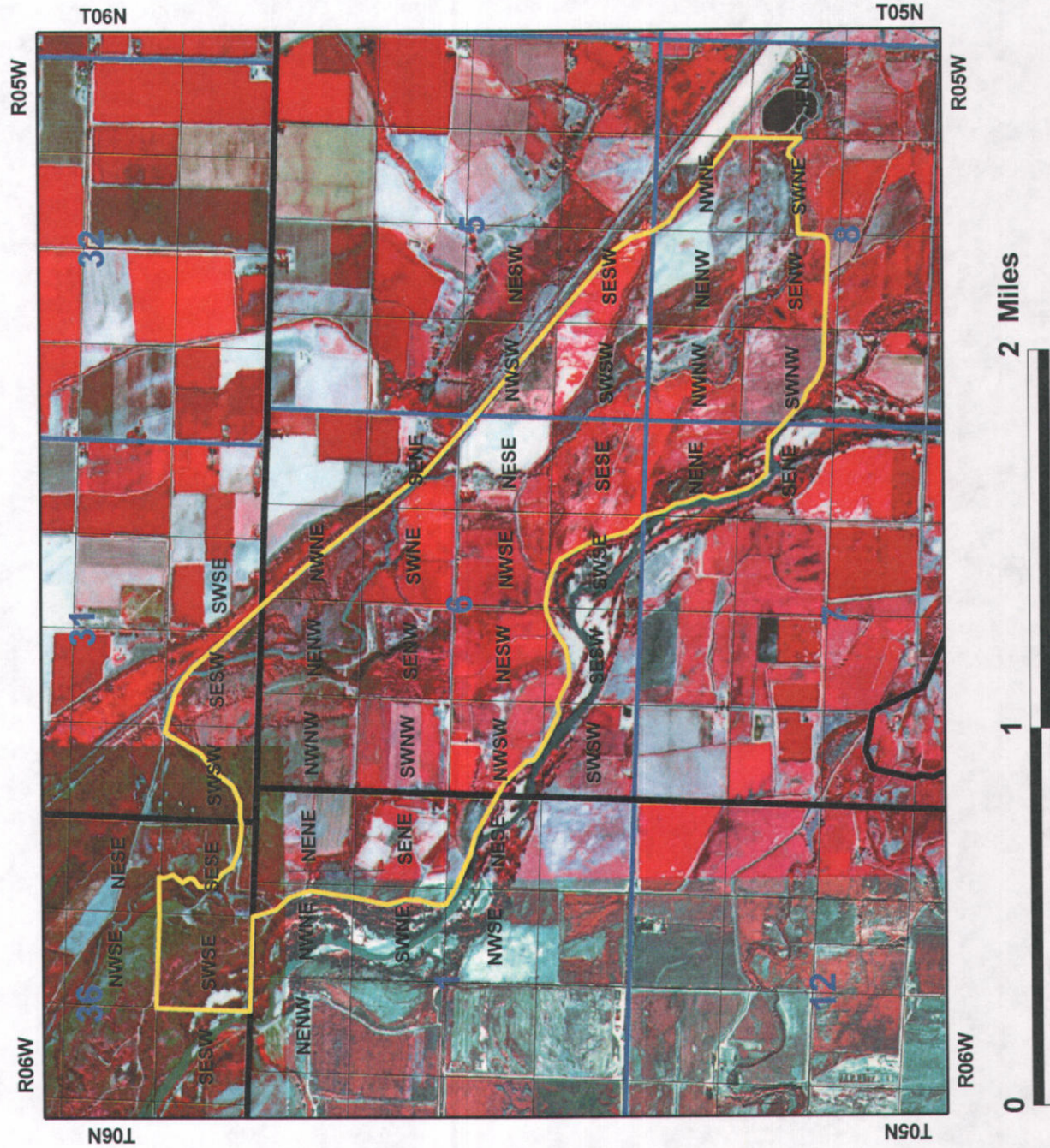
Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by A. Warnitjes
On Monday, November 6, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources



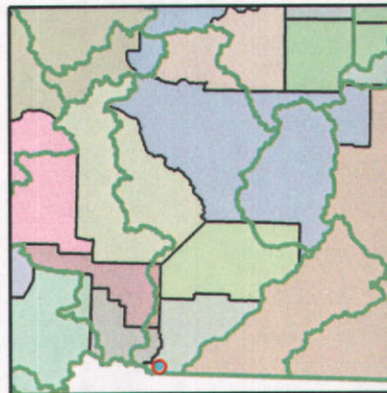
T05N R05W
T05N R06W
T06N R05W
T06N R06W

Adjudication Claim Number: **63-21779**



Legend

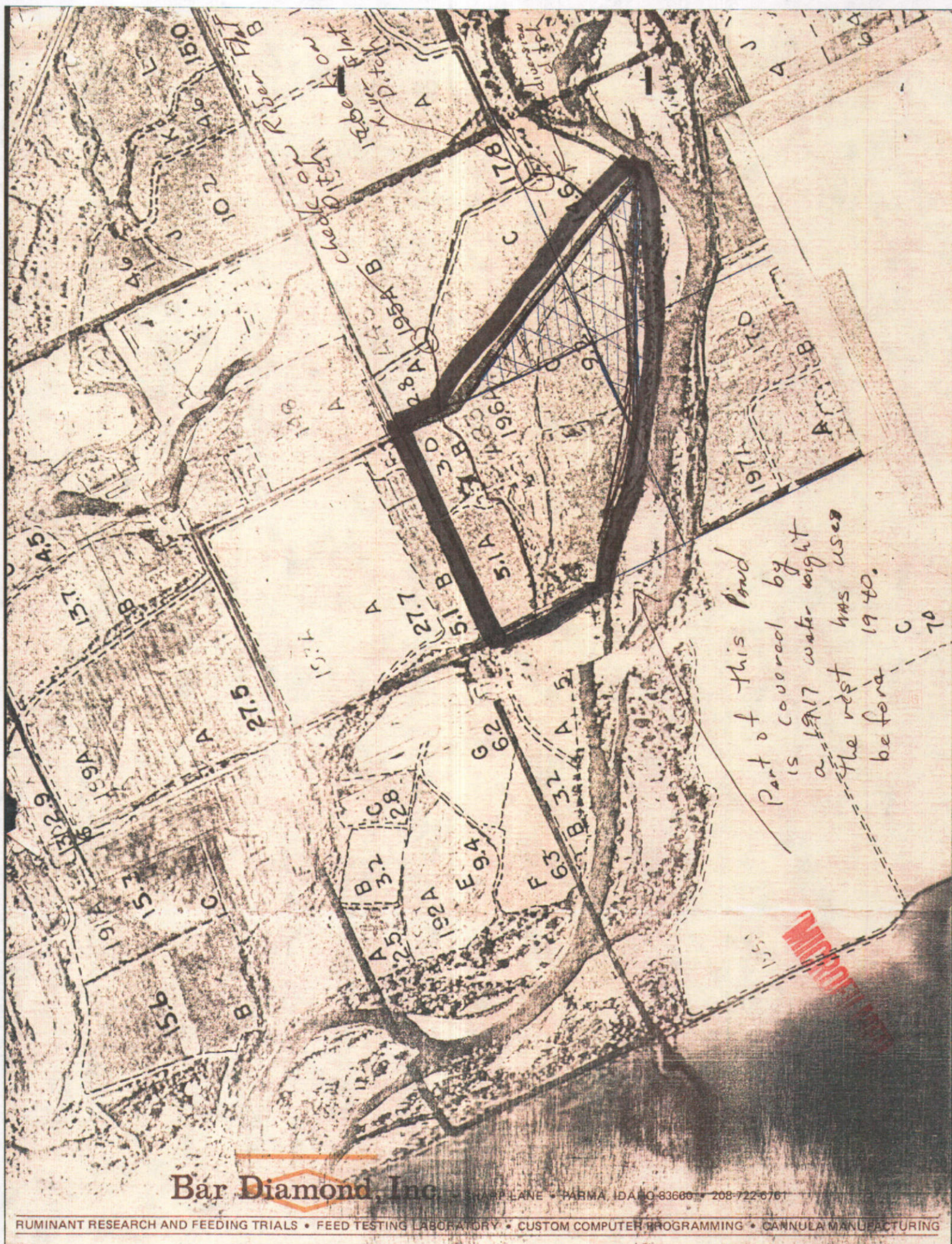
- POD Recommended
- River flat ditch.shp
- GCDB06N06W GCDB
- GCDB06N05W GCDB
- GCDB05N06W GCDB
- GCDB05N05W GCDB



Canyon County
IDWR Basin 63



Prepared by A. Warntjes
On Tuesday, January 17, 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: A63-21779
Date Received: 8/24/1990
Receipt No: C015872
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RIVER FLAT DITCH CO. 208-722-6761
Address: C/O MR. GARY ROHWER, SEC.
29575 BAR DIAMOND LN.
PARMA, ID 83660

2. Date of Priority: MAR 20, 1877

3. Source: SAND HOLLOW CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	8	SE	SE	NE		CANYON
			NE	SE	NW		CANYON

5. Description of diverting works:
DIVERS.W/3+MI.GRAVITY DITCH W/LATERALS,SOME PUMP & SPRK., 869 AC.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.000		

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

8. Total consumptive use is 2425.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	5	SW	SW		IRR	24.0
			SE	SW		IRR	17.0

A63-21779

Page 1

Date: 08/24/90

MICROFILMED

SEP 08 1992

SCANNED

JUL 21 2005

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
Section Acres							41.0
		6	NW	NE	2	IRR	16.0
			SW	NE		IRR	38.0
			SE	NE		IRR	8.0
			NE	NW		IRR	14.0
			NW	NW		IRR	39.0
			SW	NW	5	IRR	37.0
			SE	NW		IRR	15.0
			NE	SW		IRR	37.0
			NW	SW		IRR	32.0
			SW	SW		IRR	1.0
			SE	SW		IRR	7.0
			NE	SE		IRR	22.0
			NW	SE		IRR	32.0
			SW	SE		IRR	8.0
			SE	SE		IRR	28.0
Section Acres							334.0
		7	NE	NE		IRR	10.0
			SE	NE		IRR	5.0
Section Acres							15.0
		8	NW	NE		IRR	22.0
			SW	NE		IRR	23.0
			NE	NW		IRR	40.0
			NW	NW		IRR	29.0
			SW	NW		IRR	31.0
			SE	NW		IRR	27.0
Section Acres							172.0
	06W	1	NE	NE		IRR	38.0
			SW	NE		IRR	13.0
			SE	NE		IRR	38.0
			NE	SE		IRR	9.0
Section Acres							98.0
06N	05W	31	NW	SW		IRR	29.0
			SW	SW		IRR	38.0
			SE	SW		IRR	24.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	91.0
	06W	36	NE	NE	IRR	6.0
			SE	NE	IRR	36.0
			SW	SE	IRR	38.0
			SE	SE	IRR	38.0
					Section Acres	118.0
					Total Acres	869.0

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:

INDIV. WELLS, SOME DECREES, A63-21780, & OTHERS

14. Remarks:

LANDS UNDER THIS RT. ARE THOSE UNDER THE CO. DITCH & ARE SERVED BY THE CO. DITCH. THERE IS A 1917 LICENSE, 63-02304, ON A CONSIDERABLE PORTION OF THE LAND, A DECREE FOR SOME, & A STATUTORY CLAIM, 63-05368, BUT CLAIMANT FELT THESE DID NOT PROPERLY DESCRIBE THE RTS. AS DEVELOPED, HENCE 2 B/U RTS., -THIS ONE FOR 5.0 CFS, PRIORITY 03/20/1877 & A63-21780, FOR 12.38 CFS, PRIORITY 03/15/1890-, THE COMBINATION SUPPLYING 1"/AC. FOR THE 869 AC. IRRIG. ARE FILED. THE PRIORITIES CLAIMED ARE BASED PARTIALLY ON PATENT DATES OF THE EARLY HOMESTEADERS ON THE LANDS. THERE ARE 5 USERS WHO ARE SHAREHOLDERS IN THE CO., EACH HAVING DIFFERENT ACREAGES AND EACH DESIROUS OF HAVING A SEPARATE RECEIPT FOR THEIR PORTION OF THE ADJUDICATION FEE, HENCE IN ADDITION TO THE RECEIPT C015872 LISTED ON THE 1ST PAGE, THERE ARE 4 OTHER RECEIPTS FOR THE FEES FOR THIS CLAIM AND FOR A63-21780. THESE RECEIPTS ARE C015873, C015874, C015875, & C015876. THE SOURCE FOR THIS RIGHT, SAND HOLLOW CREEK IS ALSO KNOWN AS STOCKTON SLOUGH.

