

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-368B
Date Received: 7/3/2001
Receipt No: W027982
Received By:

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

1. Name of Claimant(s)

STEVEN L STOUT Phone: (208)342-4102

4017 N LA MESITA WAY
BOISE ID USA 83702

CHRIS L STOUT Phone: (208)342-4102

4017 N LA MESITA WAY
BOISE ID USA 83702

2. Date of Priority: 04/01/1880

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	04W	32	SE NE	CANYON	

5. Description of diverting works:

Water is diverted from the river through the Baxter Ditch.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	1.4	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05N	04W	31	NE	NE	1	IRRIGATION	30
			SW	NE	4	IRRIGATION	20
			SE	NE	5	IRRIGATION	35
						Section Acres	85
						Total Acres	85

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

This claim is for a 1.40 cfs portion of water right no. 63-368 (3.20 cfs total). The water right is delivered through the Baxter Ditch for use on the Hawkins property (63-368A) and Stout property. Hawkins have claimed 1.80 cfs as 63-368A. The remaining 1.40 cfs of 63-368 is used by Stout for irrigation (along with 63-152B) and for conveyance loss from the river to the place of use.

15. Basis of Claim: Decreed

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

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

CIVIL CASE NUMBER: 39576
Ident. Number 63-00368B
Date Received 7/3/01
Receipt Number W027982

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUL 03 2001

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Steven L. Stout & Chris L. Stout Phone (208) 342-4102
Mailing Address 4017 North La Mesita Way, Boise, ID Zip 83702
2. Date of Priority (Only one (1) per claim) April 1, 1880
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 5N Range 4W Section 32,
1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of Canyon
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Water is diverted from the River
through the Baxter Ditch

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/1 to 11/15 amount 1.40 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.40 (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:

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 L1	NW1/4	SW1/4 L4	SE1/4 L5	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	4W	31	30		20	35													85

Total number of acres irrigated 85

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 X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-0152B or None ()

14. Remarks:
This claim is for a 1.40 cfs portion of water right 63-00368. The water right is delivered through the Baxter Ditch for use on the Hawkins property (63-00368A) and Stout property. Hawkins have claimed 1.80 cfs as 63-00368A. The remaining 1.40 cfs of 63-00368 is used by Stout for irrigation (along with 63-00152B) and for conveyance loss from the River to the place of use. (3.20 cfs total)

Last Name Stout Ident No. 63-00368B

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree x
If applicable provide IDWR Water Right Number 63-00368
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 _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) [Signature]

Date 6-26-01

Date _____

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

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

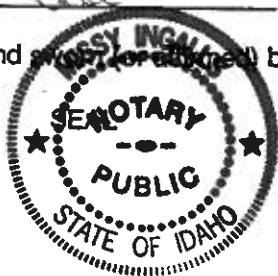
Signature of Authorized Agent _____

Title and Organization _____

Date _____

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

Subscribed and sworn to before me this 26th day of June 2001



Notary Public [Signature]

