

06/21/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-73B

NAME AND ADDRESS: SOUTH RANCH VENTURES LLC
PO BOX 44
COUNCIL ID 83612

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.388 CFS

PRIORITY DATE: 05/01/1906

POINT OF
DIVERSION:

T17N R01W S4 SWNE Lot 1 Within ADAMS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		03/15 11/15		0.388 CFS
PLACE OF USE:	<u>IRRIGATION in ADAMS County</u>				
	T17N R01W S14	SWSW	28.00	T17N R01W S14	SESW 15.00
	T17N R01W S23	NWNE	0.40	T17N R01W S23	SWNE 6.90
	T17N R01W S23	NENW	14.00	T17N R01W S23	NWNW 36.00
	T17N R01W S23	SWNW	37.00	T17N R01W S23	SENW 23.00
	T17N R01W S23	NESW	2.20		

162.5 ACRES TOTAL

This right is limited to the irrigation of 31.0 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 162.5 acres in a single irrigation season. Combined Right Nos.: 67-55, 67-65, 67-73B, 67-74B, 67-373B, 67-375A, and 67-11304A

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

Use of this right is combined with water from Robertson Sevey Ditch Co.

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

12/13/2006

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

RIGHT NUMBER: 67-73B

NAME AND ADDRESS: DOUGLAS M SCISM
PO BOX 44
COUNCIL ID 83612

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.388 CFS

PRIORITY DATE: 05/01/1906

POINT OF DIVERSION:

T17N R01W S4 SWNE Lot 1 Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.388 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S14	SWSW	28.00	T17N R01W S14	SESW	15.00
T17N R01W S23	NWNE	0.40	T17N R01W S23	SWNE	6.90
T17N R01W S23	NENW	14.00	T17N R01W S23	NWNW	36.00
T17N R01W S23	SWNW	37.00	T17N R01W S23	SENW	23.00
T17N R01W S23	NESW	2.20			

162.5 ACRES TOTAL

This right is limited to the irrigation of 31.0 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 162.5 acres in a single irrigation season. Combined Right Nos.: 67-55, 67-65, 67-73B, 67-74B, 67-373B, 67-375A, and 67-11304A

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

Use of this right is combined with water from Robertson Sevey Ditch Co.

