

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: 63-32373

JOHN R. FARMER
1065 S. KINGFISHER WAY
BOISE ID 83709

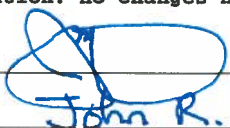
MARGARET R. FARMER
1065 S. KINGFISHER WAY
BOISE ID 83709

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: 10/18/2006 SIGNATURE: 

Please print your name: John R. Farmer

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

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 63-32373
Date Received: 3/5/1990
Receipt No: X7777777
Received By:

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

1. Name of Claimant(s)

MARGARET R. FARMER Phone: (208)376-1675
1065 S. KINGFISHER WAY
BOISE ID USA 83709

JOHN R. FARMER Phone: (208)376-1675
1065 S. KINGFISHER WAY
BOISE ID USA 83709

2. Date of Priority: 06/01/1894

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	05W	22	NW NE SW	CANYON	

5. Description of diverting works:

DIVERSION DAM IN RIVER W/HEADGATE & GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.05	

7. Total Quantity Appropriated is:
0.05 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	05W	8	SE	SW	IRRIGATION	8.6
					Section Acres	8.6
					Total Acres	8.6

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:

P/D TRANSFERRED BY TRANSFER #103 TO THE POINT CLAIMED HERE.
THIS RT. IS SPLIT FROM THE PARENT RIGHT FOR THE PORTION OF THE ORIGINALLY DECREED
LANDS OWNED BY THE CLAIMANT.

This right is a split from former right 63-204A.

15. Basis of Claim: Decreed

RECEIVED

JUN 23 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A63-203A	Y			
	A63-204A	Y			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) SAM SMYSER
4. New Owner/Claimant(s) 28403 WAMSTAD RD, PARMA
John R. FARMER and MARGARET R. FARMER
Name Connector (Check one): [] and, [] or, ☒ and/or
- New Mailing Address 1065 S. Kingfisher Way
- City, State and ZIP Code Boise, ID, 83709
- New Telephone Number (208) 376-1675
5. Date you acquired the property 5/4/2006

OK
to
split

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A63-203A (portion)</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.14 cfs</u>	<u>8.6 ac - SESW</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>.14 cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A63-204A (portion)</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.05 cfs</u>	<u>8.6 ac - SESW</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>.05 cfs</u>	

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by MR Date 6-23-06 Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by lg AJ Date 7-25-06 WR _____ Date _____
reviewed by L. Grimes

INSTRUMENT NO. 200634131



Pioneer Title Co.

GOING BEYOND

5680 East Franklin Road, Suite 150 / Nampa, Idaho 83687 / (208) 465-6655

PC605200

WARRANTY DEED

For Value Received Samuel H Smyser, aka Sam H. Smyser, a married man as his sole and separate property

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

John R Farmer and Margaret R Farmer, husband and wife

hereinafter referred to as Grantee, whose current address is 1065 W. Kingsfisher Way, Boise, ID 83709.

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 1, 2006

Samuel H. Smyser
Samuel H Smyser

RECORDED
2006 MAY 4 PM 4 27
COLD FILES
CANYON SPLIT RECORDER
BY Wendy
PIONEER-CALDWELL
SQUEST
TYPE Full Fee 6-

200634131

State of Idaho

County of Canyon

33.

On this 1st day of May, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Samuel H. Smyser known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

(SEAL)

Notary Public
Residing at: Meridian
Commission Expires: April 28, 2009

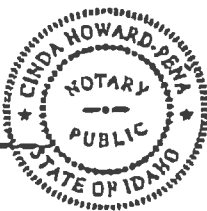


EXHIBIT A

All of that certain parcel of real property situate in the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4) of Section 8, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho being more particularly described as follows:

BEGINNING at the Southwest corner of said Southeast Quarter of the Southwest Quarter, thence; along the Westerly line of said Southeast Quarter of the Southwest Quarter,

North 00° 23' 33" East, 594.89 feet, thence;