Residing at Burton

My Commission Expires 4/16/05

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

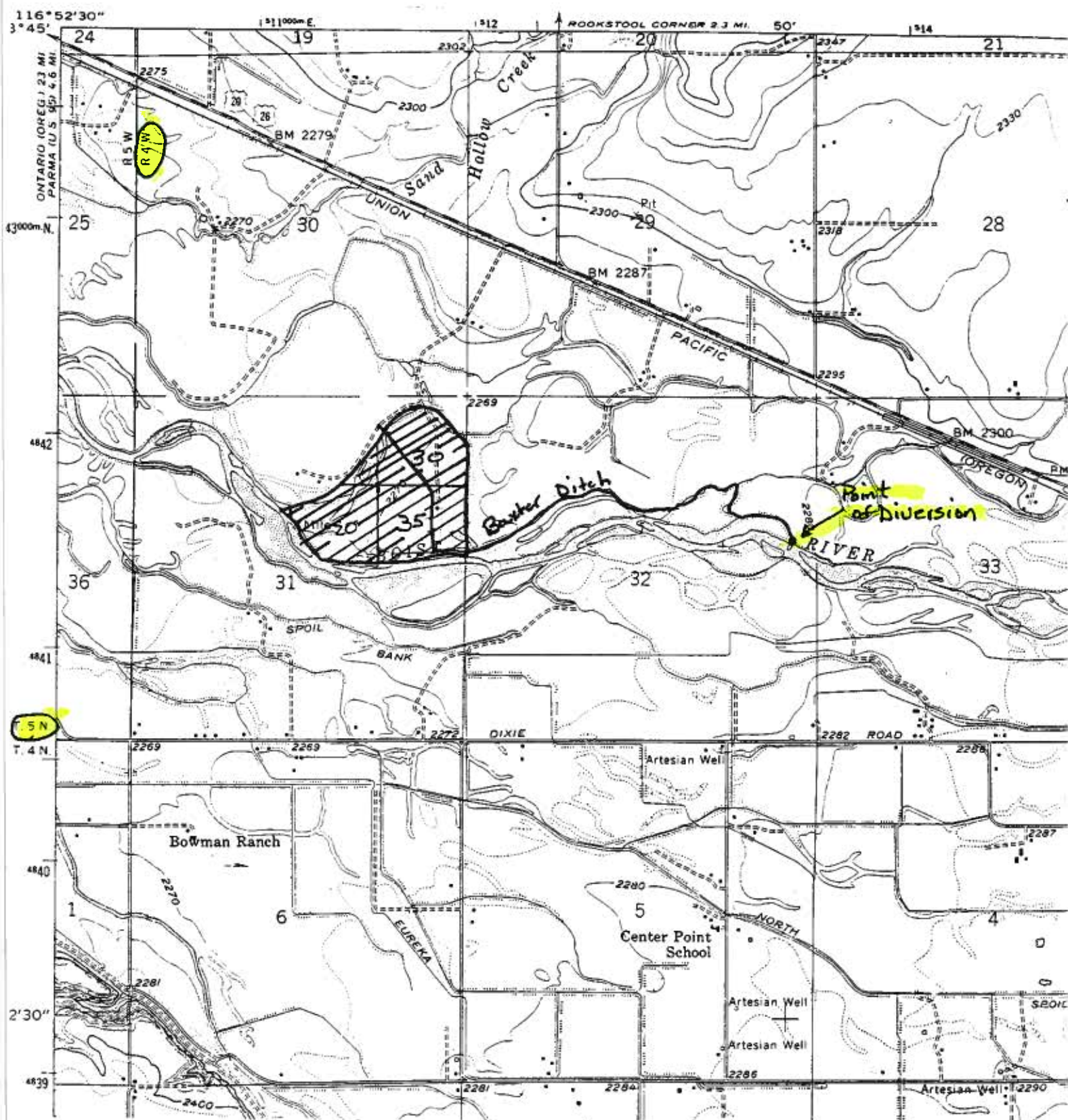
Date _____

Last Name Stout Ident. Number 63-00368B

Copies White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name Stout

Ident No. 63-00368B

Copies: White-State, Yellow-Claimant

09/15/2006

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

RIGHT NUMBER: 63-368B

NAME AND ADDRESS: STEVEN L STOUT
4017 N LA MESITA WAY
BOISE ID 83702

CHRIS L STOUT
4017 N LA MESITA WAY
BOISE ID 83702

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.400 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.

This right when combined with 63-152B shall not exceed a total combined diversion rate of 1.52 cfs at the field headgate.

PRIORITY DATE: 03/01/1880

POINT OF DIVERSION:

T05N R04W S32 SENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.400 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: IRRIGATION Within CANYON County

T05N R04W S31 Lot 1 NENE 27.00

T05N R04W S31 Lot 4 SWNE 19.00

T05N R04W S31 Lot 5 SENE 30.00

76 ACRES TOTAL

09/15/2006

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through the Baxter Canal.

This right is also designated as Right No. 73-B in the Boise River Stewart Decree and Boise River Water Distribution Report.

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

Idaho Department of Water Resources

**T05N, R04W,
SEC 31 & 32**

Claim No: 63-368B

Prepared By: Kimberly Brown

Date: September 15, 2006



Place of Use



Section Lines

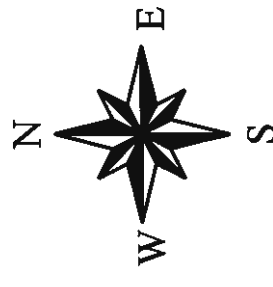


1/4 1/4



Point of Diversion

Irrigated Acres = 76



00.04 Miles



1987 NAPP

09/29/2006

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: October 31, 2006

Water right number: 63-368B

STEVEN L STOUT
4017 N LA MESITA WAY
BOISE ID 83702
Telephone Number: (208)342-4102

CHRIS L STOUT
4017 N LA MESITA WAY
BOISE ID 83702
Telephone Number: (208)342-4102

RECEIVED

OCT 16 2006

WATER RESOURCES
WESTERN REGION

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: 10-12-06

SIGNATURE:

Please print your name:

STEVEN L. Stout

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

Intervenors #73-B - Stewart Decree

05/01/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-368B

WATER RIGHT NUMBER: 63-368B ✓

Owner Type

Current Owner

Name and AddressSTEVEN L STOUT ✓
4017 N LA MESITA WAY
BOISE, ID 83702
(208)342-4102

Current Owner

CHRIS L STOUT ✓
4017 N LA MESITA WAY
BOISE, ID 83702
(208)342-4102

Priority Date: 03/01/1880 ✓

Basis: Decreed ✓

Status: Active

Source

BOISE RIVER ✓

Tributary

SNAKE RIVER ✓

Beneficial Use

IRRIGATION ✓

From To

03/01 to 11/15 ✓

Diversion Rate

1.400 CFS ✓

Annual VolumeTotal Diversion:

1.400 CFS ✓

Location of Point(s) of Diversion

BOISE RIVER

CANYON County ✓

SE1/4NE1/4 ✓

Sec. 32, Twp 05N, Rge 04W, B.M. ✓

Decree puts POD: "commencing at a point on the North side of Boise River ... extending over and across Sections 30, 31, & 32 in T05N, R04W in a northwesterly direction."

Place of Use

IRRIGATION ✓

Twp Rge Sec

NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
✓ 05N 04W 31	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
30.0	20.0	20.0	35.0													85.0
L1	L4	L5														
27.0	19.0	30.0														76.0
Total Acres: 85.0																76.0

Conditions of Approval:

1.

This claim is for a 1.40 cfs portion of water right no. 63-368 (3.20 cfs total). The water right is delivered through the Baxter Ditch for use on the Hawkins property (63-368A) and Stout property. Hawkins have claimed 1.80 cfs as 63-368A. The remaining 1.40 cfs of 63-368 is used by Stout for irrigation (along with 63-152B) and for conveyance loss from the river to the place of use.

Comments:Dates and Other Information:

Claim Received Date: 7/3/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector: AND

Water District Number:

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:

Combined Use Limits:Parcel No: R 3852300000. (95.7AC)ADD C05 - POU Accomplished TransferADD E62 - This right when combined with 63-152B shall not exceed 1.52 cfs at the field headgate.ADD - This right is also designated as Right No. 73-B in the Boise River Stewart Decree and Boise River Water Distribution Report.ADD - Water is delivered in through the Baxter Canal.* ADD 849 - step down* ADD 183 - quantityProperty Address:24684 Lemp Lane
Parma 83660

Field Exam Date 8.15.06

(in-office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$485.00
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant N/A

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-368A

Owner: Chris & Steven Stout Phone No. 342-4102

Current Address: 4017 N. La Mexita Way, Boise 83702

Property Address:

24684 Lempland

Parma

83660

☒ No change NAME IS THE SAME

☐ NEW OWNER

☒ No change Address

☐ NEW ADDRESS

☐ How long owned property?

Accompanied by: in-office verification

PRIORITY DATE

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

Priority date, per claimant, is: 04/01/1880

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

The beginning of the irrigation season for this area
is March 1st, therefore, the priority date will be
recommended as 03/01/1880 since the decree states: "beginning with

Source: _____ Tributary to _____

☒ No Change – SAME SOURCE

☐ Source found is different than claimed: _____

the
irrigation
season of
1880."