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

SL

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 A63-21779
Date Received 3/22/1990
Receipt Number C015872, C015883, C015884
C015885, C015886

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

RECEIVED
MAR 22 1990

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) RIVER FLAT DITCH CO. (PRES. DON WEILANDER) Phone () _____
Mailing Address P.O. Box 421, PARMA, ID Zip 83660

2. Date of Priority (Only one (1) per claim) MAR. 20, 1877

3. Source of water supply (a) SAND HOLLOW C.K. AKA STOCKTON SLOUGH
which is tributary to (b) BOISE RIVER

4. a. Location of existing point of diversion is: Township 05N Range 05W Section 08,
SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of CANYON

Additional points of diversion if any: NE SE NW, SEC 8, T05N, R05W FOR PART.

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. DIVERSION W/ 3+ MILES GRAVITY DITCH
WITH LATERALS, SOME PUMP & SPRINKLER IRRIG. ON PART, IRRIGATING SOME 869 ACRES.

MICROFILMED

SCANNED

SEP 08 1992

JUL 21 2005

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 5.0 CFS or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5.0 CFS (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2425.5 acre feet per annum.

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

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
05N	05W	05											24.0	17.0					41.0
"	"	06		16.0	38.0	8.0	14.0	39.0	37.0	15.0	37.0	32.0	1.0	7.0	22.0	32.0	8.0	28.0	334.0
"	"	07	10.0			5.0													15.0
"	"	08		22.0	23.0		40.0	29.0	31.0	27.0									172.0
05N	06W	01	38.0		13.0	38.0									9.0				98.0
06N	05W	31										29.0	38.0	24.0					91.0
06N	06W	36	6.0			36.0											38.0	38.0	118.0

Total number of acres irrigated 869

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above. INDIVIDUAL WELLS, SOME DECREES, & OTHERS or None ()

14. Remarks: LANDS UNDER THIS RT. ARE THOSE UNDER THE CO. DITCH & ARE SERVED BY THE CO. DITCH. THERE IS A 1917 LICENSE, 63-02304, ON A CONSIDERABLE PORTION OF THE LAND. A DECREE FOR SOME & A STATUTORY CLM., 63-05368 BUT CLAIMANT FELT THESE DID NOT PROPERLY DESCRIBE THE RTS. AS DEVELOPED, HENCE 2 B/N RTS. - THIS ONE FOR 5.0 CFS PRIORITY 3/20/1877 & A 63-21780, FOR 12.38 CFS, PRIORITY 3/15/1890 - THE COMBINATION SUPPLYING 1" / AC. FOR THE 869 AC IRRIGATED FILED. PRIORITIES CLAIMED ARE BASED PARTIALLY ON PATENT DATES OF EARLY HOMESTEADERS ON THE LANDS.

MICROFILMED

Last Name RIVER FLAT DITCH CO Ident No. A63-21779 SCANNED

Copies: White State, Yellow Claimant

SEP 08 1992

JUL 21 2005

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

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 6

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

Title

of RIVER FLAT DITCH CO _____, that I have signed the foregoing

Organization

document in the space below as PRESIDENT _____ of RIVER FLAT DITCH CO. _____

Title

Organization

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

Signature of Authorized Agent [Signature] _____

Title and Organization River Flat Ditch Co Date 2-14 1990

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

Subscribed and sworn (or affirmed) before me this 14th day of Feb 1990

SEAL

Notary Public [Signature] _____

Residing at Boise, ID _____

My Commission Expires 11/08/1994 _____

Please Print Name

17. Notice of Appearance:

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

Signature [Signature] _____

Address _____

Date _____

MICROFILMED

SEP 08 1992

Last Name RIV. FLT. DITCH CO. Ident. Number 163-21779

SCANNED

Copies White-State, Yellow-Claimant

JUL 21 2005

AG3-217799 AG3-

Town- ship	Ran- ge	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	
05N	05W	05													41.0
05N	05W	06	16.0 ⁵⁷	38.0	8.0	14.0	39.0	37.0	32.0	1.0	7.0	22.0	32.0	8.0	334.0
05N	05W	07	10.0		5.0										15.0
05N	05W	08		22.0	23.0	40.0	29.0	31.0	27.0						172.0
05N	06W	01	38.0	13.0	38.0							9.0			98.0
06N	05W	31								29.0	38.0	24.0			91.0
06N	06W	36	6.0		36.0								38.0	38.0	118.0
															<u>TOTAL</u> <u>869.0</u>

SCANNED
JUL 21 2005

MICROFILMED
SEP 08 1992



4847 SEP 08 1982

JUL 21 2005

70 000 FEB 1969
(IDAH)

75 SHARES



Nyssa Co-op Supply
18 North 2nd Street
Nyssa, Oregon 97913

From the desk of...

Arrell Ne Canceled 11/800

Cl 5N' 6W NE
Sunkie - E of River
SENE, N 1/2 SE-1/4 E of
River less Hwy

TAKEN FOR'S FARM
COPY

65749

MICROFILMED
SEP 08 1992

SCANNED

III 212

RECEIVED

JUN 21 2007

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

63-21779

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Jon C. Watson, President

Address:

PO BOX 300

Parma, Idaho 83440

Daytime Phone:

(208) 722-5141

Name & Address of Attorney, if any:



CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

RiverFlat Ditch Co.

Address:

c/o Mr. Gary Rohrer, Sec.

Parma, Idaho 83440

63-21779

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: Sand Hallow Creek (also known as Stokton Slough)
3. ☒ **Quantity**
Should be: 27 cfs (2"/acre)
4. ☒ **Priority Date**
Should be: 1877
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: 675

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): _____

Right is based on historic beneficial
use.

F.

VERIFICATION (Must be Completed)

State of Idaho

County of Canyon) ss.

Jon C WATSON, 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.

Jon C Watson
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

June 20, 2007



Peggy Davison

Notary Public for IDAHO

Residing at: WILDER, ID

My Commission Expires: 07-12-2012

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on June 20, ~~1997~~ 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:

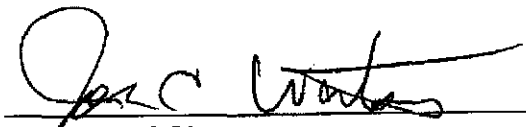
Name: Riverflat Ditch Co
Address: C/O Gary Rowher
Parna, Idaho 83665

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



Signature of Objector or attorney
mailing on Objector's behalf



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.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 6, 2006

River Flat Ditch Company
C/O Mr. Gary Rohwer
29575 Bar Diamond Lane
Parma, ID 83660

RE: Preliminary Recommendations for Water Rights Claimed in the Snake River Basin Adjudication

Dear Mr. Rohwer:

The Idaho Department of Water Resources (IDWR) has completed its initial investigation of your water right claims in the Snake River Basin Adjudication (SRBA). We have enclosed printouts showing our preliminary recommendations for reporting your claims to the SRBA District Court later in 2006.

Please review the preliminary recommendations carefully. If there is any information on the printouts that you believe is inaccurate, please fill out the enclosed reply forms entitled "Notice of Error" indicating what changes you believe should be made. Further instructions to assist you with review are enclosed.

To facilitate our review of any concerns that you may have, I would request that you please call me at 287-4805 as soon as possible, no later than November 15, 2006, to discuss this matter. Note that we are proposing to disallow one of your water rights as we have not received sufficient information to justify recommending it.

This process is intended to ensure that IDWR recommends your water rights accurately to the SRBA District Court. This is the easiest and least costly means for you to identify corrections you believe should be made to our recommendations. Completion of this process is an important step toward the overall success of the adjudication in Idaho. Your participation is necessary for and appreciated by IDWR to provide accurate information to the SRBA District Court.

We look forward to hearing from you.

Sincerely,

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

Enclosures

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: November 27, 2006

Water right number: 63-21779

RIVER FLAT DITCH CO
C/O MR GARY ROHWER SEC
29575 BAR DIAMOND LN
PARMA ID 83660

Telephone Number: (208) 722-6761

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: _____ SIGNATURE: _____

Please print your name: _____

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

11/06/2006

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

RIGHT NUMBER: 63-21779
NAME AND ADDRESS: RIVER FLAT DITCH CO
C/O MR GARY ROHWER SEC
29575 BAR DIAMOND LN
PARMA ID 83660
SOURCE: STOCKTON SLOUGH TRIBUTARY: BOISE RIVER
QUANTITY: 11.020 CFS
PRIORITY DATE: 06/06/1917
POINT OF DIVERSION:

T05N R05W S8 SENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	11.020 CFS

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

551 ACRES TOTAL

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 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 - License

This number is renumbered from 63-2304.