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

Idaho Department of Water Resources



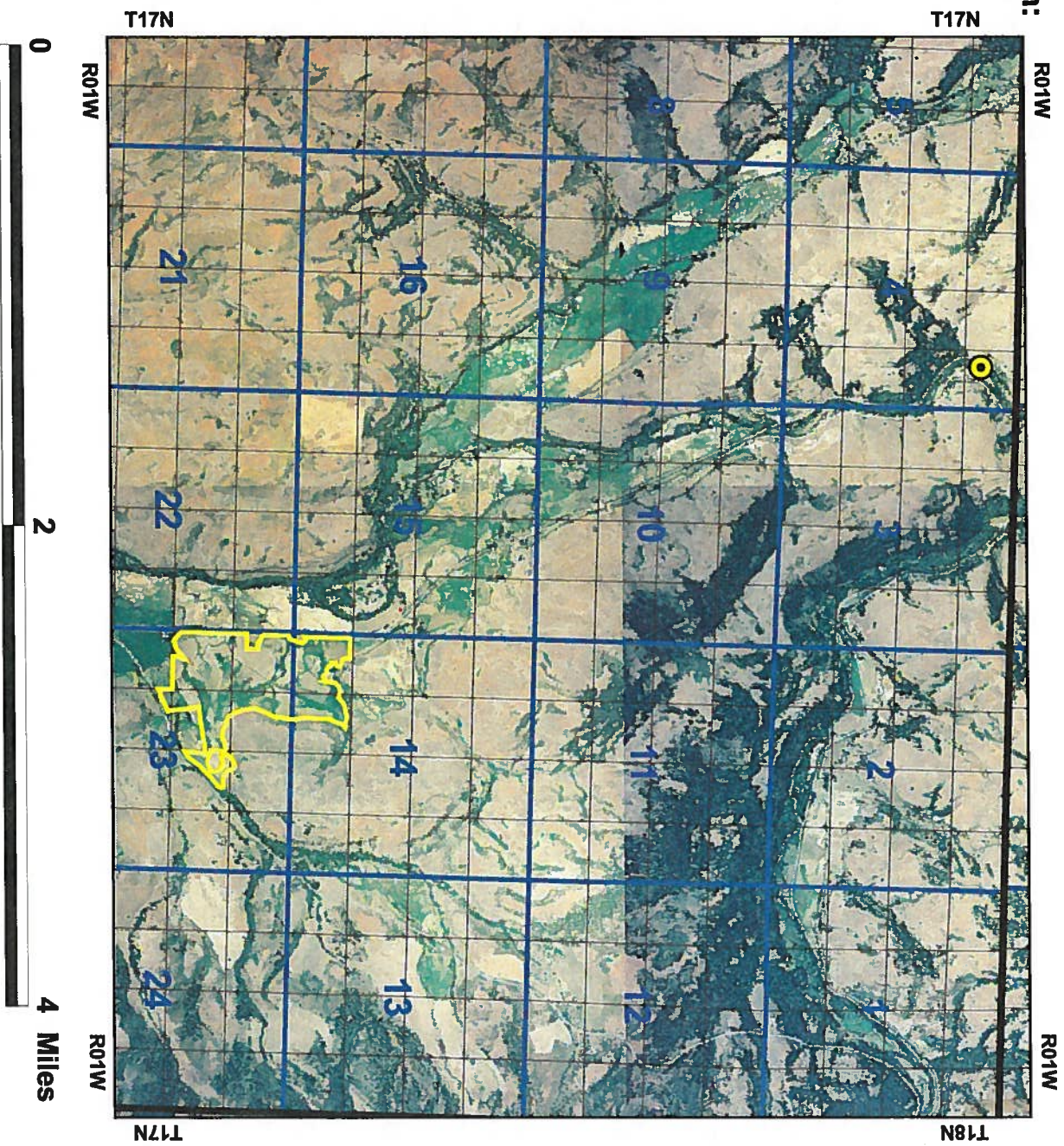
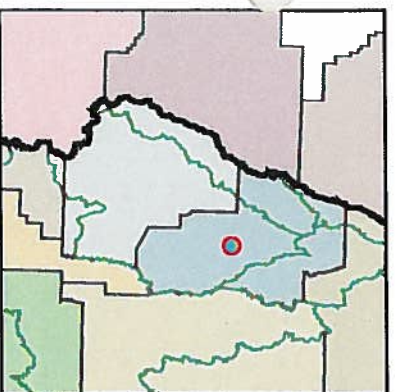
SRBA Recommendation:

67-73B

(Irrigation)