POINT OF DIVERSION

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

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			SE	NE	32	5N	4W		

Description of diverting works

Paxter Ditch**OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

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

WATER USESSeason of use is (3/01) - 11/15. ADD 849 -☐ No change☐ Different UsesADD 183 -Use Irrigation From 3/01 To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater onlyN/A - surface water☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No changeNone☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:ADD C05-POU Accomplished Transferthe only gov't. lots decreed in Sec. 31, T5N, R4W were lots 8 & 9.Parcel No: R3852300000. (95.7 AC)

(*) I researched SESE, Sec. 25, T5N, R5W and determined no injury since there are no other decreed or irrigation rights for SESE, Sec. 25.

[illegible]

Overlap with other water rights: 63-152B

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

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:
When combined with 03-152 B $\rightarrow$ shall not exceed 1.52 cfs
at the field headgate.

Delivery System Narrative:

Delivery System Narrative: Roaster Canal.

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS[illegible]

⊛ This right is also designated as Right No. 73-B
in the Boise River Stewart Decree and Boise
River Water Distribution Report.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 9.15.06 (in-office review)

FIELD EXAMINER: Kimberly Brown

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-368

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 5/11/1925
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Riverside Irrigation District, Ltd, et al
Decree Plaintiff: Farmers Cooperative Ditch Co
Civil Case Number:
Judicial District: Seventh District
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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

INTERVENORS - STEWART DECREE

(like late claims)

CHART NO. 2

BOISE RIVER

NUMBER	DATE	NAME	CANAL	AMOUNT DECREED		DEPT. OF WATER ADMINISTRATION
				SEC. FT.	INCHES	
8-A	4-1-1865	ADOLPH BAHLER	BAHLER	.80	40	63-0278
8-B	4-1-1865	FIRST NAT. BANK OF PUEBLO	BUBB	1.80	90	63-0280
8-C	1865	LOUISE SIMONSON	LEMP DITCH	6.00	300	63-0270
8-D	1865	S. G. HARDIES	BUBB	.50	25	63-0281
31-A	6-1-1866	WM. MUSSER	LAWRENCE & KENNEDY	2.30	115	63-0254
31-B	6-1-1866	MINNIE & JEREMIAH COUZENS	MIDDLETON WATER	.60	30	63-0255
31-C	6-1-1866	ALBERT C. BOWERMAN	LAWRENCE & KENNEDY	1.10	55	63-0001
35-A	6-1-1867	RALPH T. KNIGHT & ORA K. TILLER	CANYON COUNTY WATER CO.	1.76	88	63-0277
47-A	4-1-1870	ADOLPH BAHLER	BAHLER	.80	40	63-0279
50-A	1870	(S. G. HARDIES (AMELIA EISLEY	BUBB	1.00	50	63-0282) 63-0283)
59-A	5-1-1875	KARL F. & OTTO W. ROEDEL	INDIAN CREEK	3.20	160	63-0305
66-A	4-1-1878	J. S. KRAUSS	BALLENTYNE	.80	40	63-0265
66-C	4-1-1878	J. W. KOLANDER	BALLENTYNE	1.40	70	63-0289
66-D	4-1-1878	M. T. GRIFFITH	BALLENTYNE	.80	40	63-0264
71-A	4-1-1879	ISLAND HIGH LINE DITCH	ISLAND HIGH LINE DITCH	3.00	150	63-0291
73-A	4-1-1880	GOBLE & SONGER	NEW DRY CREEK	.54	27	63-0288
73-B	1880	ALBERT LEMP ET AL	BAXTER DITCH	3.20	160	63-0368
74-A	6-1-1880	C. B. FRANK	NEW DRY CREEK	1.816	90.8	63-0263
77-A	6-1-1881	GUS A. BARTH	PARMA DITCH CO.	1.60	80	63-0272
77-B	6-1-1881	CHARLES JURRIES	PARMA DITCH CO.	.34	17	63-0274
77-C	6-1-1881	JAMES FINLAY	PARMA DITCH CO.	.80	40	63-0275
77-D	6-1-1881	LESTER J. SHIPPY	PARMA DITCH CO.	1.30	65	63-0273
77-E	4-15-1882	ROC HELM	RIVERSIDE IRRIG. DIST.	3.674	183.70	63-0290
85-A	6-1-1882	LEO MARSTERS	WARM SPRINGS SLOUGH	1.76	88	63-0287
85-B	4-1-1883	JACOB BINGMAN	SETTLERS	1.00	50	63-0257
85-C	5-1-1883	WM. HUCKBA	NEW DRY CREEK	.2232	11.16	63-0259
85-D	5-1-1883	C. H. SCHMELZER	BALLENTYNE	.8256	41.28	63-0260
85-E	5-1-1883	C. W. MCCLURG	NEW DRY CREEK	.385	19.25	63-0261
106-A	3-1-1889	AMELIA EISLEY	BUBB	.84	42	63-0284
114-A	5-1-1889	NEIL & PATRICK O'DONNELL	O'DONNELL & BARTH	1.60	80	63-0276
114-B	5-1-1889	GUS A. BARTH	O'DONNELL & BARTH	.80	40	63-0271
116-A	6-1-1890	ANNA SPENCER	RIVERSIDE IRRIG. DIST.	.72	36	63-0266
116-B	6-1-1890	WILLIS B. SPENCER	RIVERSIDE IRRIG. DIST.	.10	5	63-0267
116-C	6-1-1890	REBECCA BELL	RIVERSIDE IRRIG. DIST.	.40	20	63-0268
123-A	4-15-1893	OTTO & MARIE MULLER	MIDDLETON MILL DITCH	1.60	80	63-0370
124-A	5-1-1893	W. D. CHARTERS	NEW DRY CREEK	.825	41.25	63-0258
129-A	4-1-1897	H. E. PLAIN	NEW DRY CREEK	.54	27	63-0286
136	5-1-1906	H. E. WIMER	BALLENTYNE	.392	19.6	63-0285
137	5-1-1909	B. P. WEAVERLING	MACE & MACE	1.76	88	63-0253
137-A	4-1-1910	ISLAND HIGH LINE DITCH	ISLAND HIGH LINE DITCH	7.00	350	63-0292
138	6-14-1912	WESLEY A. MACE	MACE & CATLIN	.44	22	63-0261-382
139	4-1-1915	ISLAND HIGH LINE DITCH CO.	ISLAND HIGH LINE DITCH	10.00	500	63-0293

STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY		AMOUNT DECREED			INCHES	TOTAL SEC. FT.
			NO.	DATE	INTERVENORS				
					STEWART DECREE	STEWART DECREE	BRYAN DECREE		
AIKEN			63	6-1-1877	5.20			260	
			73-A	4-1-1880	.10			5	5.30
ANDREWS DITCH			4	6-1-1864	3.30			165	
			29	6-1-1865	6.00			300	
			44	6-1-1869	8.50			425	
			51	5-1-1870	1.30			65	
			104	6-1-1888	.90			45	
			121	6-1-1891	3.50			175	23.50
BALLENTYNE			98	6-1-1888	4.00			200	
			99	6-1-1888	1.30			65	
			100	6-1-1888	1.40			70	
			101	6-1-1888	1.46			73	
			102	6-1-1888	1.20			60	
			103	6-1-1888	1.40			70	
			123	6-1-1891	.80			40	
			66-A	4-1-1878		.80		40	
			66-C	4-1-1878		1.40		70	
			66-D	4-1-1878		.80		40	
			85-D	5-1-1883		.8256		41.29	
			136	5-1-1906		.392		19.6	
	57		65	6-1-1877	.60			30	
	64*		102	6-1-1888	.20*			10*	
	140*		85-D	5-1-1883		.07*		3.5*	
	151		124-A	5-1-1893		.135		6.75	
	161*		103	6-1-1888	.65*			32.5*	
	174*		103	6-1-1888	.24*			12*	15.352
BAXTER			73-B	1860		3.20		150	
	127		20	6-1-1865	.90			40	4.00
BOISE CITY			33	6-1-1866	38.06			1903	
		370*	33	6-1-1866	1.124*			56.2*	
		373*	33	6-1-1866	.374*			18.7*	
		1048*	33	6-1-1866	.0875*			4.375*	
		1059*	33	6-1-1866	.10*			5*	
	3559*	3559*	33	6-1-1866	2.025*			101.25*	34.838

*SUBTRACT

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

Farmers Co-operative Ditch Company,
a corporation,

Plaintiff,

v.

Riverside Irrigation District, Limited;
Albert Lemp, Herbert F. Lemp, John F.
Lemp and Louise Simonson, who have been
substituted as parties defendants in place
of the defendant John Lemp, deceased, et al.,
(said action being commonly known as the
Boise River Priority Suit.

Defendants.

JUDGMENT AND DECREE.

FILED
AND ENTERED
May 21 1925
J.A. Dunbar Clerk.
B.L. Newell Deputy.

THIS CAUSE, coming on regularly for hearing before the Court upon the answers and cross-complaints of the defendants Albert Lemp, Herbert F. Lemp, John F. Lemp and Louise Simonson, who were substituted as parties defendants in the place of John Lemp, deceased, who all appeared in person and by their counsel Cavanah and Blake, said parties having been heretofore, by consent of all parties to this action and by order of this Court, permitted to be substituted in this cause as parties defendants in the place of John Lemp, deceased, and filed herein their answers and cross-complaints and asked to proceed with the trial, all the parties to said suit having heretofore, under stipulation, answered and denied the allegations of said answer and cross-complaints of said defendants Albert Lemp, Herbert F. Lemp, John F. Lemp and Louise Simonson, and the several parties being before the Court, all present consented to the hearing of the evidence in the above entitled cause.

WHEREUPON, Witnesses were sworn and testified in behalf of said defendants Albert Lemp, Herbert F. Lemp, John F. Lemp and Louise Simonson, and documentary evidence introduced and no other evidence was introduced by any of the parties to said cause on said hearing upon the said answers and cross-complaints of said defendants and cross-complainants, the evidence being closed, the cause was submitted to the Court for its consideration and decision, and the Court having filed its findings of fact and conclusions of law from which it appears that the said defendants

Albert Lemp, Herbert F. Lemp, John F. Lemp and Louise Simonson, since the filing, by the plaintiff, of the original complaint in this action have become the owners of the premises and water rights hereinafter mentioned and described, and were substituted as such defendants and cross-complainants in place of the defendant John Lemp, deceased, and that all of the material facts stated in said answers and cross-complaints are sustained, and that the matters so alleged and proved are sufficient in law to entitle the said defendants and cross-complainants Albert Lemp, Herbert F. Lemp, John F. Lemp, and Louise Simonson to the relief prayed for in their said answers and cross-complaints; that the said defendants are entitled to the use of water in the Boise river and its tributaries in the amounts claimed in their said answers and cross-complaints; and it further appearing that all the material allegations in said answers and cross-complaints are true, and that the said defendants and cross-complainants have a priority of right to the use of the water from Boise river, beginning at the times and as hereinafter stated, and the Court having been fully advised in the premises;

It is ordered, adjudged and decreed that all of the lands hereinafter described are arid in character and require the artificial application of water to render them valuable for agricultural purposes; that the quantity of water required for the successful cultivation and irrigation of said lands, under a four inch pressure and measured at the intake of the ditches hereinafter mentioned and described, is one inch of water per acre;

That the above mentioned one inch of water per acre is understood to be in the same status as the one inch of water per acre in the judgement rendered in the above entitled action on or about January 19, 1906, and is subject to such modifications and temporary orders as this Court may make for the above entitled cause; and it is further ordered, adjudged and decreed that the said defendants ~~Albert Lemp, Herbert F. Lemp, John F. Lemp~~, be, and they are hereby, awarded the use of the waters of Boise river and the tributaries thereof, subject to the above modification of 160 inches of water measured under a four

3-0348

3.2 cfs

inch pressure of the waters of said Boise river, beginning with the irrigation season of 1880, to be carried through that certain ditch with its point of diversion commencing at a point on the North side of Boise river in Canyon County, Idaho, and extending over and across Sections 30, 31, and 32 in Township 5 North of Range 4 West, Boise Meridian, in a northwesterly direction to and upon the lands of said defendants and cross-complainants Albert Lemp, Herbert F. Lemp and John F. Lemp, and to be used upon the following described said lands of said defendants, situated in Canyon County, Idaho, to wit:

Lot 10 in Section 25, Township 5 North Range 5 West, also Lots 8 and 9 in Section 30, and Lots 8, 9, and 10 in Section 31, Township 5 North Range 4 West and Lot 4 in Section 36, Township 5 North Range 5 West, Boise Meridian, all in Canyon County, Idaho.

63 0270

11.