South 88° 07' 03" East, 476.94 feet, thence;

North 11° 06' 52" East, 51.70 feet, to the center of a streambed, thence; along said streambed the following courses and distances

South 88° 19' 42" East, 99.51 feet,

North 81° 04' 20" East, 84.42 feet, to the beginning of a tangent curve to the right, 182.85 feet, on the arc of said curve, having a radius of 100.00 feet, a central angle of 104° 45' 57" and being subtended by a chord which bears

South 46° 32' 42" East, 158.42 feet,

South 05° 50' 17" West, 137.61 feet;

South 62° 07' 53" West, 284.24 feet,

South 40° 23' 51" West, 73.28 feet,

South 20° 06' 17" West, 58.36 feet,

South 05° 05' 26" East, 151.71 feet,

South 18° 26' 56" West, 15.78 feet, to the Southerly line of said Southeast Quarter of the Southwest Quarter, thence; departing said streambed and along said Southerly line,

North 88° 06' 50" West, 464.49 feet, to the POINT OF BEGINNING.

The above described parcel of real property is subject to an irrigation easement, 20 feet in width, on the Southerly line herein before described. Also subject to flowage, of varying widths, along herein described streambed.

ALSO SUBJECT TO a 15 Foot Easement for Ingress-Egress, as granted in Instrument No. 200337639, records of Canyon County, Idaho.

TOGETHER WITH an easement for access and public utilities, 20 feet in width, described as follows:

COMMENCING at the Northwest corner of said Southeast Quarter of the Southwest Quarter; thence along the Northerly line of said Southeast Quarter of the Southwest Quarter

South 88° 04' 52" East, 100.39 feet, to the POINT OF BEGINNING, thence;

South 03° 01' 21" East, 37.23 feet, thence;

South 45° 46' 08" East, 59.97 feet, thence;

South 07° 52' 19" East, 69.59 feet, thence;

South 24° 39' 02" East, 335.07 feet, thence;