River Flat Ditch Co

SRBA Recommendation: 63-21779



Service Area Boundary
GIS Place of Use Illustration

Legend

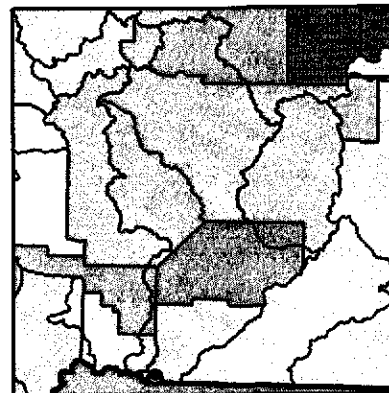
Service Area



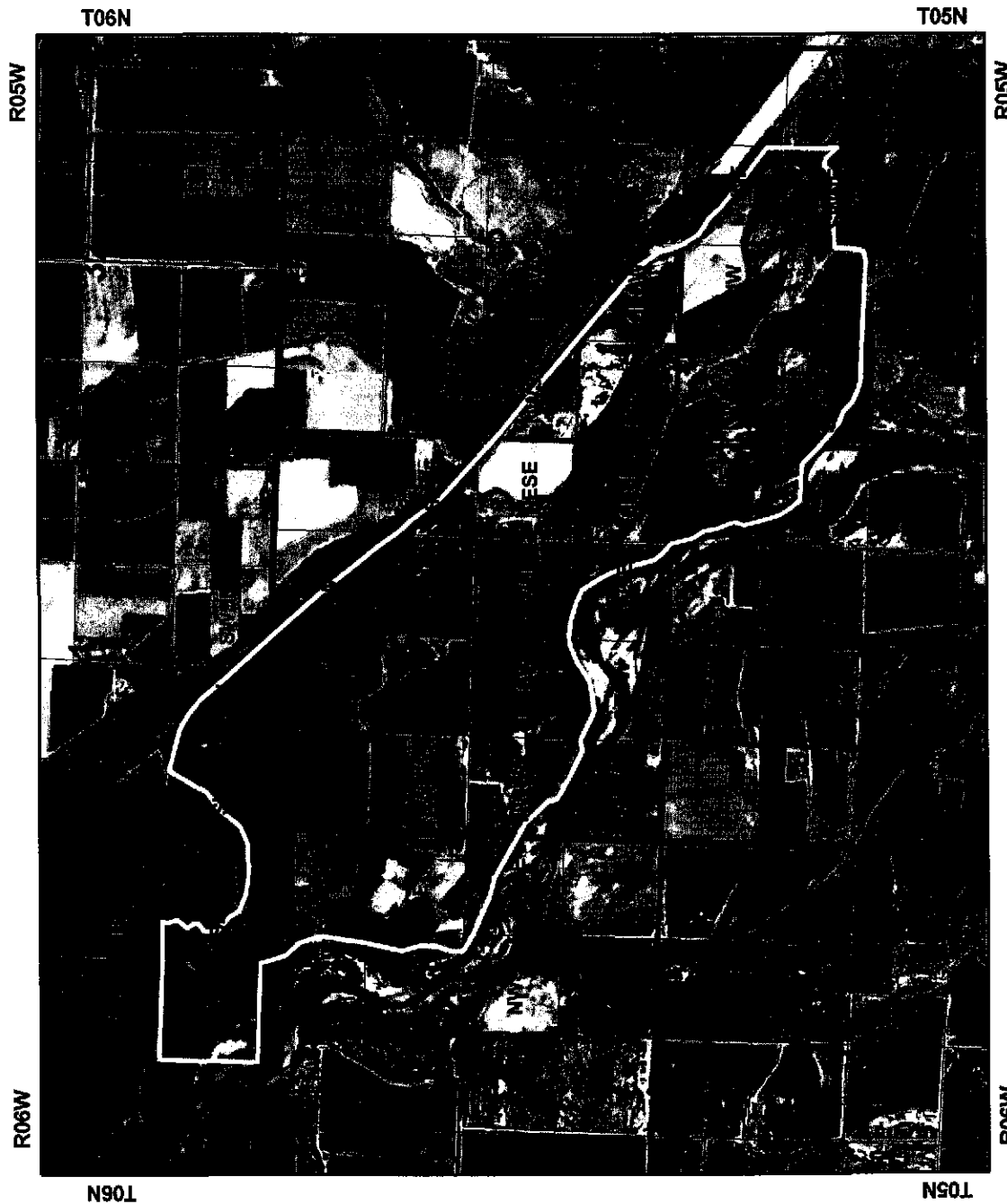
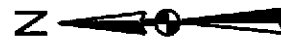
Townships

PLS Sections

Quarter Quarters



Canyon County
IDWR Basin 63



2 Miles

1

0

Prepared by A. Warntjes
On Monday, November 6, 2006
1987/88 Aerial Photography



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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

September 11, 2006

63-21779 & 63-21780
River Flat Ditch Company
C/o Mr. Gary Rohwer Sec.
29575 Bar Diamond Ln
Parma, ID 83660

Re: Evidence of Priority Date

Dear Mr. Rohwer:

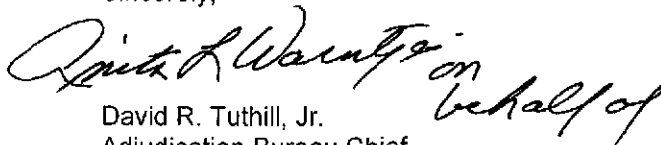
The Notices of Claim to a Water Right (claim) identified with the numbers shown above your name have been filed in the Snake River Basin Adjudication (SRBA). The claims indicate your water usage is based on "Beneficial Use." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, predates the licensed priority of June 6, 1917. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of the ditch company's claims and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

Sincerely,


David R. Tuthill, Jr.
Adjudication Bureau Chief

Enclosures

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 5, 2006

Water right number: 63-21779

RIVER FLAT DITCH CO
C/O MR GARY ROHWER SEC
29575 BAR DIAMOND LN
PARMA ID 83660
Telephone Number: (208) 722-6761

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: _____ SIGNATURE: _____

Please print your name: _____

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

08/08/2006

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

RIGHT NUMBER: 63-21779
NAME AND ADDRESS: RIVER FLAT DITCH CO
C/O MR GARY ROHWER SEC
29575 BAR DIAMOND LN
PARMA ID 83660
SOURCE: SAND HOLLOW CREEK TRIBUTARY: BOISE RIVER
QUANTITY: 5.000 CFS
PRIORITY DATE: 03/20/1877
POINT OF DIVERSION:
T05N R05W S8 SESENE Within CANYON County
T05N R05W S8 NESENW Within CANYON County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	5.000 CFS
The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE:

675 ACRES TOTAL

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.

This right when combined with Right No. 63-21780 can be used to irrigate up to 675 acres within the boundary of the River Flat Ditch Company.

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 - Beneficial Use

08/08/2006

**NOTICE OF ERROR
REPLY**

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YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 5, 2006

Water right number: 63-21780

RIVER FLAT DITCH CO
C/O MR GARY ROHWER SEC
29575 BAR DIAMOND LN
PARMA ID 83660
Telephone Number: (208)722-6761

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: _____ SIGNATURE: _____

Please print your name: _____

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

08/08/2006

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

RIGHT NUMBER: 63-21780

NAME AND ADDRESS: RIVER FLAT DITCH CO
C/O MR GARY ROHWER SEC
29575 BAR DIAMOND LN
PARMA ID 83660

SOURCE: SAND HOLLOW CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 12.380 CFS

PRIORITY DATE: 03/15/1890

POINT OF DIVERSION:

T05N R05W S8 SESENE Within CANYON County
T05N R05W S8 NESENE Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

12.380 CFS

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

675 ACRES TOTAL

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.

This right when combined with Right No. 63-21779 can be used to irrigate up to 675 acres within the boundary of the River Flat Ditch Company.

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 - Beneficial Use

To: 63-21779 6/5/06 D. Tutthill

Notes from conv w/ Gary Rohwer & John Watson

- IDFG has water use N. of River Flat
- Source was originally ~~for~~ Stockton Slough; this has evolved over the years (w/ flooding events) to Sand Hollow, trib to Snake R
- Flow rate in ditch is difficult to measure
Need to obtain a measurement in some way
^{can} Come half way down the ditch & shut off flar
Very little head.
- I advised that more info is needed before a priority date pro-license can be justified.