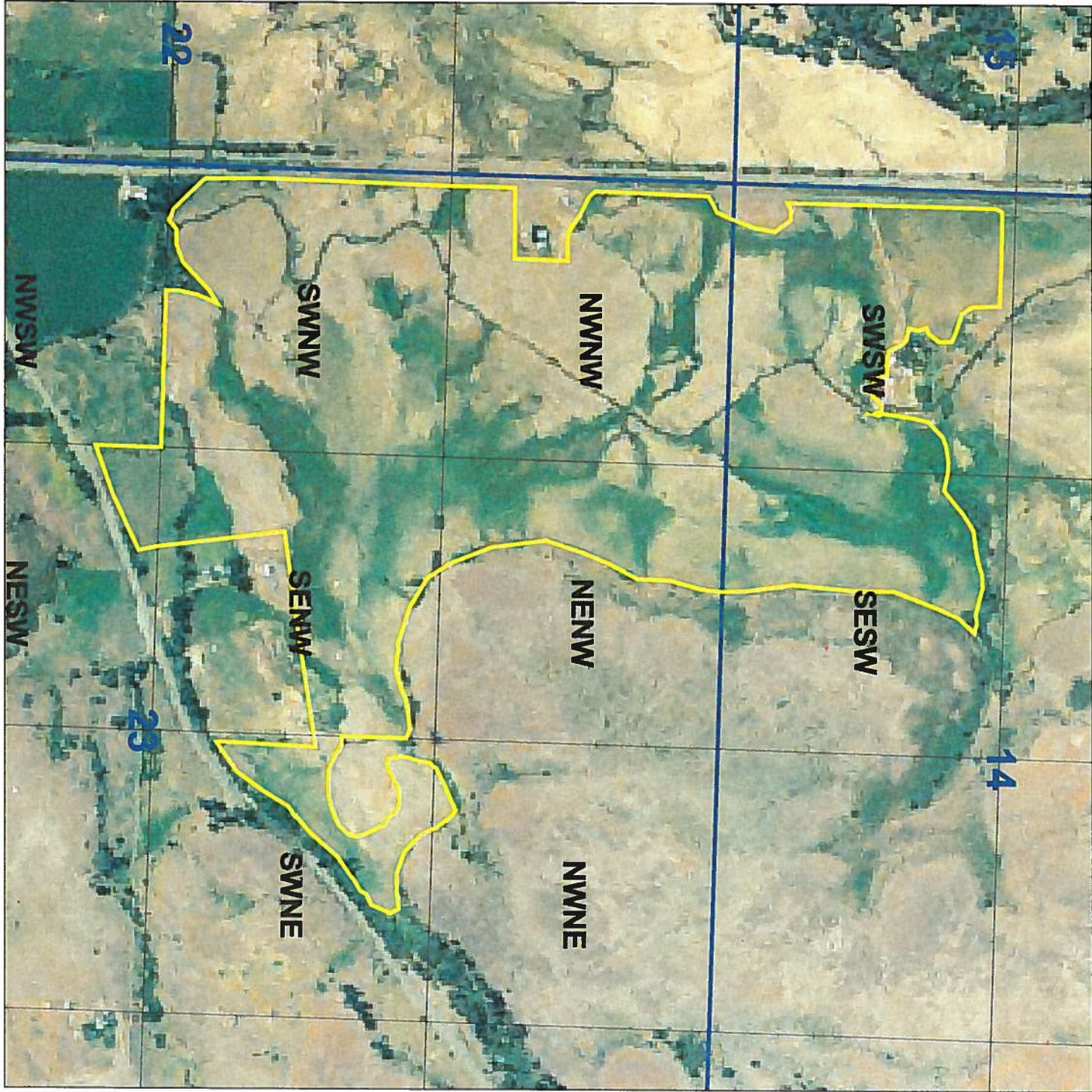
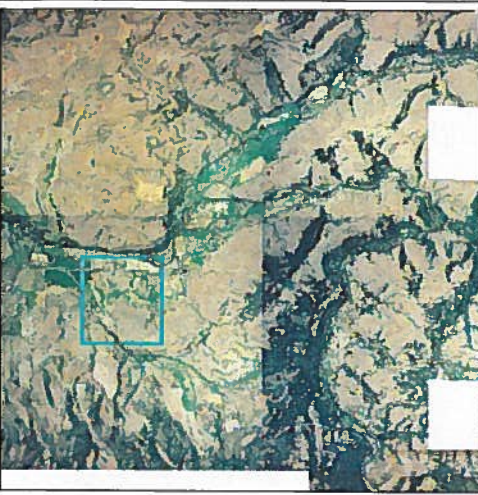
Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Prepared by IDWR State Office
On Wednesday, December 13, 2006
1987/88 Aerial Photography