And it is further ordered, adjudged and decreed that the said defendant Louise Simonson, be, and she is hereby, awarded the use of the waters of Boise river and the tributaries thereof, subject to the above modifications of 300 inches of water measured under a four inch pressure, of said river, beginning with the irrigation season of 1865, to be carried through that certain ditch with its point of diversion commencing at a point on the East side of Eagle Island and extending over and across Sections 15, 16, 21 and 22, Township ⁴14 North of Range 1 East of Boise Meridian, in Ada County, Idaho, in a northerly direction to and upon the said lands of the said defendant Louis Simonson, and to be used upon said lands situated in Ada County, Idaho, and described as follows, to wit:

Lots 5 and 6 in Section 15; Lots 7 and 8 in Section 16; Lot 1 in Section 21, and Lots 2, 3, and 4, in Section 22, all in Township ~~14~~ 4 North of Range 1 East, Boise Meridian, Ada County, Idaho, containing approximately 299.14 acres.

111.

It is further ordered, adjudged and decreed that the said answers and cross-complaints of the said defendants, and all pleadings filed in this case, be, and the same are hereby, amended to conform to the facts as found by the Court herein.

Done in open Court this 12th day of May, A.D. 1925.

Ed. L. Bryan
District Judge

STATE OF IDAHO, }

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

I, J. C. Smith, Clerk of the District Court and Ex-officio Recorder of the County of Canyon, State of Idaho, do hereby
certify that the foregoing copy of Decree

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

_____ of record

_____ as the same appears

_____ in my office

In TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this 29th
day of October 19 31

J. C. Smith

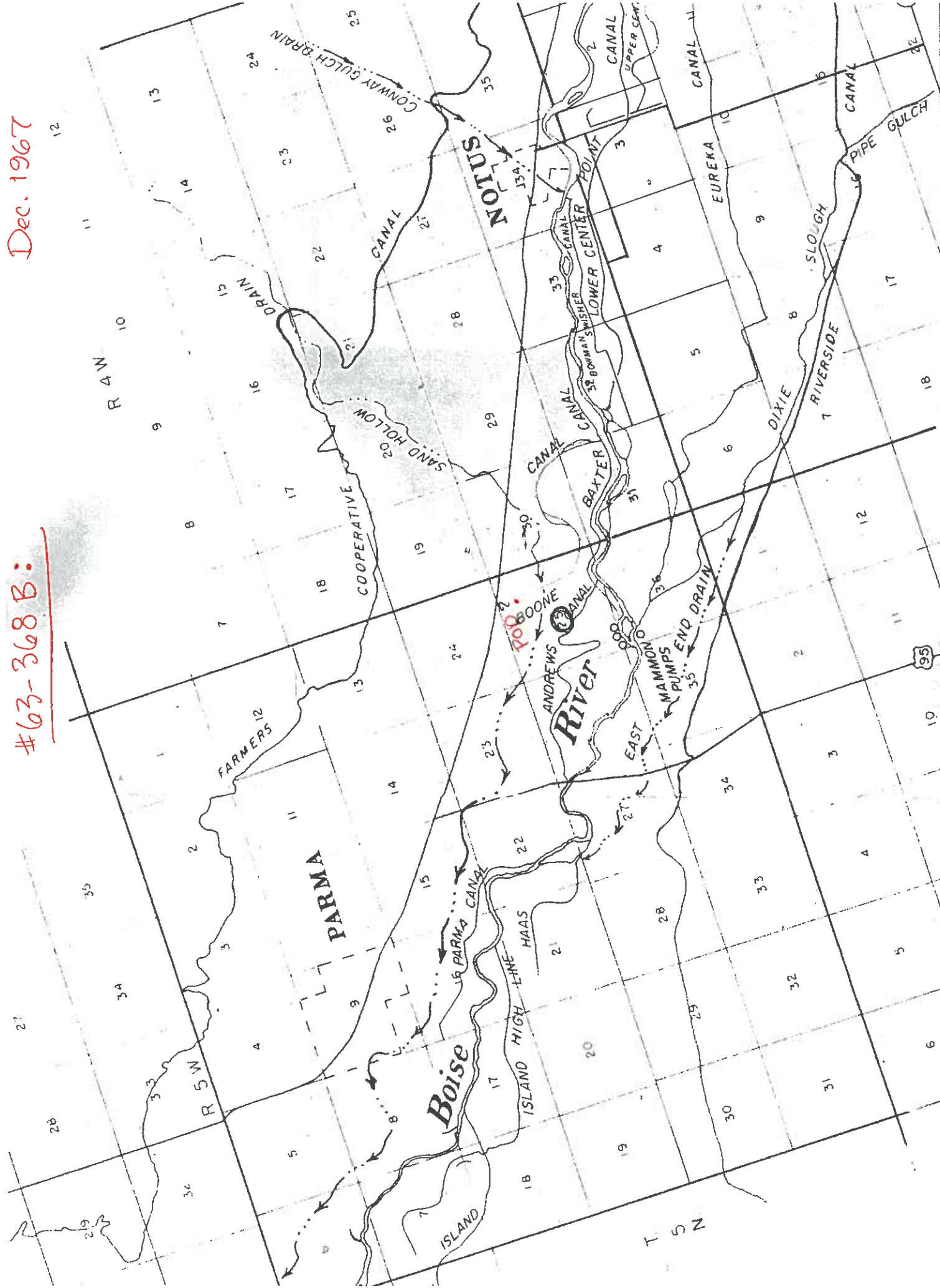
Clerk of the District Court and Ex-officio Recorder.