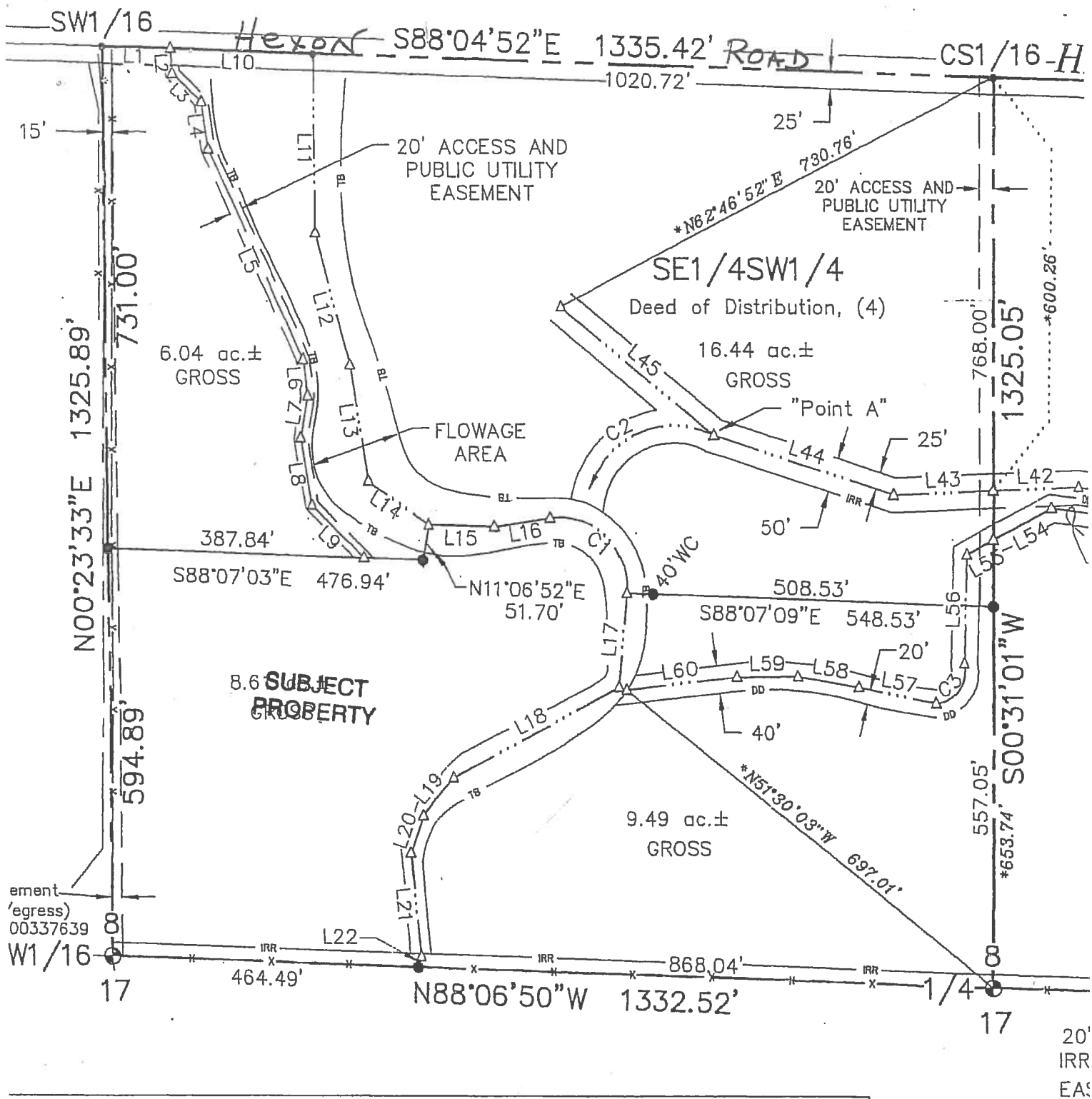
South 06° 10' 13" East, 53.85 feet, thence;

South 10° 30' 50" West, 61.97 feet, thence;

South 09° 11' 46" East, 98.55 feet, thence

South 45° 38' 06" East, 108.89 feet, to the Northerly side of the herein described parcel, being the POINT OF ENDING for this easement.

SHS



63-204A

SMYSER
120 ACRES
.75 CFS

$$.75 \div 120 = .006 \times 111.4 = .7\text{CFS}$$
$$.006 \times 8.6 = .05 \text{ CFS}$$



63-32372

SMYSER
111.4 ACRES
.7 CFS

63-32373

FARMER
8.6 ACRES
.05 CFS

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: A63-00204A
Date Received: 3/ 5/1990
Receipt No: C015319
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: SAM H. SMYSER
Address: 28403 WAMSTAD ROAD
PARMA ID

208-722-5713

83660

2. Date of Priority: JUN 1, 1894

3. Source: BOISE RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	05W	22	NW	NE	SW		CANYON

5. Description of diverting works:
DIVERSION DAM IN RIVER W/HEADGATE & GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.750		

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

8. Total consumptive use is 363.8 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	05W	8	SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

RECEIVED

OCT 19 1994

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00204A
Date Received: 3/5/1990
Receipt No: CO15319
Received By: RTF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SAM H. SMYSER 208-722-5713
Address: 28403 WAMSTAD ROAD
PARMA ID 83660

2. Date of Priority: JUN 1, 1894

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	05W	22	NW	NE	SW		CANYON

5. Description of diverting works:
DIVERSION DAM IN RIVER W/HEADGATE & GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.750		

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

8. Total consumptive use is 363.8 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	05W	8	SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

MICROFILMED
OCT 02 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	120.0
					Total Acres	120.0

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:
N/A

14. Remarks:

P/D TRANSFERRED BY TRANSFER #103 TO THE POINT CLAIMED HERE.
THIS RT. IS SPLIT FROM THE PARENT RIGHT FOR THE PORTION OF THE
ORIGINALLY DECREED LANDS OWNED BY THE CLAIMANT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.
Decree Plaintiff