67-73B



Split history for Deceased Right 67-00073

WR History

Claim History

Recommendation

67-00073 G. T. Hamill		67-00073 G. T. Hamill		67-00073A Distler		67-00073A Distler		67-00073B Scism		67-14537 Cole		67-00073A Distler		67-00073B Scism		67-00073C Gale	
0.5	cfs	0.5	40	0.000	6	0.000	6	0.500	134.8	0.025	6.7	0.053	5.1	0.388	37.2	0.059	5.7
48	ac	0	0	1.87	1.87	0	0	128.1	0	0	0	4.25	4.25	31.0	4.8	4.8	4.8
0	af	0	0														
67-00073 G. T. Hamill		67-00073 G. T. Hamill		67-00073A Distler		67-00073A Distler		67-00073B Scism		67-14537 Cole		67-00073A Distler		67-00073B Scism		67-00073C Gale	
0.5	cfs	0.5	40	0.000	6	0.000	6	0.500	134.8	0.025	6.7	0.053	5.1	0.388	37.2	0.059	5.7
48	ac	0	0	1.87	1.87	0	0	128.1	0	0	0	4.25	4.25	31.0	4.8	4.8	4.8
0	af	0	0														
67-00073 G. T. Hamill		67-00073 G. T. Hamill		67-00073A Distler		67-00073A Distler		67-00073B Scism		67-14537 Cole		67-00073A Distler		67-00073B Scism		67-00073C Gale	
0.5	cfs	0.5	40	0.000	6	0.000	6	0.500	134.8	0.025	6.7	0.053	5.1	0.388	37.2	0.059	5.7
48	ac	0	0	1.87	1.87	0	0	128.1	0	0	0	4.25	4.25	31.0	4.8	4.8	4.8
0	af	0	0														

Acreage calculated at 5/8 in per acre as decreed.
The Decreed POU seems to be in claimed POU

67-00073A Distler		67-00073B Scism		67-14537 Cole		67-00073A Distler		67-00073B Scism		67-00073C Gale	
0.000	6	0.475	128.1	0	0	0.053	5.1	0.388	37.2	0.059	5.7
1.87	1.87	0	0	0	0	4.25	4.25	31.0	4.8	4.8	4.8
67-00073A Distler		67-00073B Scism		67-14537 Cole		67-00073A Distler		67-00073B Scism		67-00073C Gale	
0.000	6	0.475	128.1	0	0	0.053	5.1	0.388	37.2	0.059	5.7
1.87	1.87	0	0	0	0	4.25	4.25	31.0	4.8	4.8	4.8
67-00073A Distler		67-00073B Scism		67-14537 Cole		67-00073A Distler		67-00073B Scism		67-00073C Gale	
0.000	6	0.475	128.1	0	0	0.053	5.1	0.388	37.2	0.059	5.7
1.87	1.87	0	0	0	0	4.25	4.25	31.0	4.8	4.8	4.8

*Last updated 10-27-06 (csaxton)
For digital copy of Excel spreadsheet file: See Craig L. Saxton

Sum CFS =	0.660
Sum Acre =	148.8
Sum AF =	1.87

Sum CFS =	0.500
Sum PPU Ac =	48
Sum Ac Limit =	40.0

Extra CFS =	-0.160
Extra Acre =	-108.8
Extra AFA =	-1.87

Extra CFS =	0.000
Extra PPU Ac =	0
Extra Ac Limit =	0.0

Page #	Parcel Number	Name	New Charge	Chattel	Water	File #	Original Owner	Priority Date	Source
26	7N01W23	SCISM, DQ	\$ 20.00	####	25	73	HAMILL	5/1/06	Robertson S6

MEMORANDUM

Date: November 18, 2005

To: File 67-73B, 67-73C, 67-74B, and 67-74C

From: Craig L. Saxton

Re: Diversion rate and acreage distribution

Both 67-73 and 67-74 are decreed for the same 80 acre POU. The assumption was made that the intent of the two decreed rights were to irrigate 48 acres rather than stacking them on top of each other and only irrigating 40 acres. This was made due to how the other decreed rights in Muir Vs. Allison are described and that 48 acres could reasonably be irrigated within the 80 acre parcel described in the decree.

Scism, Cole, and Distler are all land owners who filed SRBA claims within the decreed POU for 67-73 and 67-74. Using ArcView I created a 48 acre shape of what ground could be reasonably irrigated from flood irrigation from the Roberson Sevey ditch as decreed. From that shape, I calculated how much of the original irrigated ground was owned by each claimant and used that to calculate a percentage of the original right they should have based on 48 acres.

Using that percentage, the diversion rate was calculated by multiplying that percentage with the original diversion rate. Finally, that diversion rate was converted to acres that could be irrigated at 5/8 inches per acre.

