

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: A63-21605
Date Received: 3/16/1990
Receipt No: W011254
Received By: LA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MONA I. MARTIN 208-459-4087
Address: 27997 HWY. 18, WAMSTEAD RD.
PARMA, ID 83660

OR

Name: VIVIAN PORTENIER 208-459-4087
Address: 23960 BOISE RIVER RD.
PARMA, ID 83660

2. Date of Priority: MAR 15, 1943

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	17	SE	NE	NE	R	CANYON
		22	NW	NE	SW		CANYON

5. Description of diverting works:
HEADGATE, GRAVITY FLOW 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 131.2 Acre Feet Per Annum.

9. Non-irrigation uses:

A63-21605

Page 1

Date: 03/16/90

MICROFILMED

SEP 03 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	17	NE	NE		IRR	37.5
Section Acres							37.5
Total Acres							37.5

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:
A63-00203B, A63-00204B

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 1

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): Mrs. Mona J. Martin Date: 3-16-1990

Date: _____

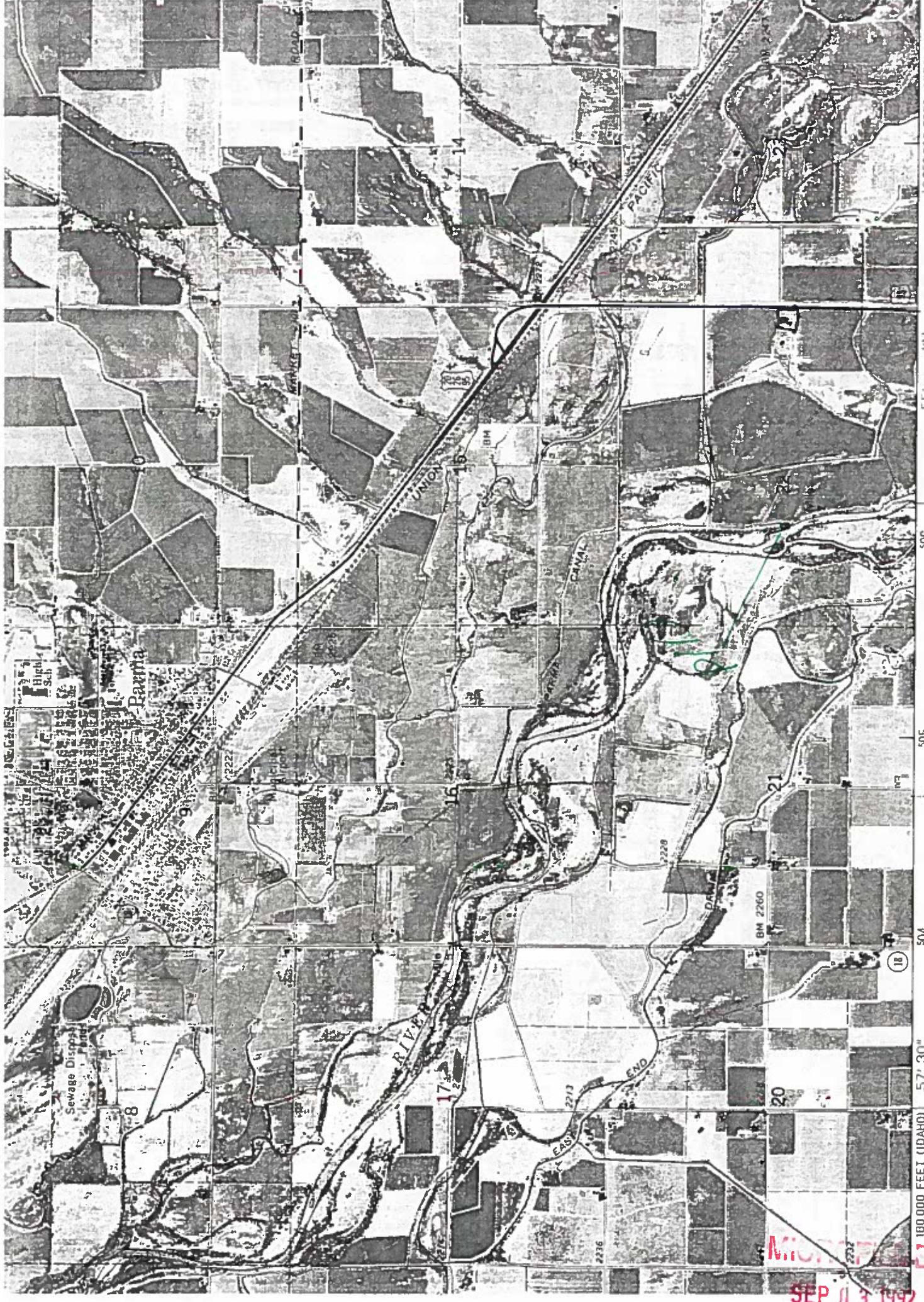
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 16 day
of March 19 90