RIVERSIDE IRR. DIST.
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Sammy Date: 10-3-94

Date: _____

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 3 day
of October 19 94 Charles A. Smyth
Notary Public

Seal

Residing at Parma
My Commission Expires 4/25/2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

*phone: 9-26-94
receipt # 0015319
wants to file, we need
a signed original
9-27-94*

September 22, 1994

Sam H. Smyser
28403 Wanstad Rd.
Parma, ID 83660

*could not find copies;
sending same to him for
signature*

Re: Snake River Basin Adjudication (SRBA)
Claim No(s): A63-00203A, A63-00204A

Dear Claimant,

Our office is currently reviewing claims in your area for recommendation in the Snake River Basin Adjudication. Our records indicate that you may have contacted our office concerning the claim noted above. This claim was never completed.

There may be several reasons why the claim was not completed. You may have chosen not to complete the claim or it may have been an oversight. We would appreciate a response if you feel you wish to claim the right in question.

We have included a summary of the claim; please review this report. If you wish further information about the claim or the claim process, please call my office at (208)327-7925. If I do not receive a response within 30 days, I will assume that you have no further interest in the claim listed above. Thank you for your cooperation.

Sincerely,

Roxanne McCarthy

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:r
Enclosure
computer summary of claim(s)

MICROFILMED
OCT 02 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

July 25, 2006

John R. & Margaret R. Farmer
1065 S. Kingfisher Rd.
Boise, ID 83709

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Re: Original Notice of Claim to a Water Right No. 63-203A & 63-204A

Renumbered Notice of Claim to a Water Right No. 63-32371 & 63-32373

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim represents a split of the claim filed by a previous owner during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

LG: lg

Enclosure

Receipt Details for ID C015319

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/5/1990 5:41:44 PM	3/5/1990	State	\$270.00	Check
Payer	SMYSER, SAM OR LOIS			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
818			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$270.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	203	A	\$170.00	Claim
63	204	A	\$50.00	Claim
63	21381		\$25.00	Claim
63	21383		\$25.00	Claim

[Print Report](#)

09/08/2006

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

RIGHT NUMBER: 63-32373

NAME AND ADDRESS: JOHN R. FARMER
1065 S. KINGFISHER WAY
BOISE ID 83709

MARGARET R. FARMER
1065 S. KINGFISHER WAY
BOISE ID 83709

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.050 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.

The rights listed below are limited to a total combined diversion rate of 0.17 cfs. Combined Right Nos.: 63-32371 and 63-32373.

PRIORITY DATE: 06/01/1894

POINT OF DIVERSION:

T05N R05W S22 NESW 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	0.050 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 R05W S08 SESW 8.60

8.6 ACRES TOTAL

Right Nos. 63-32371 and 63-32373 are limited to the irrigation of a combined total of 8.6 acres in a single irrigation season.

09/08/2006

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

Right is diverted at the Parma Ditch Company headgate and delivered by the Parma Ditch Company.

Right No. 125 in the Boise River Stewart Decree and Boise River Water Distribution Report.

This right is a split from former right 63-204A.



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTIONS 8 and 22
Water Rights: 63-32371 and 63-32373



1320 0 1320 2640 3960 5280 Feet

TOTAL IRRIGATED ACRES = 8.6



-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: September 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32373 V1

WATER RIGHT NUMBER: 63-32373 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	R H STOCKTON
	PARMA, ID 83660
Original Owner	ORVIL SMYSER
	PARMA, ID 83660
Original Owner	SAM H SMYSER 28403 WAMSTAD RD PARMA, ID 83660 (208)722-5713
Current Owner	JOHN R. FARMER 1065 S. KINGFISHER WAY BOISE, ID 83709
Current Owner	MARGARET R. FARMER 1065 S. KINGFISHER WAY BOISE, ID 83709