Dut

Water Rights in Basin 63 with Source of Sand Hollow

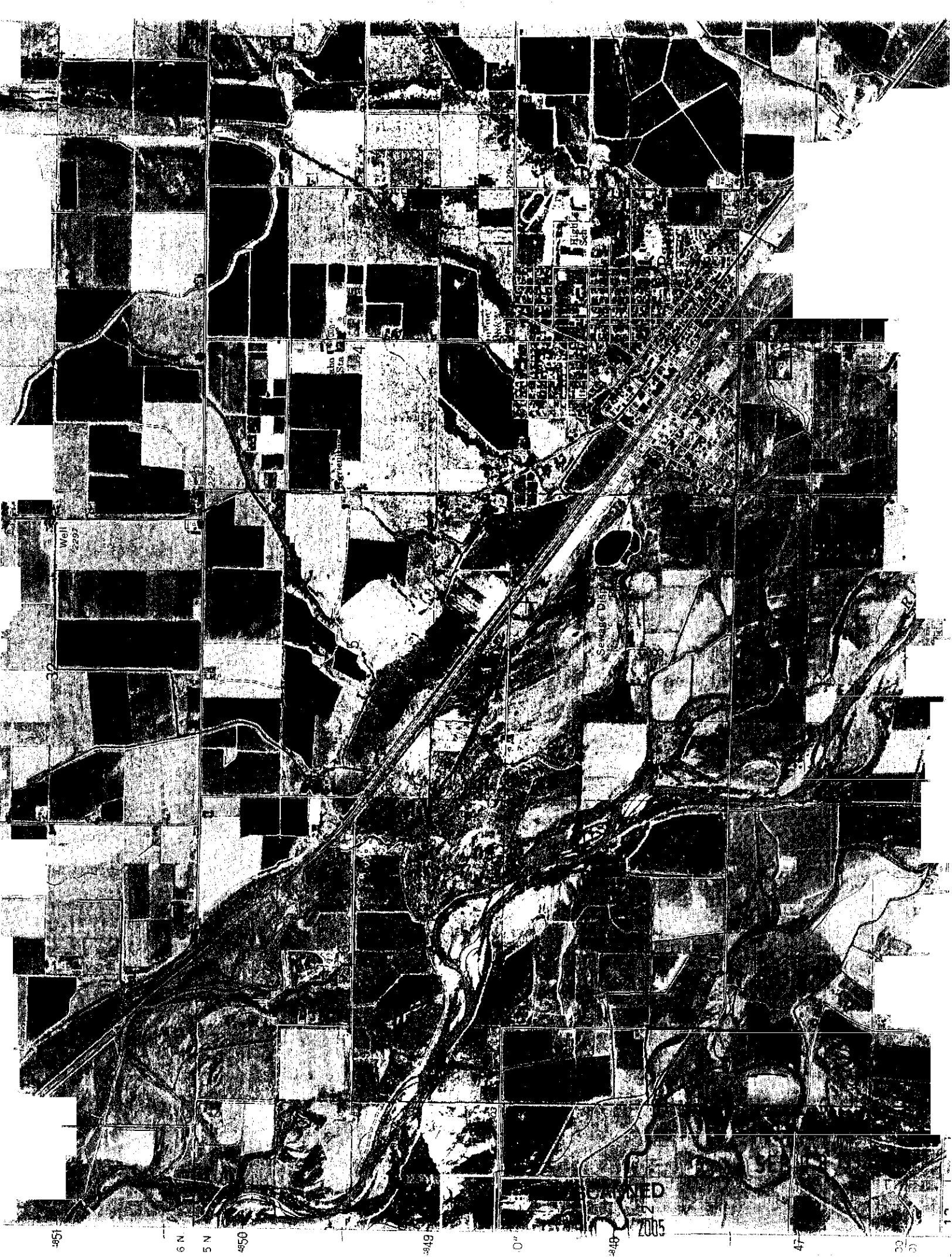
D. Tuthill June 5, 2006

Basin Sequence Suffix Basis			Priority Date	Rate(Gfs)	Volume Source	Water Use(s)	Owner(s)	Source Table
63	4036 A	Beneficial Use	11/1/1930	2	SAND HOLLOW CREEK	IRRIGATION	E G JOHNSON FARMS INC	Curre wrAdjudicationClaim
63	4036 B	Beneficial Use	4/1/1956	5.8	SAND HOLLOW CREEK	IRRIGATION	E G JOHNSON FARMS INC	Curre wrAdjudicationClaim
63	4588	Statutory Claim	9/13/1912	0.8	SAND HOLLOW CREEK	IRRIGATION	KUESPERT, JANELLE	(Current); K wrAdjudicationClaim
63	4598	Beneficial Use	6/1/1954	1.12	247.9 SAND HOLLOW CREEK	IRRIGATION, STOCKWATER	BROWN, MILDRED	(Current); BRC wrAdjudicationClaim
63	4638	Statutory Claim	11/6/1938	2.36	SAND HOLLOW DRAIN	IRRIGATION, WILDLIFE	STATE OF IDAHO	(Current) wrAdjudicationClaim
63	4639	Statutory Claim	11/25/1960	0.2	SAND HOLLOW DRAIN	IRRIGATION	STATE OF IDAHO	(Current) wrAdjudicationClaim
63	4640	Statutory Claim	4/16/1962	1.04	SAND HOLLOW DRAIN	IRRIGATION, WILDLIFE	STATE OF IDAHO	(Current) wrAdjudicationClaim
63	4700	Statutory Claim	1/1/1913	1.1	SAND HOLLOW DRAIN	IRRIGATION	LE FAVE, JOHN R	(Current); LE FAVE wrAdjudicationClaim
63	4717	Statutory Claim	1/1/1917	2.75	SAND HOLLOW DRAIN	IRRIGATION	STATE OF IDAHO	(Current) wrAdjudicationClaim
63	4833	Statutory Claim	7/1/1910	1.58	SAND HOLLOW CREEK	IRRIGATION	STEPHENS, LINDA J	(Current); ST wrAdjudicationClaim
63	4851	Statutory Claim	6/1/1925	160	SAND HOLLOW DRAIN	IRRIGATION	FARMERS COOPERATIVE DITCH	wrAdjudicationClaim
63	5197	Statutory Claim	4/1/1919	1.33	SAND HOLLOW CREEK	IRRIGATION	SSI LAND & CATTLE CO INC	(Cur wrAdjudicationClaim
63	7576	License	4/3/1972	0.46	103.5 SAND HOLLOW CREEK	IRRIGATION	SSI FOODS INC	(Current) wrAdjudicationClaim
63	7921	License	1/28/1974	0.32	72 SAND HOLLOW CREEK	IRRIGATION	HAMILTON, LESLIE W	(Current) wrAdjudicationClaim
63	8030	License	9/10/1974	0.07	35.3 SAND HOLLOW SLOUGH	IRRIGATION	ROSS, RICHARD	(Current); ROSS, wrAdjudicationClaim
63	9432	License	8/6/1980	0.16	36 SAND HOLLOW CREEK	IRRIGATION	SSI FOODS INC	(Current) wrAdjudicationClaim
63	21052	Beneficial Use	5/23/1970	0.6	SAND HOLLOW WASTEWATER	IRRIGATION	SPENCER, ELVA L	(Current); SPEI wrAdjudicationClaim
63	21054	Beneficial Use	3/31/1969	0.56	SAND HOLLOW CREEK	IRRIGATION	STEPHENS, LINDA J	(Current); ST wrAdjudicationClaim
63	21055	Beneficial Use	4/20/1951	0.72	SAND HOLLOW CREEK	IRRIGATION	CRAWFORD, SUSIE F	(Current) wrAdjudicationClaim
63	21539	Beneficial Use	3/15/1919	3.38	SAND HOLLOW CREEK	IRRIGATION	WILLIAMS, LARRY	(Current); WILL wrAdjudicationClaim
63	21568	Beneficial Use	3/15/1946	0.3	SAND HOLLOW CREEK	IRRIGATION	BLELE, EDYTHE I	(Current) wrAdjudicationClaim
63	21779	Beneficial Use	1877-03-20	5	SAND HOLLOW CREEK	IRRIGATION	RIVER FLAT DITCH CO	(Current) wrAdjudicationClaim
63	21780	Beneficial Use	1890-03-15	12.38	SAND HOLLOW CREEK	IRRIGATION	RIVER FLAT DITCH CO	(Current) wrAdjudicationClaim
63	30175	Beneficial Use	1880-01-01	4	200 SAND HOLLOW CREEK	IRRIGATION	ROCHE, LAMAR	(Current) wrAdjudicationClaim
63	31119	Beneficial Use	3/1/1968	0.54	SAND HOLLOW WASTEWATER	IRRIGATION	HARROLD, CONNIE	(Current); HAR wrAdjudicationClaim
63	4036 A		11/1/1930	2	SAND HOLLOW CREEK	IRRIGATION	E G JOHNSON FARMS INC	Curre wrAdjudicationRecommendation
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63	4588		9/13/1912	0.8	SAND HOLLOW CREEK	IRRIGATION	KUESPERT, JANELLE	(Current); K wrAdjudicationRecommendation
63	4598		6/1/1954	1.12	247.9 SAND HOLLOW CREEK	IRRIGATION, STOCKWATER	BROWN, MILDRED	(Current); BRC wrAdjudicationRecommendation
63	4700		1/1/1913	1.1	SAND HOLLOW DRAIN	IRRIGATION	LE FAVE, JOHN R	(Current); LE FAVE wrAdjudicationRecommendation
63	4717		1/1/1917	2.75	SAND HOLLOW DRAIN	IRRIGATION	STATE OF IDAHO	(Current) wrAdjudicationRecommendation
63	4833		7/1/1910	1.58	SAND HOLLOW CREEK	IRRIGATION	STEPHENS, LINDA J	(Current); ST wrAdjudicationRecommendation
63	4851		6/1/1925	160	SAND HOLLOW DRAIN	IRRIGATION	FARMERS COOPERATIVE DITCH	wrAdjudicationRecommendation
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63	7921		1/28/1974	0.32	72 SAND HOLLOW CREEK	IRRIGATION	HAMILTON, LESLIE W	(Current) wrAdjudicationRecommendation
63	8030		9/10/1974	0.07	35.3 SAND HOLLOW SLOUGH	IRRIGATION	ROSS, RICHARD	(Current); ROSS, wrAdjudicationRecommendation
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63	21052		5/23/1970	0.6	SAND HOLLOW WASTEWATER	IRRIGATION	SPENCER, ELVA L	(Current); SPEI wrAdjudicationRecommendation
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63	21055		4/20/1951	0.72	SAND HOLLOW CREEK	IRRIGATION	CRAWFORD, SUSIE F	(Current) wrAdjudicationRecommendation
63	21568		3/15/1946	0.3	SAND HOLLOW CREEK	IRRIGATION	BLELE, EDYTHE I	(Current) wrAdjudicationRecommendation
63	21779	Beneficial Use	1877-03-20	5	2425.5 SAND HOLLOW CREEK	IRRIGATION	RIVER FLAT DITCH CO	(Current) wrAdjudicationRecommendation
63	21780	Beneficial Use	1890-03-15	12.38	3041.5 SAND HOLLOW CREEK	IRRIGATION	RIVER FLAT DITCH CO	(Current) wrAdjudicationRecommendation

63	30175	1880-01-01	4	200	SAND HOLLOW CREEK	IRRIGATION	ROCHE, LAMAR (Current)	wrAdjudicationRecommendation
63	31119	3/1/1968	0.54		SAND HOLLOW WASTEWATER	IRRIGATION	HARROLD, CONNIE (Current); HAI	wrAdjudicationRecommendation
63	12387	3/14/1997	0.2		SAND HOLLOW CREEK	IRRIGATION	GARRETT, ROBERT LEE (Current)	wrWaterApplication
63	2084	8/10/1908	0.7		SAND HOLLOW CREEK	DOMESTIC, IRRIGATION	COMBS, MORELAND A (Current)	wrWaterRight
63	2150	12/19/1910	0.3		SAND HOLLOW CREEK	IRRIGATION	KAHL, GILBERT L (Current)	wrWaterRight
63	4036	11/1/1930	7.8		SAND HOLLOW CREEK	IRRIGATION	E G JOHNSON FARMS INC (Current)	wrWaterRight
63	4193	6/1/1902	4.8	1242	SAND HOLLOW CREEK	IRRIGATION, STOCKWATER	STANLEY, M C (Current)	wrWaterRight
63	4572	6/1/1910	0.5		SAND HOLLOW CREEK	IRRIGATION	KRUPP, ROBERT C (Current)	wrWaterRight
63	4586	3/15/1914	3		SAND HOLLOW CREEK	IRRIGATION	STILLWELL, GLENN W (Current);	wrWaterRight
63	4588	6/1/1947	0.8		SAND HOLLOW CREEK	IRRIGATION	JOHN, LAVERN (Current)	wrWaterRight
63	4598	6/1/1954	1.12	247.9	SAND HOLLOW CREEK	IRRIGATION, STOCKWATER	BROWN, MILDRED (Current); BRC	wrWaterRight
63	4638	11/6/1938	2.36		SAND HOLLOW DRAIN	IRRIGATION, WILDLIFE	STATE OF IDAHO (Current)	wrWaterRight
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63	4700	1/1/1913	0.5		SAND HOLLOW DRAIN	IRRIGATION	HURLEY, JOHN H (Current); HURL	wrWaterRight
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63	5197	4/1/1919	1.33		SAND HOLLOW CREEK	IRRIGATION	TANSLEY, JOHN A (Current); TAN	wrWaterRight
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63	8030	9/10/1974	0.07	35.3	SAND HOLLOW SLOUGH	IRRIGATION	HOOPER, KENNETH (Current)	wrWaterRight
63	9218	3/12/1979	5.16	874	SAND HOLLOW DRAIN	DIVERSION TO STORAGE, WI	STATE OF IDAHO (Current)	wrWaterRight
63	9432	8/6/1980	0.16	36	SAND HOLLOW CREEK	IRRIGATION	TRANSUE, LAURA L (Current)	wrWaterRight
63	11163	2/12/1990	0.03	4.5	SAND HOLLOW CREEK	IRRIGATION	CLEVINGER, FRANK (Current)	wrWaterRight

Water Rights with Source of Stockton Slough

<u>Basin Sequence</u>	<u>Basis</u>	<u>Priority</u>	<u>Da Rate(cfs)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
63	2304 License	6/6/1917	11.02	STOCKTON SLOUGH	IRRIGATION	NELSON, ANDREW (Current)	wrWaterRight
63	5368 Statutory C	5/1/1930	0.3	STOCKTON SLOUGH	IRRIGATION	RIVER FLAT DITCH CO (Current)	wrWaterRight



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07

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UNITED STATES
2005

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State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, PO Box 83720 Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 21, 2006

63-21779 & 63-21780
River Flat Ditch Company
C/o Mr. Gary Rohwer Sec.
29575 Bar Diamond Ln
Parma, ID 83660

Re: Evidence of Priority Date

Dear Mr. Rohwer:

RESPONSE DEADLINE
MARCH 21, 2006

The Notices of Claim to a Water Right (claim) identified with the numbers shown above your name have been filed in the Snake River Basin Adjudication (SRBA). The claims indicate your water usage is based on "Beneficial Use." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of the ditch company's claims and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

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Sincerely,

David R. Tuthill, Jr.
Administrator
Water Management Division

Enclosures

Draft

01/17/2006

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

RIGHT NUMBER: 63-21779

NAME AND ADDRESS: RIVER FLAT DITCH CO
C/O MR GARY ROHWER SEC
29575 BAR DIAMOND LN
PARMA ID 83660

SOURCE: SAND HOLLOW CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 5.000 CFS
2,425.500 AFY

PRIORITY DATE: 03/20/1877

POINT OF DIVERSION:

T05N R05W S8 SESENE Within CANYON County
T05N R05W S8 NESENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	5.000 CFS

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

675.3 ACRES TOTAL

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.

This right when combined with Right No. 63-21780 can be used to irrigate up to 675.3 acres present and future acres within the boundary of the River Flat Ditch Company.

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

01/17/2006

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

LANDS UNDER THIS RT. ARE THOSE UNDER THE CO. DITCH & ARE SERVED BY THE CO. DITCH. THERE IS A 1917 LICENSE, 63-02304, ON A CONSIDERABLE PORTION OF THE LAND, A DECREE FOR SOME, & A STATUTORY CLAIM, 63- 05368, BUT CLAIMANT FELT THESE DID NOT PROPERLY DESCRIBE THE RTS. AS DEVELOPED, HENCE 2 B/U RTS., -THIS ONE FOR 5.0 CFS, PRIORITY 03/20/1877 & A63-21780, FOR 12.38 CFS, PRIORITY 03/15/1890-, THE COMBINATION SUPPLYING 1"/AC. FOR THE 869 AC. IRRIG. ARE FILED. THE PRIORITIES CLAIMED ARE BASED PARTIALLY ON PATENT DATES OF THE EARLY HOMESTEADERS ON THE LANDS. THERE ARE 5 USERS WHO ARE SHAREHOLDERS IN THE CO., EACH HAVING DIFFERENT ACREAGES AND EACH DESIROUS OF HAVING A SEPARATE RECEIPT FOR THEIR PORTION OF THE ADJUDICATION FEE, HENCE IN ADDITION TO THE RECEIPT C015872 LISTED ON THE 1ST PAGE, THERE ARE 4 OTHER RECEIPTS FOR THE FEES FOR THIS CLAIM AND FOR A63-21780. THESE RECEIPTS ARE C015873, C015874, C015875, & C015876. THE SOURCE FOR THIS RIGHT, SAND HOLLOW CREEK IS ALSO KNOWN AS STOCKTON SLOUGH.