Linda Werner
Notary Public

Seal

LINDA WERNER
Residing at RESIDING AT EAGLE, IDAHO
MY COMMISSION EXPIRES DEC. 8, 1994
My Commission Expires _____



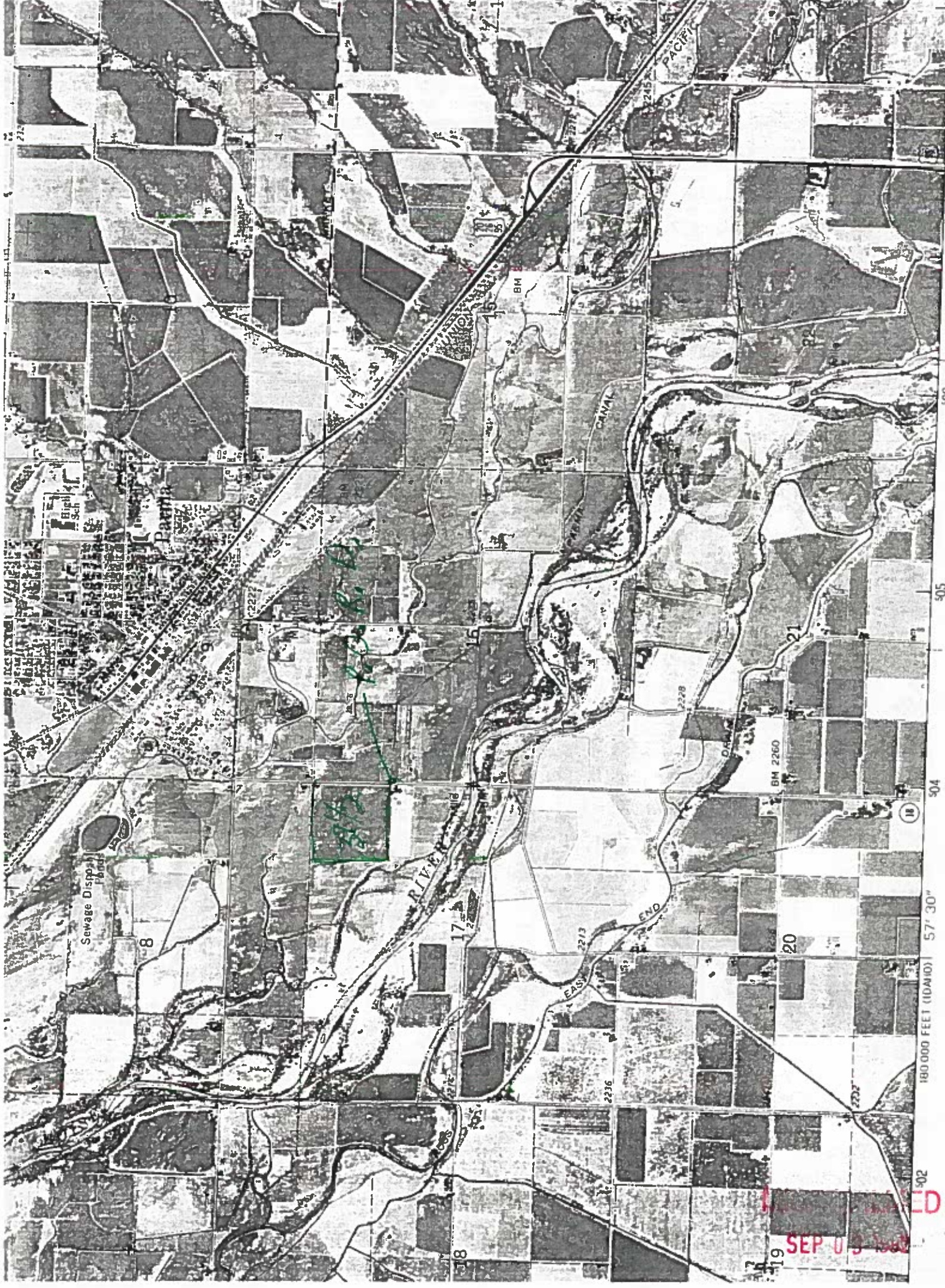
T5N R5W S22
AG3-21605

SCALE 1:24,000



MICROFILMED

SEP 11 3 1997



AG3-21603

T5N, R5W, Sec. 17

SCALE 1:24,000