Contacts Data Entry Form

Claim Number: 67-73B

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	DOUGLAS M SCISM	PO BOX 44	COUNCIL	ID	83612	(208)253-6023
Original Owner	G T HAMILL			ID		

Comment for 1: Sufficient info in file

Date of Field Exam: 6-14-05 Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Contact Info Good

Reviewer: C. EnglerDate: 11-10-05

Claim Number 67-73B

Claimed Basis: Decreed

Water Right Basis:

Recommended Priority Date _____ Recommended Basis _____

as Decree

Reviewer: L. E. E. E. E.

Date: 11-10-05

Point of Diversion and Source Data Entry Form

Claim Number 67-73B

Claimed Point of Diversion and Source

T17N R01W S4 NENENE Within ADAMS County Source: WEISER RIVER SNAKE RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
17N	1W	4	1	SWNE NE	Adams	Weiser

Other rights from this POD? 67-53, 67-65, 67-74B

Document how the POD and Source were verified:

GPS BOSCO Barker - A0014008

Reviewer: L. SuptonDate: 11-10-05

Place Of Use Data Entry Form

Claim Number 67-73B

Claimed Place Of Use

T17N R01W S14	SWSW	10.0	T17N R01W S14	SESW	15.1
T17N R01W S23	NWNE	0.5	T17N R01W S23	SWNE	4.5
T17N R01W S23	NENW	14.0	T17N R01W S23	NWNW	34.0
T17N R01W S23	SWNW	30.3	T17N R01W S23	SENW	24.0
T17N R01W S23	NESW	2.4			

Total Acres 134.8

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

☐ See corrections to claimed POU above

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

see Attachment for acreage Distribution
PPU - 405 limit to 33.4 ac @ 5/8" per acre

Reviewer: C. G. [Signature]Date: 11-10-05

Split/Overlap Analysis

Water Right Number: Scism

Diversion Rate: _____ CFS

					Parent	From Robertson Sevey				
Twp	Rng	Sec	Q-Q	Lot	Scism	Actual	Scism			
17N	1W	14	SWSW		10	8	8			
			SESW		15.1	15	15			
		23	NWNE		0.5	0.4	0.4			
			SWNE		4.5	6.9	6.9			
			NENW		14	14	14			
			NWNW		34	35	35			
			SWNW		30.3	30	30			
			SENW		24	23	23			
			NESW		2.4	2.5	2.5			
					134.8	134.8	0			

Purpose of Use Data Entry Form

Claim Number 67-73B

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

--	--	--	--	--

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Document how the Purpose of Use was verified:

AS Decreed

Reviewer:



Date:

11-10-05

Period of Use and Quantity Data Entry Form

Claim Number 67-73B

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.5	

Overall Diversion Rate 0.5

Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
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Overall Diversion Rate

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
FW	3-15	11-15	0.418	

Overall Diversion Rate 0.418

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

CS: At Decreed - Proportionate shareSDR: IDWR Standard

Reviewer: C. GushkoDate: 11-10-05

MEMORANDUM

no flow measurement
needed (per watermaster)

To: File
From: Melanie Vining, contract field examiner, Basin 67
Date: June 14, 2005

Re: Water rights 67-14532, 67-14534, 67-14542

The Problem:

The water rights listed above originated with decreed water rights 67-50a, 67-55, and 67-11305 (combined from 67-61 and 67-62). These rights were all subject to the Muir vs. Allison decree; however, the place of use for each was different than is currently claimed. I met with Mr. Scism, the current owner, on 6/14/05.

Notes:

The decreed place of use for 67-14532 was originally to the northwest of the claimed POU, in T17N, R01W, Section 15 NESW, NWSW, NWSE, NESE, SWSE, and Section 14 SWNW. This ground lies upstream on the Weiser River.

The decreed place of use for 67-14534 was originally to the west of the claimed POU, in T17N, R01W, Section 15 SESE, Section 22 NENE and SENE, and Section 14 SWSW (this QQ is included in claimed POU).

The decreed place of use for 67-14542 was originally to the north of the claimed POU, in T17N, R01W, Section 14, NWSW.

Mr. Scism bought the property in question in 1979. He said that all of the water rights currently used came with the land and were in use when he purchased it. It does not appear that there are any competing claims on this water. He also stated that he was told that originally, there were several small ditches in the area and that at some point in time their waters were combined and added to the Robertson-Sevey ditch, from which all of these claims are delivered. This MAY explain the change in POU, but Mr. Scism was not aware of any further history.