Priority Date: 06/01/1894

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.050 CFS	
	<u>Total Diversion:</u>	0.050 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NE1/4SW1/4	Sec. 22, Twp 05N, Rge 05W, B.M.
CANYON County		

Place of Use

IRRIGATION Within CANYON County

T05N R05W S08 SESW 8.6

Total Acres: 8.6

Conditions of Approval:

1. E55 Right Nos. 63-32371 and 63-32373 are limited to the irrigation of a combined total of 8.6 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32373 V1

2. S49 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.
3. 183 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.
4. Right is diverted at the Parma Ditch Company headgate and delivered by the Parma Ditch Company.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
6. Right No. 125 in the Boise River Stewart Decree and Boise River Water Distribution Report.
7. E52 The rights listed below are limited to a total combined diversion rate of 0.17 cfs. Combined Right Nos.: 63-32371 and 63-32373.
8. P21 This right is a split from former right 63-204A.

Remarks:Comments:

1. Igagnon 7/26/2006 CHANGE OF OWNERSHIP

Comment: THIS RIGHT IS THE RESULT OF A SPLIT DUE TO AN OWNERSHIP CHANGE FOR A PORTION OF 63-204A

2. vmusic 9/8/2006 POD

Comment: TRANSFER 103 CHANGED POD TO PARMA DITCH CO HEADGATE IN SEC 22. POD IS DOWNSTREAM FROM STAR BRIDGE

3. vmusic 9/8/2006 OVERLAPS

Comment: 63-32371 IS POU OVERLAP

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	9/8/2006 8:56:00 AM	vmusic			Active
Priority Date	9/8/2006 8:56:17 AM	vmusic			Active
POD	9/8/2006 8:56:33 AM	vmusic			Active
Source	9/8/2006 9:00:29 AM	vmusic			Active
POU	9/8/2006 9:00:57 AM	vmusic			Active
Use	9/8/2006 9:02:34 AM	vmusic			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32373 V1

Season	9/8/2006 9:02:53 AM	vmusic	Active
Quantity	9/8/2006 9:03:16 AM	vmusic	Active
Summary		09/08/2006 vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Use	9/8/2006 9:02:34 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POD	9/8/2006 9:00:15 AM	vmusic	Updated shape
Source	9/8/2006 9:00:29 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	9/8/2006 9:00:57 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
Contacts	9/8/2006 8:56:00 AM	vmusic	(No) 1. Do you want to schedule an appointment?
General	9/8/2006 8:56:17 AM	vmusic	Comment for 1: DESKTOP REVIEW (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	9/8/2006 8:56:33 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32373 V1

POU	9/8/2006 9:02:21 AM	vmusic	Updated shape for Active POU
Summary	9/8/2006 9:09:16 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Season	9/8/2006 9:02:53 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	9/8/2006 9:03:16 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?

Water Supply Bank:

Graves, Lori

From: Favreau, Danielle
Sent: Tuesday, June 06, 2006 3:01 PM
To: Warntjes, Anita
Cc: Tuthill, Dave; Graves, Lori
Subject: RE: Parma Ditch Company

Hi,

At this time I have no information on the Parma Ditch Company. There is no filing in the SRBA so there is no shape at this time.

63-203 and 63-204 were decreed to R.H. Stockon, a private individual.

63-203 has been claimed by 4 private individuals including Sam Smyser.

63-204 has been claimed by 4 private individuals including Sam Smyser. (Same ones as 63-203)

Given the separate filings by Sam Smyer and that the "company" that only consists of 634 acres, I am skeptical that it would qualify as a Large Place of Use. The Parma Ditch Co. would have to find 2 more users and then file competing claims against the private claims.

As for Franklin Ditch Co., it has gone through some extensive review by Dave and I as well as a legal review so I would doubt that their claimed rights are involved with the Parma Ditch Co. other than sharing a ditch.