By

B. R. Newell

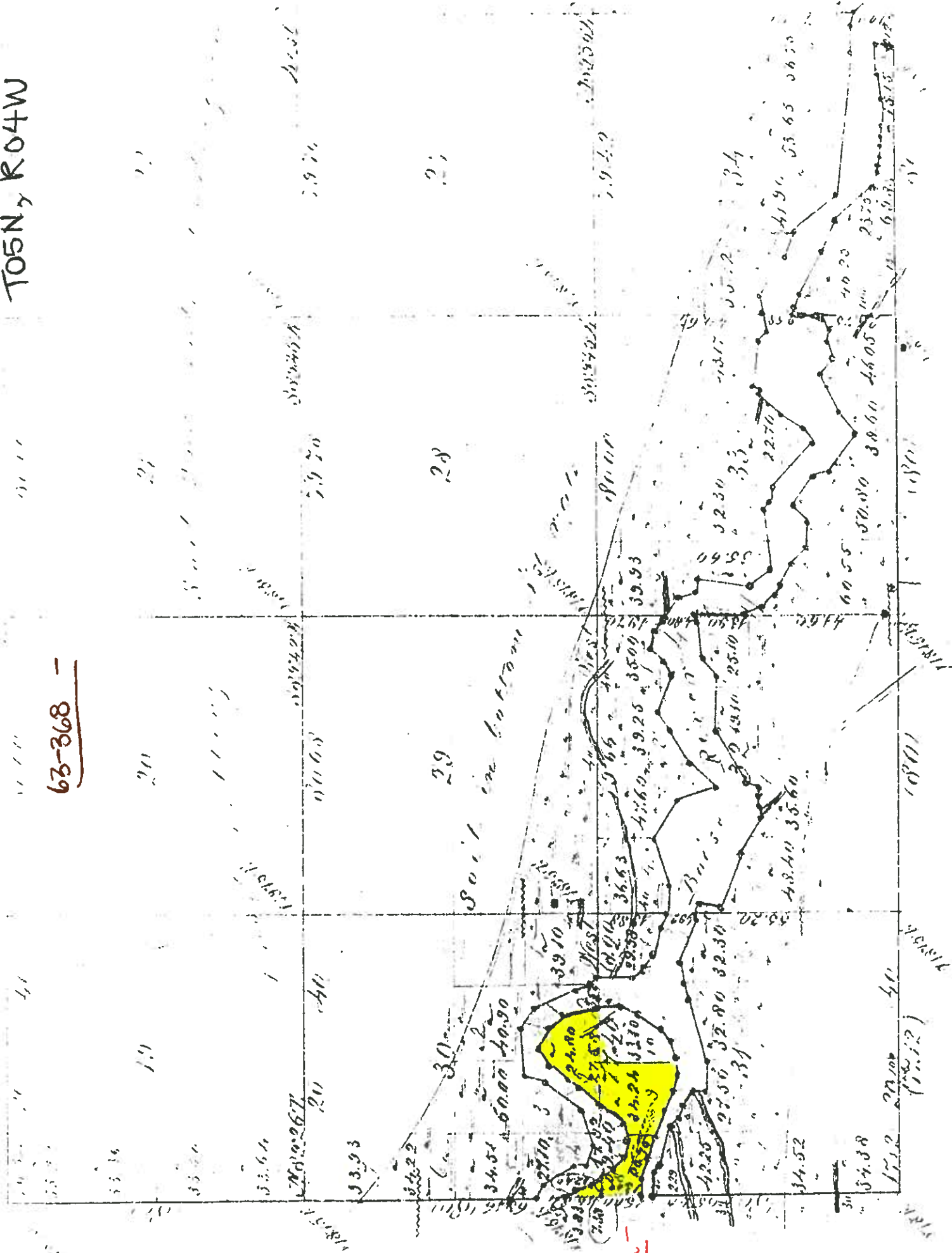
Deputy

#63-368B:

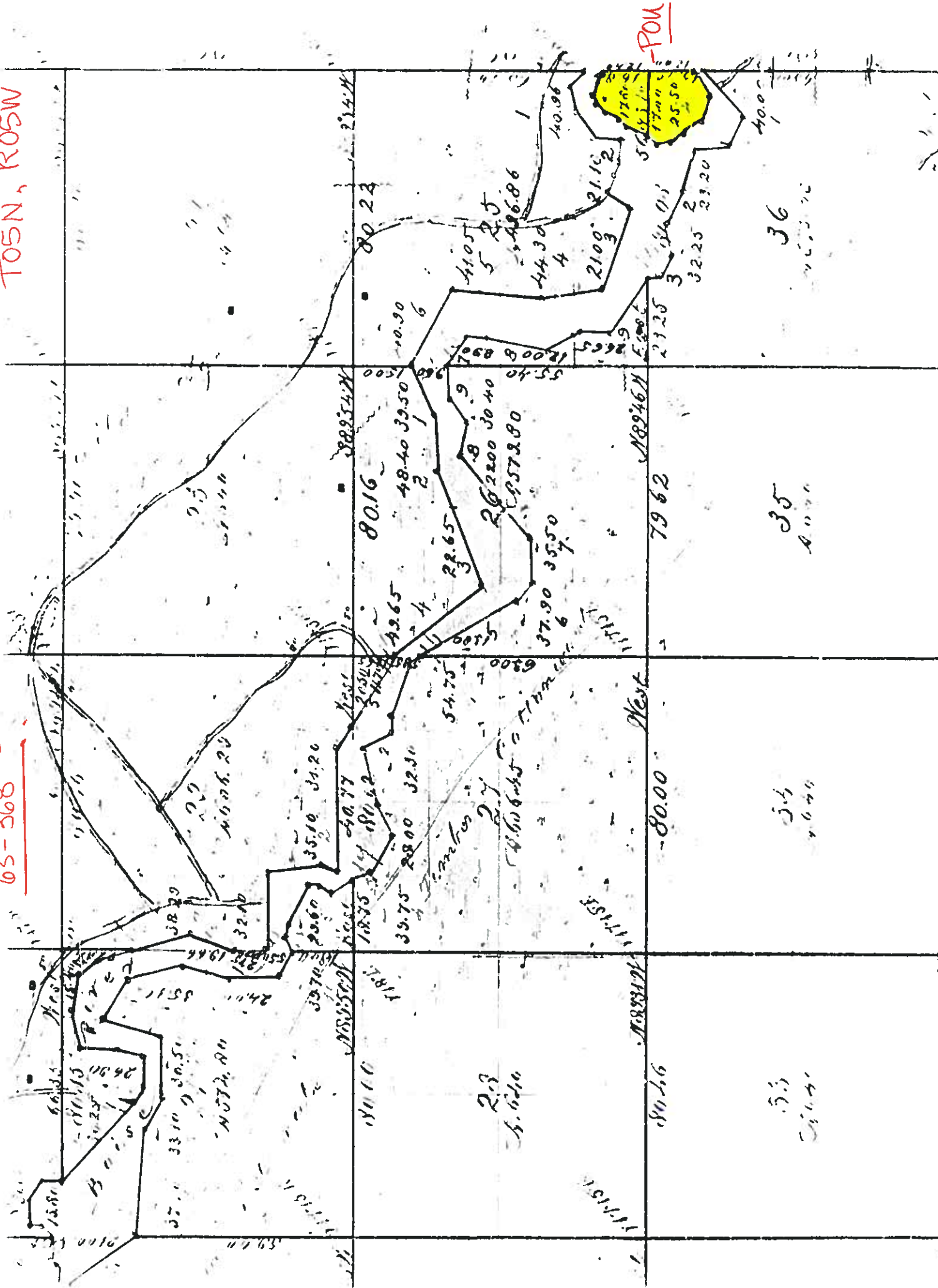


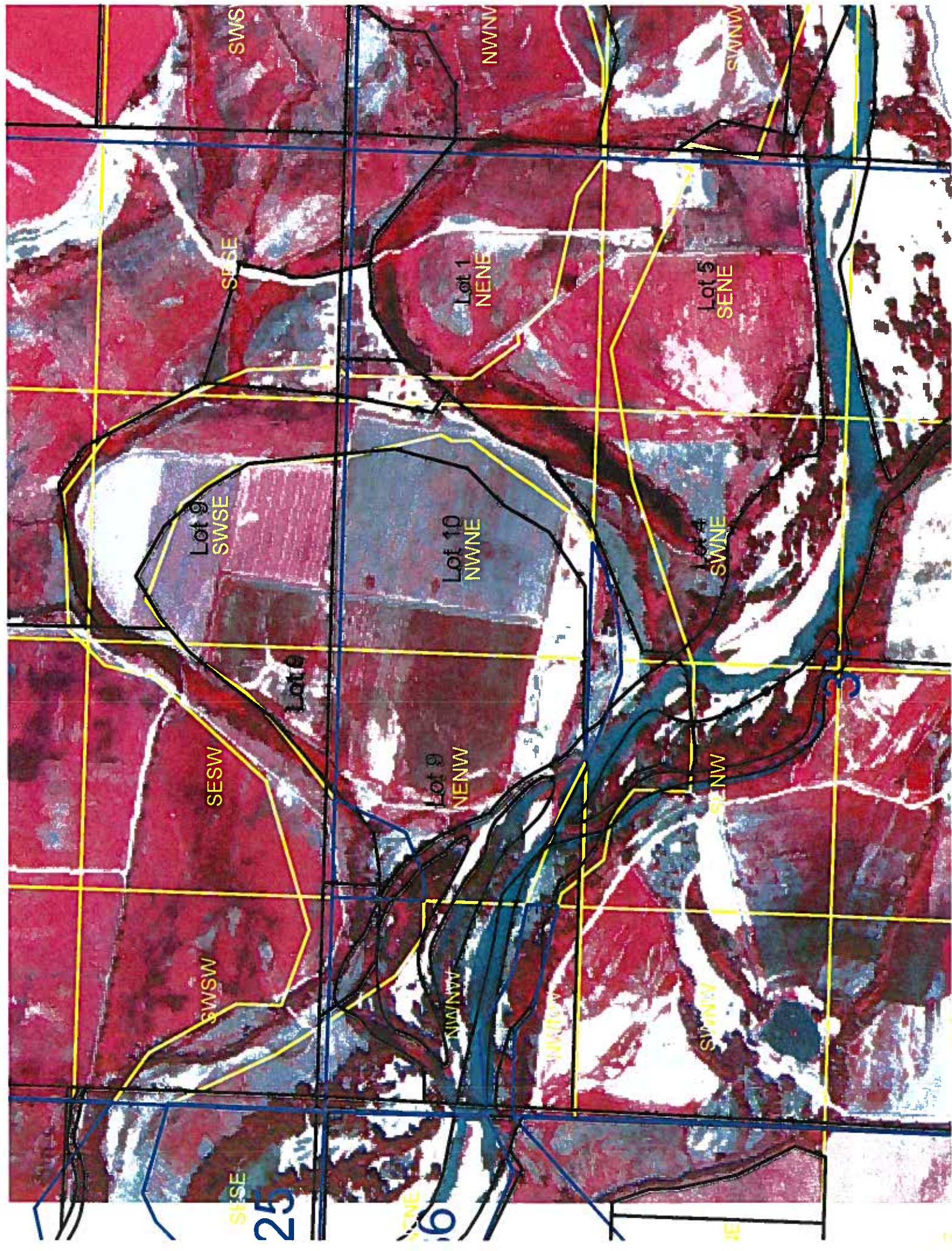
63-368 -

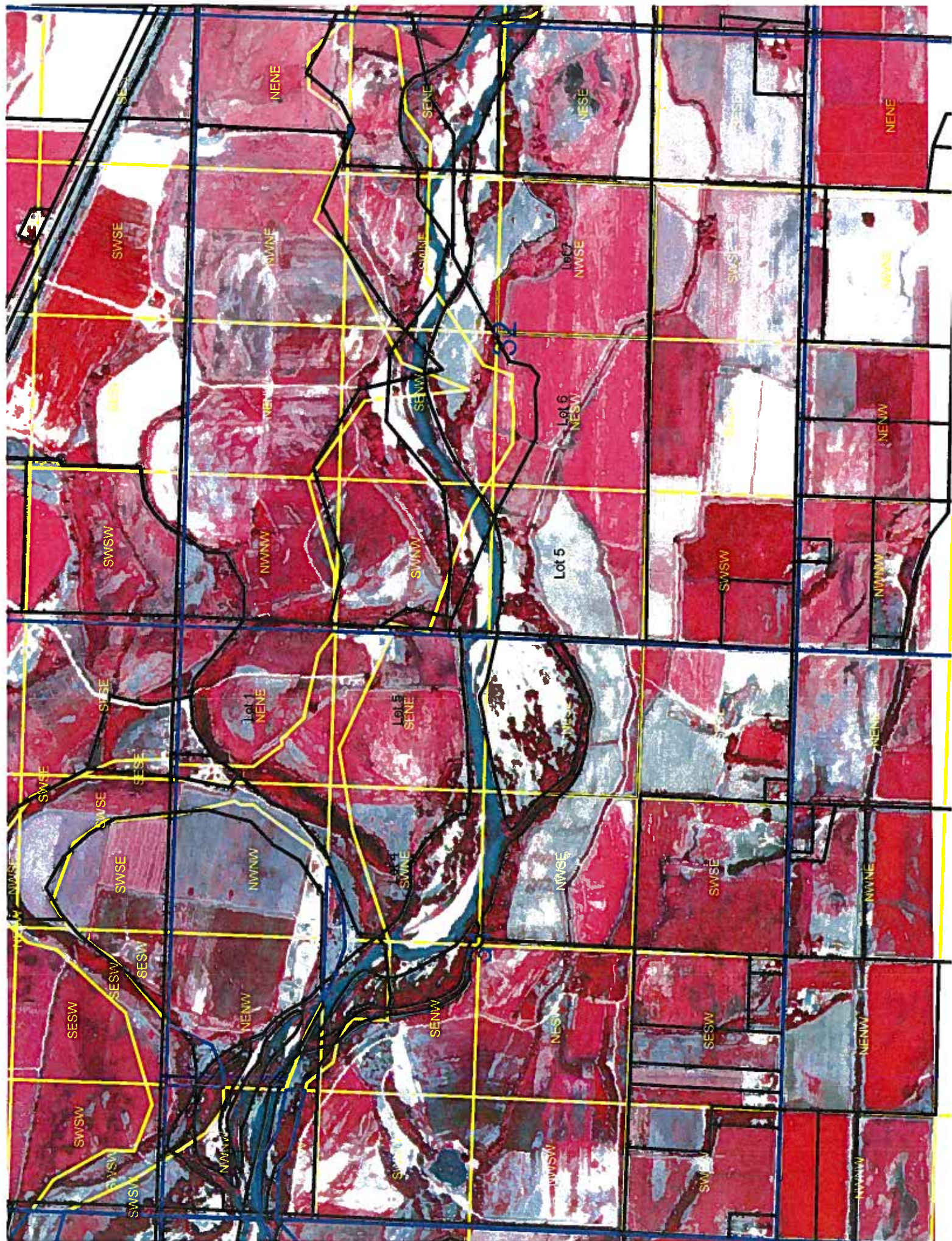
POW-



TOSN, ROSW







IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-368B

09/15/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
21475	Claim	05N	04W	31	NE	NE		IRRIGATION	4/4	VIRGINIA HAWKINS
4574	Water Right	05N	04W	31	NE	NE		IRRIGATION	5/201	ROBERT C KRUPP
152B	Claim	05N	04W	31	NE	NE	1	IRRIGATION	34.9/100	STEVEN L STOUT
368B	Claim	05N	04W	31	NE	NE	1	IRRIGATION	30/85	STEVEN L STOUT
11165	Water Right	05N	04W	31	NE	NE	1	IRRIGATION	4/96	NOLA F YEAKEL
4573	Water Right	05N	04W	31	NE	NE	11	IRRIGATION	5/120	NOLA F YEAKEL
152B	Claim	05N	04W	31	SW	NE	4	IRRIGATION	32.8/100	STEVEN L STOUT
368B	Claim	05N	04W	31	SW	NE	4	IRRIGATION	20/85	STEVEN L STOUT
-152	Water Right	05N	04W	31	SW	NE	4	IRRIGATION		WILLIAM BAXTER
152B	Claim	05N	04W	31	SE	NE	5	IRRIGATION	32.3/100	STEVEN L STOUT
368B	Claim	05N	04W	31	SE	NE	5	IRRIGATION	35/85	STEVEN L STOUT
-152	Water Right	05N	04W	31	SE	NE	5	IRRIGATION		WILLIAM BAXTER

- overlay with 63-152B:

⇒ when 63-368B and 63-152B are combined they shall not exceed a total combined diversion rate of 1.52 cfs at the field headgate.

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

JUL 03 2001

WATER RESOURCES
WESTERN REGION

June 30, 2001

Steve Lester
Water Rights Supervisor
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Water Rights for Property Purchased by Steven and Chris Stout

Dear Steve:

Enclosed please find water right documents associated with a Canyon County property purchased by Steven and Chris Stout earlier this year. The property consists of approximately 105 acres located west of Notus in Section 31, T5N, R4W.

1. **Notice of Change in Water Right Ownership.** The recorded water rights associated with the property include 63-21865 (partially decreed water right for domestic and stockwater purposes from the well at the house), 63-21863 (pending Snake River Basin Adjudication claim for stockwater from the slough), and 63-00152B (decreed water right and pending Snake River Basin Adjudication claim for irrigation from the Boise River). I understand that there is a \$25 change of ownership filing fee for water rights that have been decreed in the SRBA, but that there is no filing fee for rights with pending claim. Therefore, I assume that the total change in ownership fee for these three rights is \$25.