I visited the claimed POU with Mr. Scism, and the lay of the land supports the delivery of water from the Robertson-Sevey ditch (see attached map and notes). Geography supports that this water could have been transferred from the decreed POUs to the claimed POU, as all of the lands in question lie downhill from the Robertson-Sevey ditch, and downstream from the POD (T17N R01W, Section 4, NENENE).

The west half of Section 23 NWNW in the claimed POU lies on the west side of Farmer's canal, which cuts through the claimed POU (see attached map). Mr. Scism said that in some years, this land could be irrigated with Farmer's canal water. However, the

claimant explained that in order to irrigate this land from the Robertson-Sevey ditch, water was allowed to flow into Farmers Canal (see red arrows on map) and then immediately was pumped via a "big squirt" tractor-mounted pump onto the land in question.

NOTE: This memo may also be pertinent to 67-14533, 14531, and 14541, as they are the other parts of the splits off of the parent rights. These claims are all in the name of Karl and Judit Cole. See attached map for location of property.

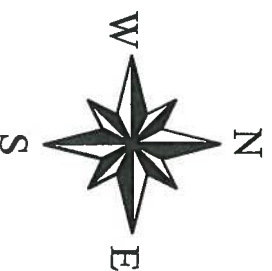
Parent rights: 67-50a, 67-55, 67-11305

Current rights: 67-14531, 14532, 67-14533, 14534, 67-14541, 14542



over irrigation from
Pokeron - covered with
using umbrella and
pump (see memo attached)

-  67-11305_parentto_14542_14541.shp
-  67-50a_parentto_14532_14531.shp
-  67-55_parentto_14533_14534.shp
-  67-14533_14531_14541.shp
-  67-14534_14532_14542.shp
-  Streams.shp
-  T_r_sections.shp
-  Quarterquarters.shp
-  Parcels.shp



Robertson Seavey Ditch.

George Robertson

Lester I McMahan

Samuel E McMahan

Rollie A McMahan

Isaac McMahan

Lillian G Spofford

Fruitvale Townsite Company and its grantees

Phillip Walston

G E Cox

A L Freehafer and Margaret K Pike

Lost Creek Res.

B D Goshert

G T Hamill

B R Windes

First Bank of Council

J J Jones

Biggerstaff Ditches.

T B Biggerstaff

Middle Fork Weiser River.

Orchards Water Company

Lost Creek Storage

A L Freehafer Lost Creek Storage

J A Carr Lost Creek Storage

W M Bacous

Catherine Austin

Ben Wooden

Henry Heimsöth

George Shaw

William B Shaw

John Sweringen

Dave Durso

C E Roper

Fall Creek.

James Harrell (Steward Ditch)

Jacob Cornett (Steward Ditch)

John Cornett

Oscar Gilbert (Steward Ditch)

5'

30'

18'

1'

22'

10'

4'

4'

45'

30'

4'

4'

24'

35'

40 A Ft

38'

25'

5'

135'

20'

5'

8'

45'

3500' 7 1077

6250' 7 1077

360 A Ft

300 A Ft

14'

24'

24'

30'

13'

21'

44'

6'

5'

74'

120' 7 1764

90'

58'

40'