Danielle

Danielle Bruno-Favreau
GIS Specialist
Idaho Water Resource Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098
Phone: (208) 287-4938
Fax: (208) 287-6701

-----Original Message-----

From: Warntjes, Anita
Sent: Tuesday, June 06, 2006 2:38 PM
To: Favreau, Danielle
Cc: Tuthill, Dave
Subject: Parma Ditch Company

Hi:

Lori Graves just called telling me that she talked to Sam Smyser, President and watermaster for the Parma Ditch Company. She said he was elderly and remembers way back in time. Parma Ditch Company is administering their decreed rights, but have not filed in the SRBA. They have decreed rights: 63-203 and 63-204. There may be more rights. According to Boise River Black Book, water rights flowing through the Parma Ditch also includes Franklin Ditch Company 63-167 which looks like it is split into A-D and 63-247.

Do you have any info on this company? What does the GIS look like for it?

Desktop review/vlm

**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
- ☐ Well logs (if needed)
- ☐ 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

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 03-32373 (split from 03-204A)

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary – denied
- ☐ 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: 6-1-1894

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

Source: Boise R. Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: Trx 103 changed POD to Parma Ditch CO. headgate
- ☐ 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

Description of diverting works

See claim**OVERLAP REVIEW**

Other water rights with the same point of diversion:

several - Parma Ditch Co. headgate

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

WATER USES☒ No change☐ Different UsesUse 1/4 From 3/1 To 11/15 Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ 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 change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-32371

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

same acres, additional flow.

Delivery System Narrative: See Claim

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

40 ✓ It # 125 in Boise R. dechle
549 ✓ sou condition
193 ✓ stepdown condition
ESS limited to 8.6 ac w/ 63-32371
ESS limited to 0.17 cfs w/ 63-32371
P21 ✓ split from 63-204A
app ✓ It is diverted @ Pullma Ditch Co headgate
 and delivered by " " "

- 1- Duty of water for b3 204: $(88") (1.02 \text{ cts/ac}) = 1.76 \text{ p280ac} = .00629 \text{ cts/ac} \times 8.6 \text{ ac} = .054 \text{ cts} \text{ rec } .05 \text{ cts}$
- 2- Downstream from Star Bridge
- 3- POD is Palma Ditch to headgate
- 4- Overlap - POU b3-32371

AFTER EXAM THE FILE SHOULD CONTAIN:

- NA C
- ☒ 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: _____

FIELD EXAMINER: _____

Vicki Murrell

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32373

09/08/2006

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-5129	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	
63-5129B	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	KENNETH H MC NALL
63-5129F	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	JOHNSON RESEARCH LLC
63-203A	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	SAM H SMYSER
63-203B	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	VIVIAN PORTENIER
63-203C	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	DONNA WESTON
63-203D	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	JOHN R LE FAVE
63-204A	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	SAM H SMYSER
63-204B	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	VIVIAN PORTENIER
63-204C	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	DONNA WESTON
63-204D	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	JOHN R LE FAVE
63-209	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	DONNA WESTON
63-271A	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	DONALD B TREDWAY
63-272	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	DONALD B TREDWAY
63-275	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	NORM E RUDOLPH
63-5129A	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	DONNA WESTON
63-5129D	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	DONALD B TREDWAY
63-5129E	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	NORM E RUDOLPH
63-5130D	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	M TERESSA TREDWAY
63-5130E	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	NORM E RUDOLPH
63-21605	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	VIVIAN PORTENIER
63-32370	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	SAM H SMYSER
63-32371	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	MARGARET R. FARMER
63-32372	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	SAM H SMYSER
63-32373	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	MARGARET R. FARMER
63-5129	Water Right	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	PARMA IRRIGATION DIST