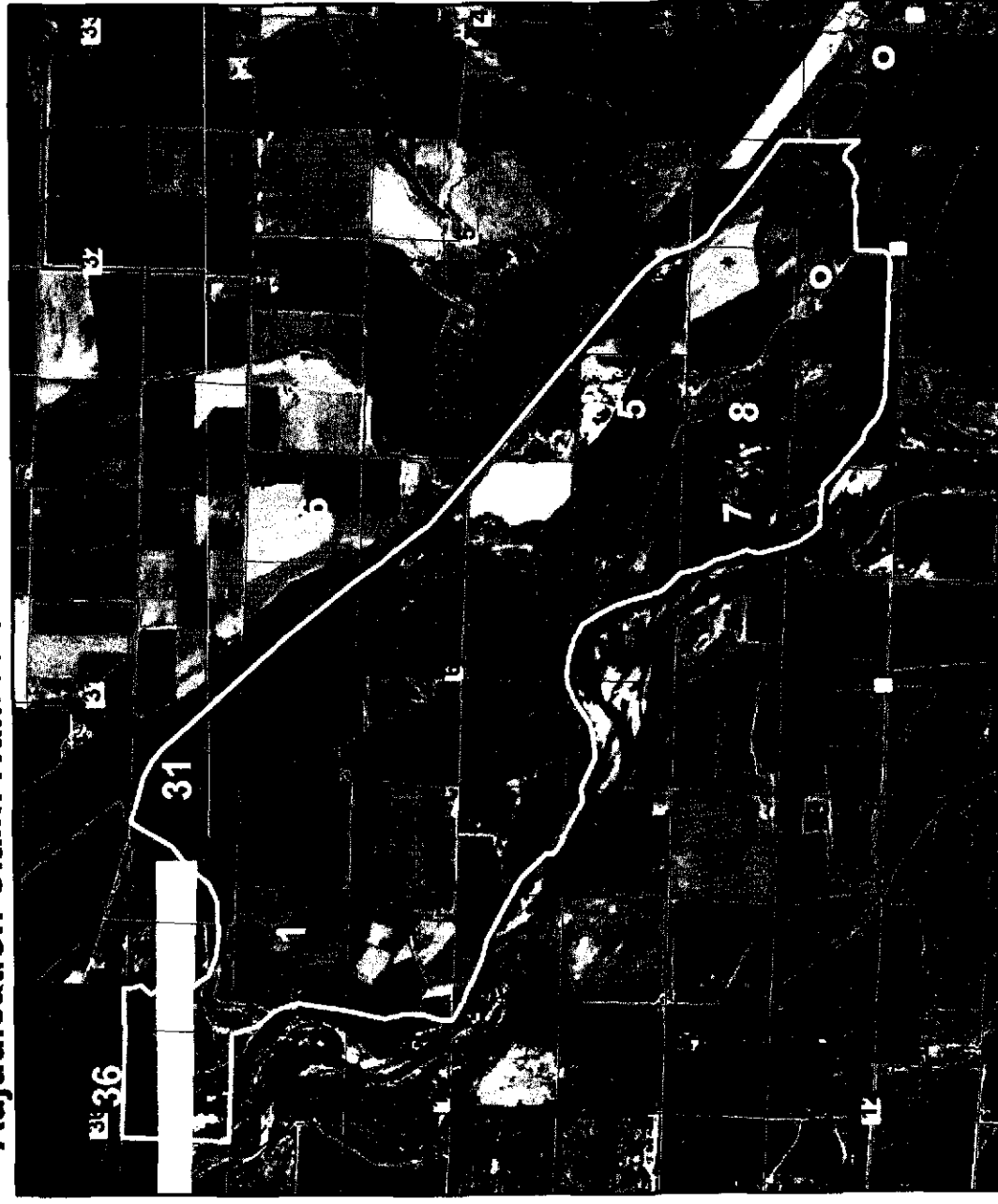
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources



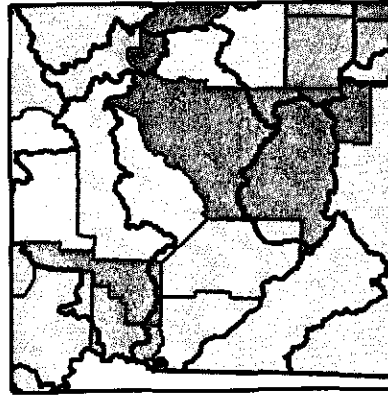
T06N R05W
T06N R06W
T06N R05W
T06N R06W

Adjudication Claim Number: **63-21779**



Legend

- ⊙ POD Recommended
- River flat ditch.shp
- GCDB06N06W GCDB
- GCDB06N05W GCDB
- GCDB05N06W GCDB
- GCDB05N05W GCDB



Canyon County
IDWR Basin 63



Prepared by A. Warmtjes
On Tuesday, January 17, 2006
1987/88 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

Notice is hereby given that Lucas Flat Mite Co. To Harry J. Schuler
(Name of Claimant)
Attn: 2 Box 2518 Parma, IL 83660 Telephone No. 722-5441
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1930
A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
STOCKTON SLOUGH tributary to Sand Hollow Ck.
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: AKA RIVER FLAT DITCH CO.

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.30</u>	Use <u>IRRIGATION</u>	Period of Use From <u>5/1</u>	To <u>10/15</u>
Quantity		Use _____	Period of Use From _____	To _____
Quantity		Use _____	Period of Use From _____	To _____
Quantity		Use _____	Period of Use From _____	To _____
Quantity		Use _____	Period of Use From _____	To _____

- (4) 30 TOTAL QUANTITY USED.
(cfs. aft.)
- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8 Twp. 5N Rge. 5W B.M., County of Canyon
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. *div. ditches*

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 15

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

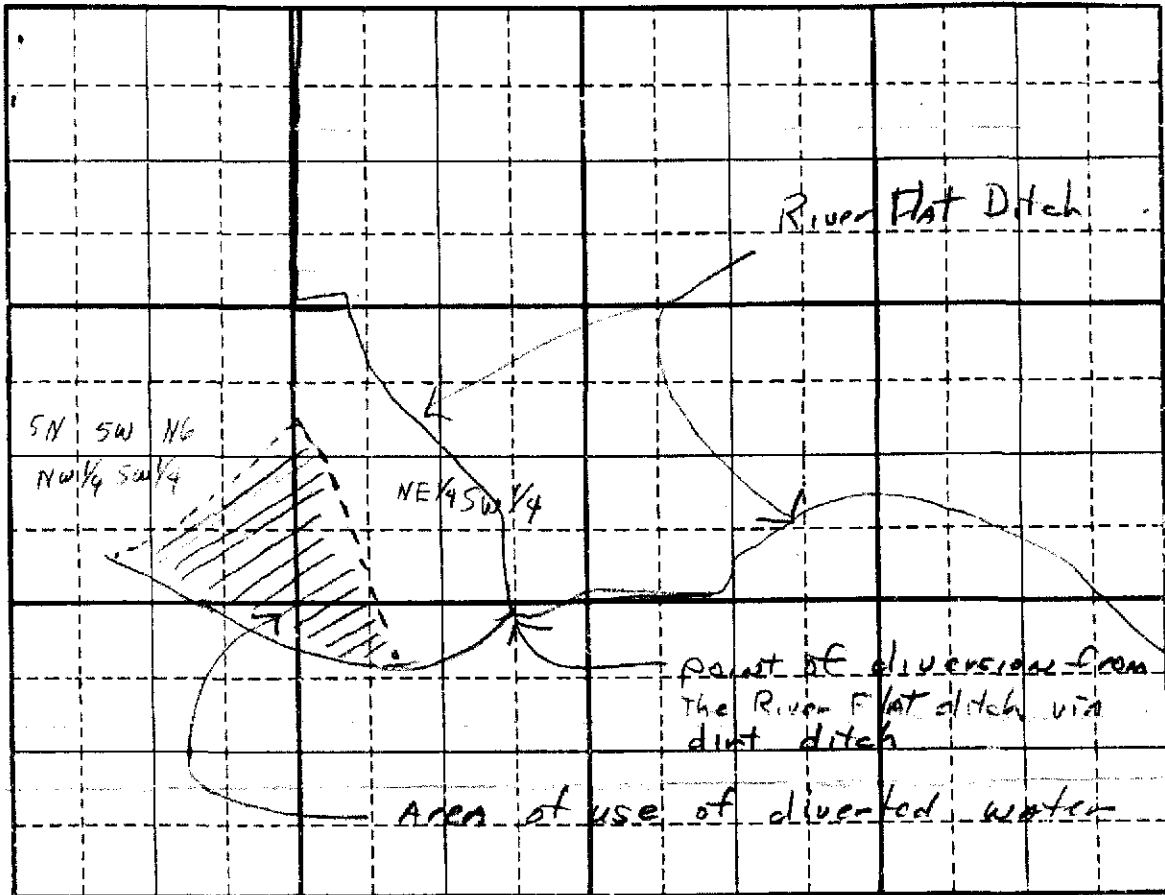
NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization: _____

Kevin Flay Plutch Co

MICROFILMED

Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Canyon) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 7th day of June 1983

River Flat Ditch Co. by
(Claimant) Gary Rohrer Sec. Tr.
Murray Riggs
Notary Public
Residing at Parma, Idaho

My commission expires July 26, 1986

9-19-84 FOR DEPARTMENT USE ONLY

Received by *AW* Date 6/21/83 Exception filed by: Forwarded to Date
Prelim. check by *AW* Date 10/17/84 claimant by:
\$30.00 fee received by *AW* Date 6/28/83 26844
Published in *Shoshone trib*
Dates 10/25 & 11/1/84

Bar ~~Diamond~~, Inc.

September 18, 1984

Jan Grover
Senior Water Resource Agent
Dept. of Water Resources
Western Region
450 W. State Street
Boise, ID 83720

Dear Ms. Grover;

After reviewing your letters of January 31, 1984 and August 29, 1984 and having visited with your agent by phone on Sept. 14, I am still not clear on the problem with the additional water right applied for by River Flat Ditch Co.

Your agent suggested that I send you copies of everything we have and that perhaps your office can see the problem more clearly.

Please review the enclosed and let me know of your decision.

Sincerely,


Gary L. Rohwer

GLR/plr

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RECEIVED
SEP 19 1984

Department of Water Resources
Western Regional Office

CONVERSATION MEMORANDUM

DATE

10/17/84

FILE

Chimney River-
side Ditch Co.

NAME OF PARTY

Gray Z. Rohrer

EMPLOYEE

Dan Grover

RE:

Legal Description per map

Mr. Gray Rohrer phoned and gave the correct location of the land according to the map previously submitted. The only change made was to add the NE SW (5 acres) and reduce the SE SW from 12 acres to 7 acres. The total remained the same. These lands are additional lands not covered by their existing license no. 63-2304 which covers the NW SW for 35 acres and NE SW for 32 acres (SW 1/4 only). Total right is for 551 acres in Sec 6, T. 5N, R. 5W and Sec. 1, 5N, 6W and Sec. 31, 6N, 5W.

MICROFILMED

August 29, 1984

River Flat Ditch Co.
c/o Gary L. Rohwer
Rt. #2, Box 2518
Parma, ID 83660

Dear Mr. Rohwer:

On January 30, 1984, we returned your Claim to a water right submitted during the June, 1983, mandatory claims filing program. Corrections regarding the legal description were needed and as of this date no further correspondence has been received from you.