June 1, 1884 67 0057

June 1, 1887 67 0058

April 1, 1901 67 0059

April 1, 1901 67 0060

April 1, 1901 67 0061 X

April 1, 1901 67 0062

April 1, 1901 67 0063

April 1, 1905 67 0064

April 25, 1901 67 0065

Sept 23, 1901 67 0066

May 1, 1906 67 0067

May 1, 1901 67 0068

Sept 23, 1901 67 0069

June 1, 1902 67 0070

May 27, 1910 67 0071

May 1, 1906 67 0072

May 1, 1906 67 0073

May 1, 1916 67 0074

May 1, 1908 67 0075

May 18, 1910 67 0076

May 18, 1910 67 0077

May 25, 1910 67 0078

June 1, 1890 67 0079

Sept 11, 1909 67 0080

May 27, 1910 67 0081

May 27, 1910 67 0082

May 27, 1910 67 0083

May 1, 1891 67 0084

May 1, 1891 67 0085

May 1, 1901 67 0086

May 1, 1894 67 0087

May 1, 1900 67 0088

May 1, 1900 67 0089

May 1, 1903 67 0090

May 1, 1903 67 0091

May 1, 1905 67 0092

May 1, 1911 67 0093

July 1, 1883 67 0094

July 1, 1883 67 0095

Dec 30, 1907 67 0096

May 1, 1899 67 0097

JUL 24 1996

LESTER I MOMAHAN: The Southeast Quarter of the Northeast Quarter of Section 15, Township 17 North, Range 1 West Boise Meridian.

GEORGE ROBERTSON: The East half of the Southwest Quarter, the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 10, Township 17 North, Range 1 West Boise Meridian.

LILLIAN G SPOFFORD: The North half of the Northwest Quarter of Section 23 and the Southeast Quarter of the Southwest Quarter of Section 14, Township 17 North, Range 1 West Boise Meridian.

FRUITVALE TOWNSITE COMPANY: The North half of the Northeast Quarter of Section 15, Township 17 North, Range 1 West Boise Meridian.

PHILIP WALSTON: The Southwest Quarter of the Southeast Quarter of Section 10, Township 17 North, Range 1 West Boise Meridian.

O E COX: A tract of four acres in the Northeast corner of the Fruitvale town-site, in Section 15, Township 17 North, Range 1 West Boise Meridian.

A L FRIENHAVER and MARGARET R PIKE: The West half of the Southeast Quarter and a strip of land in the West half of the Southwest Quarter adjoining lands above described, all in Section 23, Township 17 North, Range 1 West Boise Meridian.

S D GOSHERT: The West half of the Southwest Quarter of Section 23, and the Northwest Quarter of the Northwest Quarter of Section 26, Township 17 North, Range 1 West.

G T HAMILL: The South half of the Northwest Quarter of Section 23, Township 17 North, Range 1 West Boise Meridian. *S 23 SE NW SW NW*

E R WINDES: The West half of the Northeast quarter, the East half of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter, the North half of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 26, Township 17 North, Range 1 West Boise Meridian.

FIRST BANK OF COUNCIL: The East half of the West half of the Southeast Quarter of the Southwest Quarter of Section 26, Township 17 North, Range 1 West Boise Meridian.

J J JONES: The East half of the Southwest Quarter of Section 22 and the Northeast Quarter of the Northeast Quarter of Section 27, Township 17 North, Range 1 West Boise Meridian.

T B BIGGERSTAFF: The Southwest Quarter of the Southwest Quarter, the Southeast Quarter of the Southwest Quarter of Section 1, the South half of the Southeast Quarter of Section 2, Township 17 North, Range 1 West Boise Meridian.

ORCHARDS WATER COMPANY: The East half of the Southwest Quarter of Section 14, the Northwest Quarter of the Northwest Quarter of Section (23) and 20 acres in the West half of the Southwest Quarter of the Northwest Quarter of Section (23); all Sec. 22; the South half the North half of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 15; the South half of the Southwest Quarter, and the Southwest Quarter of the Southeast Quarter of Section 10; the North half and the East half of the Northeast Quarter of the Southeast Quarter of Section 21, the South half the North half of the Northeast Quarter and the North half of the Northwest Quarter of Section 16, the Southwest Quarter, the South half and the West half of the Northwest Quarter of Section 9; the East half; the North half of the Southwest Quarter of Section 8; the east half of the Southwest Quarter, the South half of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter of Section 17; all of Section 20; the West half of the Southeast Quarter and the West half of the Northeast Quarter of Section 19; all in Township 17 North, Range 1 West Boise Meridian. *Time #1077*

JUL 24 1996

John V. Blom
1. Bluff Blom

ROSL ANSLON DITCH

43
100

May 31, 1884
May 31, 1884

GLENN McMAHON DITCH

Isaac McMahon	10
	9
for power	400
Relie A. McMahon	4
Samuel E. McMahon	22
W. M. Glenn	45
Lester I McMahon	4

