

07/25/2005

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

RIGHT NUMBER: 67-4
NAME AND ADDRESS: SUNNYSIDE DITCH CO
C/O JAQUELINE WRAY
PO BOX 829
WEISER ID 83672
SOURCE: WEISER RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 8.720 CFS
PRIORITY DATE: 05/01/1900
POINT OF DIVERSION:

T11N R04W S25 SWSNW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	8.720 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 April 1 and after October 31 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:

3313 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 - Decreed

Martin and William M Woods, C E McDonald,
Defendants.

It is ordered, adjudged and decreed that the waters of the Weiser River and all of its tributaries be and the same are hereby decreed to the plaintiffs herein and to the various defendants and cross-complainants hereinafter named, in the following amounts and from the dates and in the order of priority hereinafter stated each inch of water hereinafter stated being the equivalent of one fiftieth of a cubic second footfall. Said waters to be diverted from the said Weiser River and its tributaries by the plaintiffs and defendants and cross-complainants hereinafter named and through the ditches and from the various tributaries of the said Weiser River hereinafter named:

WATER ALLOTMENTS CONTAINING NAMES OF PARTIES, AMOUNTS ALLOTTED IN INCHES WITH DATES OF PRIORITY.

Names.

Amounts in inches

Dates

Main Weiser River.

Sunnyside Ditch.

John T Muir and William H Muir
George F Smith, John L Smith and Minnie B Smith and
Chester A Smith

112 1/2

June 1, 1887 1000 1/2

Sunnyside Ditch Company

62 1/2

June 1, 1887 67 0002

100
436

May 1, 1899 67 0003
May 1, 1900 67 0004

Kelly Anderson Ditch.

Anna Galloway Dickerson, Frances H Galloway, Guy Galloway, Catherine Galloway, J W Galloway and Thomas O Galloway, Jr.

70

June 1, 1889 67 0005

J Newton and Bessie Wingfield

15

June 1, 1888 67 0006

Weiser Mill Ditch.

Weiser City Water Ditch & Irrigating Company

450

Sept. 1, 1880 67 0007

Weiser Irrigation Ditch.

Weiser Irrigation District

100

May 1, 1888 67 0008

1500

Aug. 29, 1889 67 0009

250

May 1, 1887 67 0010

250

May 1, 1888 67 0011

300

May 1, 1889 67 0012

200

May 1, 1890 67 0013

200

May 1, 1891 67 0014

150

May 1, 1892 67 0015

200

May 1, 1893 67 0016

150

May 1, 1894 67 0017

150

May 1, 1895 67 0018

150

May 1, 1896 67 0019

150

May 1, 1897 67 0020

250

May 1, 1898 67 0021

2000

May 1, 1899 67 0022

from the said funds now in his hands and from the costs to be collected from the other parties in this case as herein provided; that the costs so taxed against the several parties are upon a total basis of twenty-two and seven tenths cents (22.7¢) per miners inch and for each fraction of a miners inch of water herein allotted and decreed and as itemized in this decree and that there be paid out of the proceeds of said collection to be made by the Clerk from said parties the further sum of \$55.00 to pay the expenses of drafting these findings and this decree, as follows to wit:

NAME.	INCHES.	AMT.	PD.	BAL. DUE	OVER PD.
John T Muir	113	\$25.65	\$25.50	.15	
Smiths et al	63	14.30	29.00		\$14.70
Sunnyside Ditch Co.	536	121.67	135.00		13.33
Anna Galloway et al	70	15.89	14.70	1.19	
Wingfields	15	3.41	3.15	.26	
Weiser Mill Ditch	450	102.15	100.00	2.15	
Weiser Irrigation Dist.		102.00			
Butterfield Live Stock Co.	45	45.00	45.00		
Middle Valley Irrigation Ditch Co.	2200	499.40	416.00	83.40	
Alexander Allison	122	27.69	25.62	2.07	
Joseph Allison	148	33.60	31.03	2.52	
Eugene Leoney	100	22.70	21.00	1.70	
Harry Coen	165	37.46	34.65	2.81	
B F Janes	10	2.27	2.10	.17	
Marion Smith	90	20.43	18.90	1.53	
Heire of R H Martin	90	20.43	18.90	1.53	
J Emmett Frost	125	28.38	20.00	8.38	
Grace Everest	25	5.68	5.25	.43	
Geddie Abernathy	50	11.35	10.50	.85	
Fred Jewell	50	11.35	10.50	.85	
John A Frost	41	9.31	8.61	.70	
Mark Winkler	60	13.62	12.60	1.02	
Carrie Winkler	19	4.31	3.99	.32	
E Hinkle	82	18.61	17.22	1.39	
S A Moudy & B Hinkle	19	4.31		4.31	
George Gould	89	20.20	18.69	1.51	
Frank Hahn	190	43.13	40.00	3.13	
Isaac McMahon	27	6.13	5.67	.46	
Bollie A McMahon	36	8.17	7.56	.61	
Samuel E McMahon	23	5.22	4.83	.39	
Lester I McMahon	22	4.99	4.62	.37	
William M Glenn	45	10.22	9.45	.77	
George Robertson	35	7.95	7.35	.60	
William G Spofford	45	10.22	9.45	.77	
Fruitvale Townsite Co	30	6.81		6.81	
Phillip Walston	8	1.82	2.00		.18
C E Cox	22	.67		.67	
A L Freehafer and	25				

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Morey-Smith-Crouter Ditch.