2. **Notice of Claim to a Water Right.** Water right 63-00368 (3.2 cfs) is diverted through the Baxter Ditch and utilized on the Hawkins and Stout properties. Hawkins claimed 1.8 cfs as water right 63-00368A. The enclosed claim by Stout (63-00368B) is for the remaining 1.4 cfs of the water right. The 1.4 cfs provides water for irrigation and for ditch losses between the river and the Stout property. Water right 63-00152B (A63-00152B) also provides irrigation for the same acres on the Stout property that are irrigated by 63-00368B. The \$1 per acre SRBA fee has already been paid through the 63-00152B claim. Therefore, I assume that the filing fee for this claim is the flat fee of \$50.
3. **Application for Permit.** The enclosed application for permit proposes diversion of 5 cfs from the Boise River for recreation and wildlife purposes. The water would be diverted through the Baxter Ditch to the property. Diversion could occur year around, but would be primarily during the non-irrigation season. I assume that the filing fee for this application is \$410.

Mr. Steve Lester

-2-

June 30, 2001

A check for \$485 (\$25 + \$50 + \$410) is enclosed. Please contact me with any questions.

Sincerely,

A handwritten signature in cursive script, reading "Terry M. Scanlan".

Terry M. Scanlan

Cc: Steve Stout

Receipt Details for ID W027982

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/3/2001 12:22:55 PM	7/3/2001 2:25:22 PM	WESTERN	\$485.00	Check
Payer		SCANLAN ENGINEERING		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2498			
Card Expiration Date	Credit Card Transaction #		

Comment NOTICE OF CLAIM TO A WATER RIGHT

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$485.00	ADJUDICATION FILING FEE	42503	0337			1155

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
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Print Report