May	31, 1884
"	1, 1901
July	1, 1908
June	1, 1884
"	" "
"	" "
May 31,	"

ROBERTSON SHAVEY DITCH

George Robertson	5
	30
S. D. Goshert	38
Lester I. McMahon	18
G. T. Hamill	25
	5
Samuel E. McMahon	1
Relie A. McMahon	22
	10
Isaac McMahon	4
	4
Lillian G. Spefford	45
E. R. Windes	135
	20
First Bank of Council	10
J. J. Jones	8
Fruitvale Townsite Company & its Grantees	30
Phillip Walstrom	4
	4
C. E. Cox	24

June	1, 1884
"	" 1887
May	1, 1906
April	1, 1901
May	1, 1906
"	" 1916
April	1, 1901
"	" " "
"	" " "
"	" 1905
"	" 1901
"	25, "
May	1, 1908
"	18, 1910
"	" " "
"	25, "
Sept	23, 1901
May	1, 1906
"	1, 1901
Sept	23, 1901

ROMLINSON YANTIS DITCH

Mary E. Tomlinson	50
H. W. Tomlinson	55
Sarah Yantis	40
L. A. Spira	10
Ralph Yantis	8

June 13,	1905
"	" "
"	" "
"	" "
Dec. 31,	1908

JUL 24 1996

the direction of the water commissioner or other officers charged by law with the execution of this decree and the waters of the said Hornet Creek Reservoir are to be distributed by the said water commissioner or other officers to the stockholders of the said Hornet Creek Water Storage Association according to their respective rights of said stockholders as the same shall appear by notice given said water commissioner for said water storage association at the commencement of each irrigation season.

It is further ordered, adjudged and decreed that the said Weiser Irrigation District may divert all of the waters flowing in said river during the low water period at the head of its canal upon delivery to the said Weiser City Water Ditch & Irrigating Company 450 inches of water, said delivery to be made at the gate or diversion point now connecting the two canals and where water has heretofore been diverted from the canal of the said Weiser Irrigation District into the canal of the said Weiser City Water Ditch and Irrigating Company.

As used in this decree the high water period shall include all that portion of the irrigation season when the river and its tributaries discharge sufficient water to supply all the allotments herein decreed on the basis of five-eighths ($5/8$) of an inch to the acre and the low water period shall consist of all that portion of the irrigation season when the discharge of the river and its tributaries is insufficient to supply the last named amount of water, and the foregoing allotments are made upon the basis of five-eighths ($5/8$) of an inch per acre, or its equivalent in irrigation heads, during the low water period, which is the maximum duty of water for said lands from said river and its tributaries, and whenever the commissioner, or other officer charged with the execution of this decree, finds the water in said river insufficient to supply the allotments as heretofore made on the basis of five-eighths ($5/8$) of an inch per acre, measured at the various diversion points, then and in that event the last appropriator in point of time shall be denied the use of said water.

Whenever the water flow in said river and tributaries shall be insufficient to supply the allotments as hereinbefore made, on the basis of five-eighths ($5/8$) of one miners' inch or its equivalent in irrigation heads, then and in that event the latest appropriator in order of time shall be denied the use of said water, and so on up the line of latest appropriators, dropping them out in chronological order, of the use of said water flow, so that the supply of water to said prior users shall be maintained in the distributing heads to five-eighths of a miners' inch per acre to the prior appropriators in the order of their priority, and the water commissioner having control of the distribution of said waters under this decree shall enforce the foregoing mentioned system and shall require measuring devices to be constructed at the various diversion points by the said appropriators so the water commissioner may be enabled to determine the measurement of the flow at such distributing points at all times.

It is further ordered, adjudged and decreed, that each of the parties hereto to whom water is allotted and decreed are hereby required to provide for the diversion of water from the said Weiser River and its tributaries in irrigating heads during the low water period, which said irrigating heads shall be the equivalent of five-eighths of a miners' inch to the acre continuous flow, and it is hereby decreed, and declared to be the duty of the water commissioner, or such other officer as is charged with the execution of this decree, to make or cause to be made necessary rules and regulations for the distribution of said water in irrigating heads during the low water period and to shut off said water supply from all ditches diverting the same whenever and wherever the parties