Marion Smith	92	May 1, 1887	67	0490
W D Morey	162 1/2	May 1, 1887	67	0491
Mrs Margaret A Crouter	65	May 1, 1887	67	0492

Donart-Martin-Cox Ditch.

J E Donart	76	July 1, 1883	67	0493
Heirs of R H Martin, deceased	90	May 1, 1887	67	0494
Samuel A. Mentzer, sub for Riley Cox	94	May 1, 1887	67	0495
C E McDonald	56 High Water	34 Low water	July 2, 1892	67 1/2 0496

The said water allotted and decreed as aforesaid is for use upon the several tracts of land hereinafter set forth following the name of the party to whom such allotment is made.

John T Muir and William H Muir: The South West quarter of the North East quarter, the South East Quarter of the North West Quarter, and the North Half of the South West Quarter and the South East Quarter of the South West Quarter and Lots 2 and 3 all in Section 3 in Township 10 North of Range 4, West of the Boise Meridian, being 251 acres more or less, in area.

George F Smith, John L Smith and Minnie B Smith: The South East Quarter (SE 1/4) of the Northeast Quarter of Section 3; and the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 2 township 10 North of Range 4 West of Boise Meridian, containing 80 acres of land. Also the following described tract of land.

Beginning at the Southwest corner of Lot 1, Section 3 Township 10 North of Range four (4) West of the Boise Meridian, and running thence North to the Middle of the main channel of the Weiser River; thence up the middle of the main channel of the Weiser River to a point on the north side line of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 35, Township 11 North Range 4 West Boise Meridian, thence running East along said line to the Northeast corner of the said Northwest Quarter of the Southeast Quarter of said Section 35, thence running south to the south east corner of the Southwest Quarter of the Southeast Quarter of said Section 35, thence West to the Northeast corner of Lot 3 in Section 2 Township 10 North Range 4 West of the Boise Meridian, thence running South to the Southeast corner of said Lot 3, thence running West to the place of beginning this last described tract of land consisting of Lot One of Section Three and Lots three and four of Section Two Township Ten North and all that land lying and being situated south and east of the present course of the Weiser River in the West half of the Southeast Quarter and the East half of the Southwest Quarter of Section 35 in Township 11 North all of Range 4 West Boise Meridian containing a total acreage of two hundred and ninety acres more or less.

Sunnyside Ditch Company: All those lands lying west of the lands of the plaintiffs hereinbefore described and bounded on the south by the Sunnyside Ditch, on the north by the Weiser River and the Kelley-Anderson Ditch and extending westerly and bounded on the west by the north and south line between Sections 11 and 12 Township 10 North Range 5 West Boise Meridian, also the Northeast Quarter of Section 4, Township 11 North Range 5 West Boise Meridian, and the Southeast Quarter of the Southeast Quarter of Section 33 Township 11 North Range 5 West Boise Meridian.

WEISER RIVER PRIORITY SUIT.
WATER ALLOTMENTS AND DATES OF PRIORITY.

NAMES	AMOUNTS IN INCHES.	DATES.
SUNNYSIDE DITCH.		
John T. Muir and William H. Muir	112½	June 1, 1887
George F. Smith, John L. Smith and Minnie B. Smith	62½	" " "
Sunny Side Ditch Company	100	May 1, 1899
	436	" " 1900
KELLEY ANDERSON DITCH		
Anna Galloway Dickerson, Frances d. Galloway, Guy Galloway, Catherine Galloway, J. W. Galloway and Thomas G. Galloway Jr.	70	June 1, 1889
J. Newton and Reasie Wingfield	15	" " "
<i>Weiser Mill Ditch</i>	437	Sept 1, 1880
WEISER IRRIGATION DISTRICT	100	May 1, 1868
	1500	Aug 29, 1883
	250	May 1, 1887
	250	" " 1888
	300	" " 1889
	200	" " 1890
	200	" " 1891
	150	" " 1892
	200	" " 1893
	150	" " 1894
	150	" " 1895
	150	" " 1896
	150	" " 1897
	250	" " 1898
	2000	" " 1904
MIDDLE VALLEY DITCH COMPANY		
	1000	July 7, 1883
	700	Nov. 1, 1887
	500	May 1, 1889
ALLISON JEWELL DITCH		
Alexander allison	68	July 4, 1882
	54	May 1, 1902
Joseph Allison	100	July 4, 1882
Eugene Looney	100	" " "
Harry Coon	165	" " "
SMITH-JANES-MARTIN DITCH		
B. F. Janes	10	July 4, 1886
Marion Smith	90	" " "
Heirs of R. H. Martin	90	" " "

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