Enclosed is a copy of the letter previously sent. Please review this letter and contact us in three weeks with either the corrected claim or a letter withdrawing the filing. If we do not hear from you within the three week time period, your \$30.00 filing fee will be refunded.

If you have any questions concerning this matter, don't hesitate to contact us.

Sincerely,

JAN GROVER
Senior Water Resource Agent

JG:jp

Enclosure

RECEIVED
AUG 31 1984

14 Sept 84
for - Talked w/ Rohwer
he is sending copies of
cases photos to local
prop. also this claim
is for lands under
Ditch Co. not on
1917 list
See me w/
can change
claim
Erv

January ³⁰26, 1984

River Flat Ditch Co.
c/o Gary L. Rohwer
Rt. #2, Box 2518
Parma, ID 83660

Dear Mr. Rohwer:

We are now processing your claim submitted last June during our mandatory claims program and need more information before we can continue.

Your legal descriptions list the lands to be irrigated as lying in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, Twp. 5N, Rge. 5W. However, the map is drawn showing the place of use as lying mainly in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ and just a small area in the S $\frac{1}{2}$ SW $\frac{1}{4}$. Your point of diversion appears to be in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6 rather than in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8. Enclosed is a copy of the topographic map of this area. Please designate the point of diversion which should be the location of the River Flat Ditch's diversion from its source. Also show where the 15 acres lie which are irrigated with this water. Upon receipt of this map we can change the claim accordingly and continue processing.

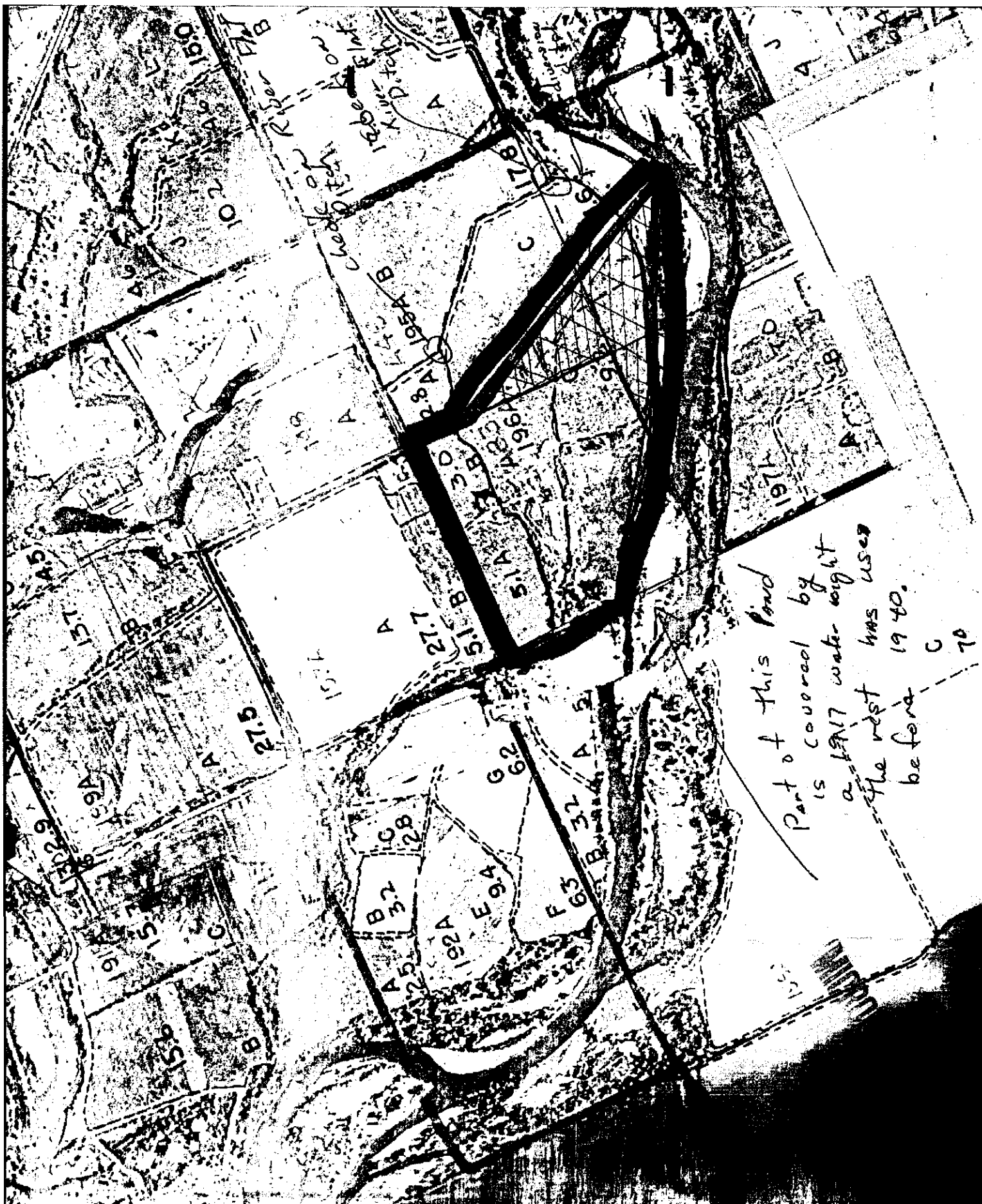
One item that you may need to be aware of is that if you are paying to a ditch company for a certain number of shares of water, then it is not necessary for you to file on that water. All of the ditch companies, canal companies and irrigation districts have filed on their water rights which includes shares sold to individuals.

If this does not apply to you, please return the claim and topographic maps as requested. Do not hesitate to contact us, if you have any questions.

Sincerely,

Jan Grover
Senior Water Resource Agent

JG/cjk
Enclosure



Part of this pond
is covered by
a 1917 water right
the rest was used
before 1940.

Bar Diamond

PLANE, IDAHO 83606 208-722-0701

RUMINANT RESEARCH AND FEEDING TRIALS • FEED TESTING LABORATORY • CUSTOM COMPUTER PROGRAMMING • CANNULAE SURGERY

24 AC

TOTAL OF 104 AC

100 AC

United States of America

-To-

Thomas B. Roberts

PATENT

No.

Dated, March 20, 1877.

Recorded, Sept. 14, 1877. 2:56 PM

Book 1 Pats., page 8, Canyon Co.

Book 1 Pats., page 138, Ada Co.

Signed: By President R. B. Hayes By D. D. Cone, Secretary
(U.S.G.L.O. SEAL) By S. W. Clark, Recorder of General Land Office.

Recites deposited in General Land Office of United States Certificate of Register of Land Office at Boise City, Idaho Territory, whereby it appears that, pursuant to Act of Congress, approved May 20, 1862, and acts supplemental thereto, claim of Thomas B. Roberts has been established and duly consummated, in conformity to law, for

W $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 6 and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7,
Twp. 5 N.R. 5 W.B.M., in District of Lands subject to sale at
Boise City, Idaho Territory containing 100 acres,

according to Official Plat of Survey of said land returned to General Land Office by Surveyor General.

Granted unto said Thomas B. Roberts tract of land above described.

Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by local customs, laws and decisions of courts, and also subject to right of proprietor of vein or lode to extract or remove his ore therefrom, should same be found to penetrate or intersect premises hereby granted as provided by law.

TOMMY MARTIN
FARM
COPY

MICROFILMED

SEP 08 1992

SCANNED

JUL 21 2005

80 AC AGREEMENT TO SELL REAL ESTATE.

TOMMY MARTIN
COPY
FARM

THIS AGREEMENT, made and entered into this 29th day of December, 1956, by and between, GEORGE L. HAWKINS, and wife, INEZ M. HAWKINS, residents of the County of Canyon, State of Idaho, the parties of the first part, and TOMMY MARTIN, and wife, BEATRICE MARTIN, likewise residents of the County of Canyon, State of Idaho, the parties of the second part, WITNESSETH;

That the parties of the first part, in consideration of the payment to them of the purchase price hereinafter set forth by the parties of the second part, and the performance by the second parties of all of the other terms, covenants and conditions hereinafter set forth as being incumbent upon the second parties to be done and performed, do, by these present, agree to sell and convey unto the parties of the second part and the parties of the second part agree to buy, on the terms and conditions hereinafter set forth, the following described real property and water rights, situated in the County of Canyon, State of Idaho, to-wit:-

The North-Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 6, Township 5 North, Range 6 West of the Boise Meridian, EXCEPTING HOWEVER, the following portion of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, said Section, Township and Range, aforesaid, heretofore deeded to the Oregon Short Line Railway Company by that certain Warranty Deed, recorded in Book 2 of Deeds, Page 1, records of Canyon County, Idaho, to-wit:-

A strip of land through the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, 100 feet in width, being 50 feet on each side of the center line of the Main Track of the Oregon Short Line Railway, as heretofore located by the engineers of the said company,

Together with all water, water rights, ditches and rights-of-way for ditches appurtenant thereto, and including eighty (80) shares of stock in the River Flat Ditch Company, a corporation,

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SCANNED

SEP 08 1992

2005

5. 17. said property located in Canyon County, Idaho, and
more particularly described as follows; to-wit:

65 A
THIS Parcel is portion of Government Lot 2 and the
SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T 5 N, R 5 W, RM and is more
particularly described as follows:

BEGINNING At the SW corner of said NE $\frac{1}{4}$; thence
N 0° 21' 00" E along the West boundary of said NE $\frac{1}{4}$,
a distance of 2551.38 feet to a point on the South-
westerly right of way boundary of the Union Pacific
Railroad; thence S 40° 31' 01" E along said right of
way boundary, a distance of 2211.32 feet; thence
continuing Southeasterly along said right of way
boundary, a distance of 592.43 feet along the arc of
a curve offset 50.00 feet outward from a spiral curve
having a total length of 592.43 feet and a spiral
angle of 3° 55' 36" and a long chord that bears
S 41° 49' 33" E, a distance of 592.31 feet; thence
continuing Southeasterly along said right of way
boundary, a distance of 336.81 feet along the arc of
a curve to the left, having a radius of 4347.18 feet,
a central angle of 4° 26' 21" and a long chord which
bears S 46° 39' 48" E, a distance of 336.73 feet;
thence continuing Southeasterly along said right of
way boundary, a distance 348.02 feet along the arc of
a curve offset 50.00 feet outward from a spiral curve
having a total length of 592.43 feet and a spiral
angle of 3° 15' 30" and a long chord that bears
S 50° 44' 17" E, a distance of 347.97 feet to a point
on the South boundary of said NE $\frac{1}{4}$; thence N 89° 27' 21" W
along said South boundary, a distance of 2361.65 feet
to the POINT OF BEGINNING.

REAL PROPERTY PURCHASE AGREEMENT --- Page 1 of 8.

POWER
A

MICROFILMED

SEP 08 1992

SCANNED

JUN 21 2005

AGREEMENT FOR SALE OF REAL ESTATE

Rohwer
B

THIS AGREEMENT, made and entered into this 12th day of October, 1971, by and between CHARLES P. WEST and LILA WEST, husband and wife, hereinafter called Sellers, and GARY L. ROHWER and PATRICIA L. ROHWER, husband and wife, hereinafter called Buyers.

W I T N E S S E T H:

That in consideration of the mutual covenants and agreements hereinafter contained, Sellers agree to sell and Buyers agree to buy that certain parcel of real property, together with its improvements and fixtures, situated in Canyon County, Idaho, and more particularly described as follows:

Lot 5, also described as the SW 1/4 NW 1/4 of Section 6, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho.

EXCEPT: Road right of way along the North and East sides of Lot 5 (SW 1/4 NW 1/4) said Section 6, as shown in Book 81 of Deeds, page 337, records of Canyon County, Idaho.