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32373**

09/08/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
12370	Claim	05N	05W	8	SE	SW		IRRIGATION	31.4/111.4	SAM H SMYSER
12371	Claim	05N	05W	8	SE	SW		IRRIGATION	8.6/8.6	MARGARET R. FARMER
12372	Claim	05N	05W	8	SE	SW		IRRIGATION	31.4/111.4	SAM H SMYSER
12373	Claim	05N	05W	8	SE	SW		IRRIGATION	8.6/8.6	MARGARET R. FARMER
-203	Water Right	05N	05W	8	SE	SW		IRRIGATION		R H STOCKTON
-204	Water Right	05N	05W	8	SE	SW		IRRIGATION		R H STOCKTON
5129	Water Right	05N	05W	8	SE	SW		IRRIGATION	40/623	PARMA IRRIGATION DIST
5130	Water Right	05N	05W	8	SE	SW		IRRIGATION	40/623	PARMA IRRIGATION DIST

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32373 V1

WATER RIGHT NUMBER: 63-32373 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	R H STOCKTON
Original Owner	PARMA, ID 83660
Original Owner	ORVIL SMYER
Original Owner	PARMA, ID 83660
Original Owner	SAM H SMYER 28403 WAMSTAD RD PARMA, ID 83660 (208)722-5713
Current Owner	JOHN R. FARMER 1065 S. KINGFISHER WAY BOISE, ID 83709
Current Owner	MARGARET R. FARMER 1065 S. KINGFISHER WAY BOISE, ID 83709

Priority Date: 06/01/1894

Basis:

Status: Active

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

2/11

From To
03/15 to 11/15

Diversion Rate

0.050 CFS

Annual VolumeTotal Diversion:

0.050 CFS

Location of Point(s) of Diversion

BOISE RIVER

NW1/4NE1/4SW1/4

Sec. 22, Twp 05N, Rge 05W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	8																	8.6

Total Acres: 8.6

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32373 V1

1. P/D TRANSFERRED BY TRANSFER #103 TO THE POINT CLAIMED HERE.
THIS RT. IS SPLIT FROM THE PARENT RIGHT FOR THE PORTION OF THE ORIGINALLY
DECREED LANDS OWNED BY THE CLAIMANT.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for
the efficient administration of the water rights as may be ultimately determined by the Court at a point in
time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. This right is a split from former right 63-204A.

Remarks:Comments:

1. Igagnon 7/26/2006 CHANGE OF OWNERSHIP

Comment: THIS RIGHT IS THE RESULT OF A SPLIT DUE TO AN OWNERSHIP CHANGE FOR A PORTION OF
63-204ADates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

LIX.

That the defendant CHARLES ALLEN be, and he is hereby awarded the use of the waters of Boise River, diverted at a point at the NW corner of Sec. 36, T. 5 N. R. 5 W. B.M., for use upon lots 3 and 4 and NW 1/4 of NW 1/4 of Sec. 22, and lots 3, 4, 6, 7, 8 and 9 in NW 1/4 of SE 1/4 of Sec. 21, and lot 10 in Sec. 21, lot 5 in Sec. 22, lot 4 in Sec. 27, and NE 1/4 of NW 1/4 of Sec. 28, all in T. 5 N. R. 5 W. B.M., in the following amount and from the following date;

6202
D. 176 440 inches, from June 1, 1878; and hereby designated as Right No. 70. and be adjudged to pay \$30.80 costs in addition to the costs incurred by him

LX.

That the defendant R. H. STOCKTON be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SE 1/4 of Sec. 16, T. 5 N. R. 5 W. B.M., for use upon the E. 1/2 of NW 1/4 of Sec. 16, NE 1/4 of NE 1/4 of Sec. 17, S. 1/2 of SE 1/4, SE 1/4 of SW 1/4, NE 1/4 of SE 1/4 of Sec. 8, all in T. 5 N. R. 5 W. B.M., in the following amounts and from the following dates;

63 0203
P.D. 103 220 inches, from June 1, 1878.; and hereby designated as Right No. 71.

63 0204
P.D. 103 220 inches, from June 1, 1894.; and hereby designated as Right No. 125.

And be adjudged to pay \$21.56 costs, in addition to the costs incurred by him.