Together with all water, water rights, ditches and rights of way for ditches thereunto belonging or in anywise appertaining, and together with 40 shares of stock in River Flat Ditch Co., Ltd.

PURCHASE PRICE AND TERMS OF PAYMENT:

Buyers agree to pay as the total purchase price for said property the sum of TWENTY NINE THOUSAND NINE HUNDRED AND NO/100 DOLLARS (\$29,900.00), under the following terms and conditions:

a. The sum of EIGHT THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$8,800.00) cash, receipt of which is hereby acknowledged by Sellers.

b. The balance in the sum of TWENTY ONE THOUSAND ONE HUNDRED AND NO/100 DOLLARS (\$21,100.00) shall be payable in monthly installments of \$235 per month, including interest, commencing on January 5, 1972, and on the 5th day of each and every month

SCANNED

MICROFILMED

SEP 08 1992

21 2005

40 A

RIVER FLAT DITCH CO

52 Ae

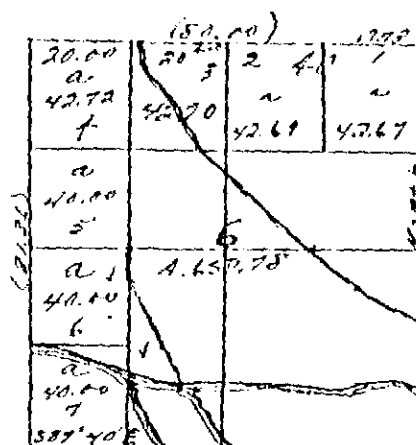
United States of America, -TO- William H. Carlyle.	PATENT. Dated, Mar. 25, 1890. Recorded, Apr. 17, 1905 @ 2:18 PM. Book 3 Patents, page 182. Document No. 6321. Hd. Ctf. No. 604. Appl. No. 1431.	NO. 1
---	--	--------------

Signed: By President: Benjamin Harrison, by M. McKenn, Secretary,
J.M. Townsend, Recorder of the General Land Office. (SEAL).

Recites there has been deposited in the General Land Office of the United States, a Certificate of Register of the Land Office at Boise City, Idaho Territory, whereby it appears that, pursuant to Act of Congress, approved May 20, 1862, and acts supplemental thereto, the claim of William H. Carlyle, has been established and duly consummated in conformity to law for the E $\frac{1}{2}$ of SW $\frac{1}{4}$ and Lots 6 and 7 of Sec. 6 in Twp. 5 N.R. 5 W.B.M., in Idaho Territory, containing 160 acres, according to the Official Plat of survey of said land, returned to the General Land Office by the Surveyor General.

Granted unto the said William H. Carlyle, the tract of land above described.

Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by local customs, laws and decisions of courts, and also subject to right of proprietor of vein or lode to extract or remove his ore therefrom, should same be found to penetrate or intersect the premises hereby granted as provided by law.



Tracing from Plat of
Government Survey of
Sec. 6 T. 5 N.R. 5 W.B.M.
of date Dec. 15 1868.

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SEP 08 1992

Rohwer
SCANNED

100 7 1 2005

No. 74611

ABSTRACT of TITLE

OF

Lot 6 of Sec. 6, Twp. 5 N.R. 5, W.B.M., in C.C.I. Also: All that part of the N. $\frac{3}{4}$ th of E. $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 6, Twp. 5 N.R. 5, W.B.M., lying N. of the center line of the main channel of the Boise River, EXCEPTING THE FOLLOWING: Beg. at the NW. corner of the E. $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 6, Twp. 5 N.R. 5, W.B.M.; thence run S. on the W. line thereof 20 rods; thence run SE by, 1585 ft. to a point which is 700 feet W. of the E. line of the SW $\frac{1}{4}$ of said Sec. 6; thence E. 700 feet to the E. line of said SW $\frac{1}{4}$ of said Sec. 6; thence N. along said E. line to center of said Sec. 6; th. W. along the N. line of said SW $\frac{1}{4}$ to the point of beginning. All in Canyon County, State of Idaho.

RICHARD L. STUTHEIT and LILLIAN M. STUTHEIT, husband and wife.

CANYON COUNTY, IDAHO

PREPARED BY

Canyon Abstract & Title Co., Ltd.

Established 1892

Title Insurance and Escrow Service

CALDWELL, IDAHO

CLAYTON PRINTERS, CALDWELL, IDAHO 83407

423 7-1761-21

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SCANNED

111 71 2005

4.14
13.962
74.9
333.16
3.29
585.73

CANYON COUNTY

1046.792
ACREAGE TOTAL

Name of Project	Kind of Conveyance & Funds Instrument No.	Date Acquired	Acquired From	Cost	Acreeage	Description and Water Rights
-----------------	---	---------------	---------------	------	----------	------------------------------

BOISE RIVER
ACCESS - IMMIGRATION

Easement

10/5/59

A. C. Crawford

\$ 182.00

1

Sec. 36, NW $\frac{1}{4}$ NW $\frac{1}{4}$, that portion lying N of S bank of Boise River and a 50-foot right-of-way being the E 50 feet and extending from Boise River S to SE corner thereof and junction with county road.

T 5 N, R 5 W, BM.

Sec. 8: a 25-foot right-of-way over NW $\frac{1}{4}$ SW $\frac{1}{4}$ located on E bank of Boise River; also, a 100-foot by 100-foot tract located E of right-of-way and adjacent to N boundary of said NW $\frac{1}{4}$ SW $\frac{1}{4}$.

FORT BOISE WMA

1/12/79

Don Weilmunster

\$247,250.00

42.61

T 5 N, R 5 W, BM.

IDFG Condemnation
HB order
530
the S boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 180.02 feet, then N 90°3'14" W a distance of 561.73 feet, then S 89°39'00" E along a line perpendicular to the E boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1,600.66 feet to a point on said E boundary, then S 0°21'00" W along said E boundary extended a distance of 685.95 feet, then S 83°12'00" W a distance of 680.3 feet, then S 0°21'00" W a distance of 1,125 feet to a point on the S boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, then N 87°02'00" W along the S boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, then N 0°23'55" E along said W boundary a distance of 1,338.55 feet to the POINT OF BEGINNING.

FOR BOISE WMA (TOM MORRIS PROPERTY)

11/4/85

Tom Morris in trade for Homedale access site (see Canyon

4.14

T 5 N, R 5 W, BM:

IDFG Warranty Deed (trade)
brass cap found at the SE corner of the said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; then N 89°27'00" W 241.27 feet along the S line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the INITIAL POINT of this description, said point being on the apparent centerline of the channel of Rueth Drain; then N 4°45'10" W 33.59 feet; then N 11°55'53" W 28.94 feet; then N 28°36'00" W 24.58 feet; then N 7°33'15" E 54°24'08" W 24.42 feet; then S 2°13'12" W 14.03 feet; then N 53°21'53" W 34.16 feet; then N

MICROFILMED
SEP 08 1992

Kind of

Conveyance &

Date

Funds Instrument No.

Acquired

Acquired From

Cost

Acreage

Description and Water Rights

69°34'17" W 28.79 feet thence N 48°49'27" W 14.5 feet; thence N 8°55'51" W 25.43 feet; thence N 56°11'46" W 38.01 feet; thence N 37°42'59" W 13.45 feet; thence N 64°03'50" W 22.66 feet; thence N 48°33'45" W 13.47 feet; thence N 20°58'43" W 10.05 feet; thence N 46°20'33" W 43.67 feet; thence N 44°34'45" W 32.41 feet; thence N 44°04'34" W 18.75 feet; thence N 8°31'51" W 28.93 feet; thence N 66°58'47" W 39.51 feet; thence N 34°46'36" W 54.21 feet; thence N 32°07'19" W 23.39 feet; thence N 14°37'54" W 60.40 feet; thence N 1°52'36" E 29.89 feet; thence N 6°11'18" E 78.84 feet; thence N 10°36'19" W 57.81 feet; thence N 24°55'47" W 63.08 feet; thence N 7°11'42" W 47.06 feet; thence N 33°59'32" W 35.53 feet; thence N 69°24'12" W 21.36 feet; thence leaving said apparent centerline S 0°21'00" W 871.2 feet to a point on the said S line, said point being a found PK nail in a bottle cap; thence S 89°27'00" E 433.64 feet along said S line to the INITIAL POINT of this description.

FORT BOISE WMA
(REUTH PROPERTY)

IDFG Condemnation

11/5/82

Herbert L. Reuth

\$235,877.07

13.92± T 5 N, R 5 W, BM.

HB Order

530

Sec. 6, a part of the SE¼NW¼ more particularly described as follows:

Commencing at a brass cap found at the SE corner of the said SE¼NW¼, the INITIAL POINT of this description; thence N 89°27'00" W 241.27 feet along the S line of the said SE¼NW¼ to a point on the apparent centerline of the channel of Reuth drain; thence meandering along said apparent centerline N 4°33'20" W 20.49 feet; thence N 8°41'48" W 58.26 feet; thence N 7°33'15" E 49.03 feet; thence N 4°45'10" W 33.59 feet; thence N 11°55'53" W 28.94 feet; thence N 28°36'00" W 24.58 feet; thence N 54°24'08" W 24.42 feet; thence S 2°13'12" W 14.03 feet; thence N 53°21'53" W 34.16 feet; thence N 69°34'17" W 28.79 feet; thence N 48°49'27" W 14.5 feet; thence N 8°55'51" W 25.43 feet; thence N 56°11'46" W 38.01 feet; thence N 37°42'59" W 13.45 feet; thence N 64°03'50" W 22.66 feet; thence N 48°33'45" W 13.47 feet; thence N 20°58'43" W 10.05 feet; thence N 46°20'33" W 43.67 feet; thence N 44°34'45" W 32.41 feet; thence N 44°04'34" W 18.75 feet; thence N 8°31'51" W 28.93 feet; thence N 66°58'47" W 39.51 feet; thence N 34°46'36" W 54.21 feet; thence N 32°07'19" W 23.39 feet; thence N 14°37'54" W 60.40 feet; thence N 1°52'36" E 29.89 feet; thence N 6°11'18" E 78.84 feet; thence N 10°36'19" W 57.81 feet; thence N 24°55'47" W 63.08 feet; thence N 7°11'42" W 47.06 feet; thence N 33°59'32" W 35.53 feet; thence N 69°24'12" W 21.36 feet; thence leaving said apparent centerline N 0°21'00" E 253.64 feet to a found 1/2-inch Rebar; thence N 83°13'09" E 680.32 feet (formerly stated as N 83°12'00" E 680.3 feet) to a point on the E line of the said SE¼NW¼ to a found 1/2-inch Rebar; thence S 0°21'26" W 1,211.64 feet (formerly stated as S 0°21' W 1,212 feet) to the INITIAL POINT of this description.

This tract contains 13.962 acres more or less and is subject to a road right-of-way on the S 25 feet and all other existing right-of-ways and easements.

SCANNED

JUL 21 2005

MICROFILMED

SEP 08 1992

CANYON COUNTY

Name of Project	Kind of Conveyance & Funds Instrument No.	Date Acquired	Acquired From	Cost	Acreage	Description and Water Rights
McConnel Island Ditch Co., 61 shares of capital stock.						
FORT BOISE WMA	P-R Warranty deed #494386	11/25/60	Everett Watkins	\$ 30,600.00	74.9	Sec. 35, Lot 1, and Sec. 36, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
FORT BOISE WMA	P-R Warranty deed #520342	4/16/62	H. L. Holland	\$ 65,000.00	332.16	Sec. 26, Lots 1 and 2 except following tract: beginning at a point 330 feet N of SE corner of Sec. 26, thence N 2,148.5 feet, thence W 90.17 feet, thence S 20°05' E 2,150 feet, thence E 12 feet to place of beginning (containing 2.52 acres); Sec. 35, Lots 2 and 3 except small tract in SW corner of Lot 3; Sec. 36, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and that portion of SW $\frac{1}{4}$ lying N of main thread of Boise River except NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$; and Sec. 1, that portion of Lot 3 lying N of main thread of Boise River.
FORT BOISE WMA	IDFG Warranty deed #542027	12/6/63	C. C. Mann	Ex.	3.29	T 6 N, R 6 W, BM. Sec. 25, that portion of SW $\frac{1}{4}$ SW $\frac{1}{4}$ beginning at SW corner, thence E 435 feet, thence N 330 feet, thence W 435 feet, thence S 330 feet to place of beginning.
FORT BOISE WMA	P-R Warranty deed #608390	3/18/68	Don Weilmunster	\$124,000.00 and Valley County refuge lands, estimated value, \$116,000.00 - 929.79 acres	585.73	T 6 N, R 6 W, BM. Sec. 36: NW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$; and that portion, E $\frac{1}{2}$ NE $\frac{1}{4}$, lying S and W of railroad right-of-way. T 6 N, R 5 W, BM. Sec. 31, all of Lot 4, that portion of Lots 2 and 3, and the E $\frac{1}{2}$ SW $\frac{1}{4}$ lying S of railroad right-of-way. T 5 N, R 6 W, BM. Sec. 1, Lots 1 and 2.

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JUL 24 2005

CANYON COUNTY

Name of Project	Funds Instrument No.	Date Acquired	Kind of		Acquired From	Cost	Acreage	Description and Water Rights
			Conveyance &	Date				

Total,
\$240,000.00

T 5 N, R 5 W, BM.
Sec. 6, Lots 3 and 4 lying S of railroad
right-of-way except the following: S
559.27 feet of Lot 3 and that part of
Lot 4 described as follows: Beginning at a
point on E boundary line 559.27 feet N from
SE corner thereof, thence 280.66 feet to a
point, thence S 9°25' E 566.9 feet,
thence E 178 feet to SE corner, thence
N 559.27 feet to point of beginning.
Said exception containing 20.03± feet.

There are 296 shares of the Waters River Flat Ditch Co. Each share represents 1 inch of water flow.

FORT BOISE RAILROAD	P-R	Canyon signal	OSLRR	\$ 12,000.00	T 6 N, R 6 W, BM.
RIGHT-OF-WAY CROSSING		light			Sec. 36, N boundary at railroad right-of-way crossing.

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JUL 21 2005



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 29, 1990

River Flat Ditch Co.
C/O Mr. Gary Rohwer, Sec.
29575 Bar Diamond Ln.
Parma, ID 83660

RE: Snake River Basin Adjudication (SRBA)
Canyon County - A63-21779 & A63-21780

Dear Gary:

Enclosed are two copies of the company claims, A63-21779 and A63-21780, for your records and also some extra materials that indicate how the present land list varies slightly from that which you and I last worked up.

In the final preparation of the claims, I discovered that as a result of the incorrect layout of ownerships on the aerial photos that you and Don had, we had listed some of Tommy Martin's land under Don. I have reallocated the land list in what I feel is a realistic representation of the ownerships and lands that are capable of being serviced by the ditch. The changes that were necessary only affected the Martin and Weilmunster holdings. No changes were made in the 869 irrigated acres we had come up with at our last meeting, nor the total under each of the individuals. Please have everybody look the land distribution over and if there is any problem, let me know so we can change it.

In order that the combination of the two claims total 1 Miner's Inch per Acre for the 869 Acres as opposed to the 801 Acres we first were considering, it was necessary to increase the claimed diversion rate for A63-21780 from 11.02 Cfs. to 12.38 Cfs. Again, if this is not your desire, let me know so that changes can be made.

Also included are the individual receipts for the Company Users. Hopefully, I have addressed everything necessary. Please be sure to call or write by October 1, 1990, if you

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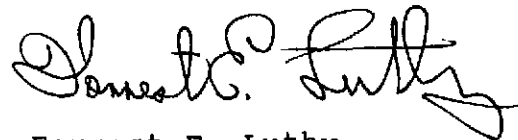
SCANNED

JUN 21 2005

River Flat Ditch Co.
August 29, 1990
Page 2

determine any changes are in order. If we don't receive any communication prior to that time we will assume all is okay and the claims will continue to be processed as they are presented to you with this letter.

Sincerely yours,



Forrest E. Luthy
Sr. Water Resource Agent

FL:sf:state:tf
Enclosures:

- 2 Copies A63-21779
- 2 Copies A63-21780
- 3 Land List Work Sheets
- 1 Memo to Ditch Stockholders
- 1 Memo, Table & Fee Expl., Receipt Copies Attached
- 5 Individual Receipts, Memo & Expl. Attached

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SEP 11 1992

2005

RIVER FLAT DITCH CO. P.O. Box 421, PARMA, 83660

MEMO: 3/22/90

SUBJ.: TABLE AND EXPLANATION OF FEE APPORTIONMENT FOR CLAIMS,
A63-21779 & A63-21780.

THERE WERE TWO CLAIMS FILED WITH IDENTICAL ACREAGES, A63-21779 & A63-21780

FEE INVOLVED: A63-21779 - \$50.00 + 869 Ac @ 1.00 = \$919.00
A63-21780 - \$50.00 = 50.00
TOTAL \$100.00 + 869.00 = \$969.00

7 users

TOTAL

per
telecon
w/ John
Wattson
on 6/2/06
D.T.J. Hill

THERE ARE FIVE USERS ON THE DITCH EACH WITH A DIFFERENT IRRIGATED
ACREAGE & CONSEQUENT DIFFERENT PROPORTION OF THE TOTAL FEES.
THE CO. MADE THE INITIAL DIVISION OF THE TOTAL TO BE ASSESSED TO
THE 5 USERS. EACH OF THE USERS WAS DESIROUS OF AN INDIVIDUAL
RECKONING & RECEIPT FOR THEIR CONTRIBUTION. USER 1: STATE OF IDAHO
(FISH & GAME) \$345.67; FT. BOISE HQ. RCH. \$282.11; BAR DIAMOND, INC. \$157.23;
RIV. FLT. DITCH CO. (MARTIN) \$111.51; TAKATORI ASP. SEED, INC. \$72.48; TOTAL: \$969.00

USER	RCPT. #	PROP. TO A63-21779	PROP TO A63-21780	TOTAL	GD. TOTAL
ST. OF ID. (FISH & GAME)	C015872	$\frac{345.67}{969.00} \times 919$ = 327.83	$\frac{345.67}{969.00} \times 50$ = 17.84	345.67	
FT BOISE HQ. RCH.	C015873	$\frac{282.11}{969.00} \times 919$ = 267.55	$\frac{282.11}{969.00} \times 50$ = 14.56	282.11	
BAR DIAMOND, INC	C015874	$\frac{157.23}{969.00} \times 919$ = 149.12	$\frac{157.23}{969.00} \times 50$ = 8.11	157.23	
RIV. FLT DITCH CO. (MARTIN)	C015875	$\frac{111.51}{969} \times 919$ = 105.76	$\frac{111.51}{969} \times 50$ = 5.75	111.51	
TAKATORI ASP. SEED, INC.	C015876	$\frac{72.48}{969} \times 919$ = 68.74	$\frac{72.48}{969} \times 50$ = 3.74	72.48	
		919.00	50.00	969.00	969.00

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11 21 2005

State of Idaho

License and Certificate of Water Right

63-2304

Water License No. 12885

Amount 11.02 sec. ft.

Water District No. 12-A

Priority 6-6-1917

THIS IS TO CERTIFY that Andrew Nelson of Parma, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 24, 1917; that Permit No. 12885 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 13.83 second feet, was issued thereunder on August 9, 1924, showing that said works were completed on the 2d day of April, 1920; and that on the 15th day of June, 1923,

Andrew Nelson

of Parma, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Stockton Slough, a tributary of Boise River, for the purpose of irrigation, under Use Permit No. 12885 of the State Engineer and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 3183, on the 9th day of August, 1924;

The right hereby confirmed dates from June 6, 1917;

The Point of Diversion is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, Tp. 5 N., R. 5 W., B. M. County of Canyon

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 11.02 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	5 W.	6	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	37
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	38
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	15
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	38
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	18
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	35
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	32
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
5 N.	6 W.	1	NE $\frac{1}{4}$	160	130
6 N.	5 W.	31	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	10
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	30
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	38
Total					551

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 9th day of August, 1924.

W. G. SWENDSEN.
Commissioner of Reclamation.

(SEAL)

SCANNED

AUG 15 2002

63-2304

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

PERMIT No. 12885

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Frank Jindas, 39, Farmer, Pama, Idaho

Ques. 2. Are you acquainted with Andrew Nelson, the holder of Permit No. 12885? How long have you known him and where does he reside?

Ans. 12 years Pama, Idaho, R 30

Ques. 3. Have you read or heard read said Permit No. 12885, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Stockton Slough, just beyond city limits of Pama.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 13.83 cu. ft. per second, have seen from 1500 to 2000 inches

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. $1\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, $1\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, $1\frac{1}{2}$ SE $\frac{1}{4}$, Sec 6, Twp 5N, R. 5W BM, NE $\frac{1}{4}$ Sec 1, Twp 5N, R. 6W BM, SW $\frac{1}{4}$ NW $\frac{1}{4}$ + SW $\frac{1}{4}$ Sec 31, Twp 6N, R. 5W BM - 840 acres. Has about 200 acres of natural meadow land. Improvements include seven dwelling houses.

12885

CHIEF OF STATE

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. *None*

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. *Riverbottom land. Underlaid with gravel, 1 inch per acre*

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. *Yes. Own 112 acres*

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. *Have seen the land developed from waste land to cultivated farms, have witnessed the building of seven farm houses.*

(Sign) *Francis J. Simons*

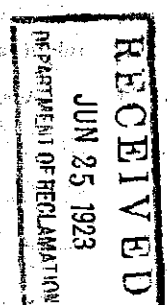
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in *Pima* County of *Canyon* State of Idaho, on this *20th* day of *June* A. D. 1923.

R. E. Smith

Notary Public.

My commission expires *Feb. 28, 1924*

12885



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 12885

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. C. N. McRees, 31, Farmer, Parma, Idaho

Ques. 2. Are you acquainted with Andrew Nelson, the

holder of Permit No. 12885? How long have you known him and where does he reside?

Ans. Yes, 12 years, Parma, Idaho, R. 3, D.

Ques. 3. Have you read or heard read said Permit No. 12885, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Stockton Slough just beyond city limits of Parma

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Have seen from 1500 to 2000 inches

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation

$N\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, Sec. 6, Twp. 5N, R. 5W3M, $NE\frac{1}{4}$ Sec. 1, Twp. 5N, R. 6W3M, $SW\frac{1}{4}$, $NW\frac{1}{4}$ + $SW\frac{1}{4}$ Sec. 31, Twp. 6N, R. 5W3M - 840 acres. About 200 acres in natural meadow land. Improvements include seven dwelling houses.

12885

Q17 OF 10 Q173

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

None.

Q173 OF 10 Q173

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans.

Riverbottom land. Underlaid with gravel.
One inch per acre.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans.

Had 112 acres from the time of diversion but sold out last fall.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans.

Have seen the land developed from waste land to cultivated farms & have witnessed the building of seven farm houses.

(Sign)

L. H. McNeese.

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in

Idaho, County of Canyon, State of Idaho, on this 20th day of June, A. D. 1923.

N. E. Kirsch

Notary Public.

My commission expires Feb. 28, 1924.

12885

RECEIVED
JUN 25 1923
DEPARTMENT OF RECLAMATION