erial

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

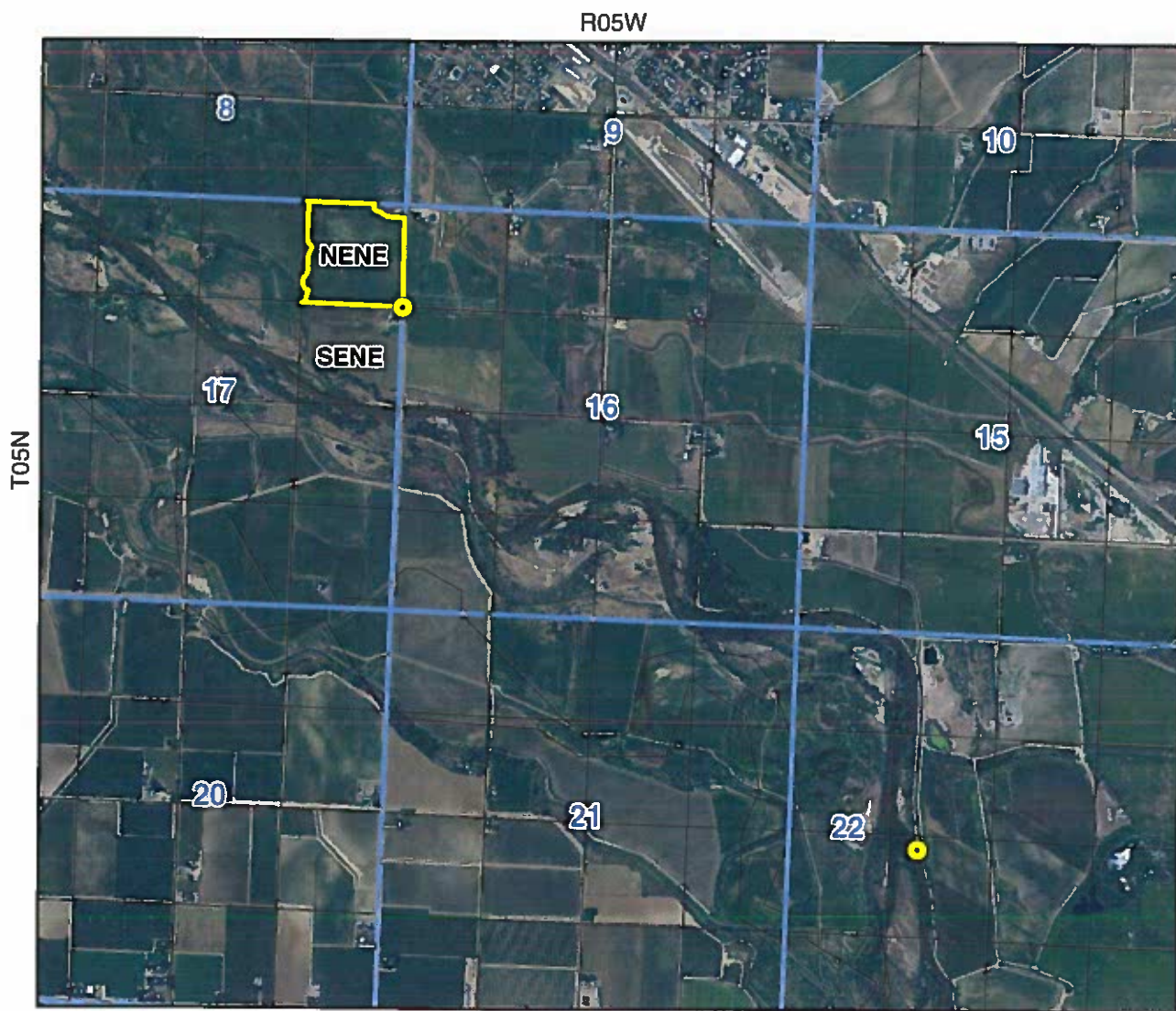
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

State of Idaho
Department of Water Resources
Water Right License

63-21605

Water Service Area Boundary for Vivian Portenier

May 11, 2009



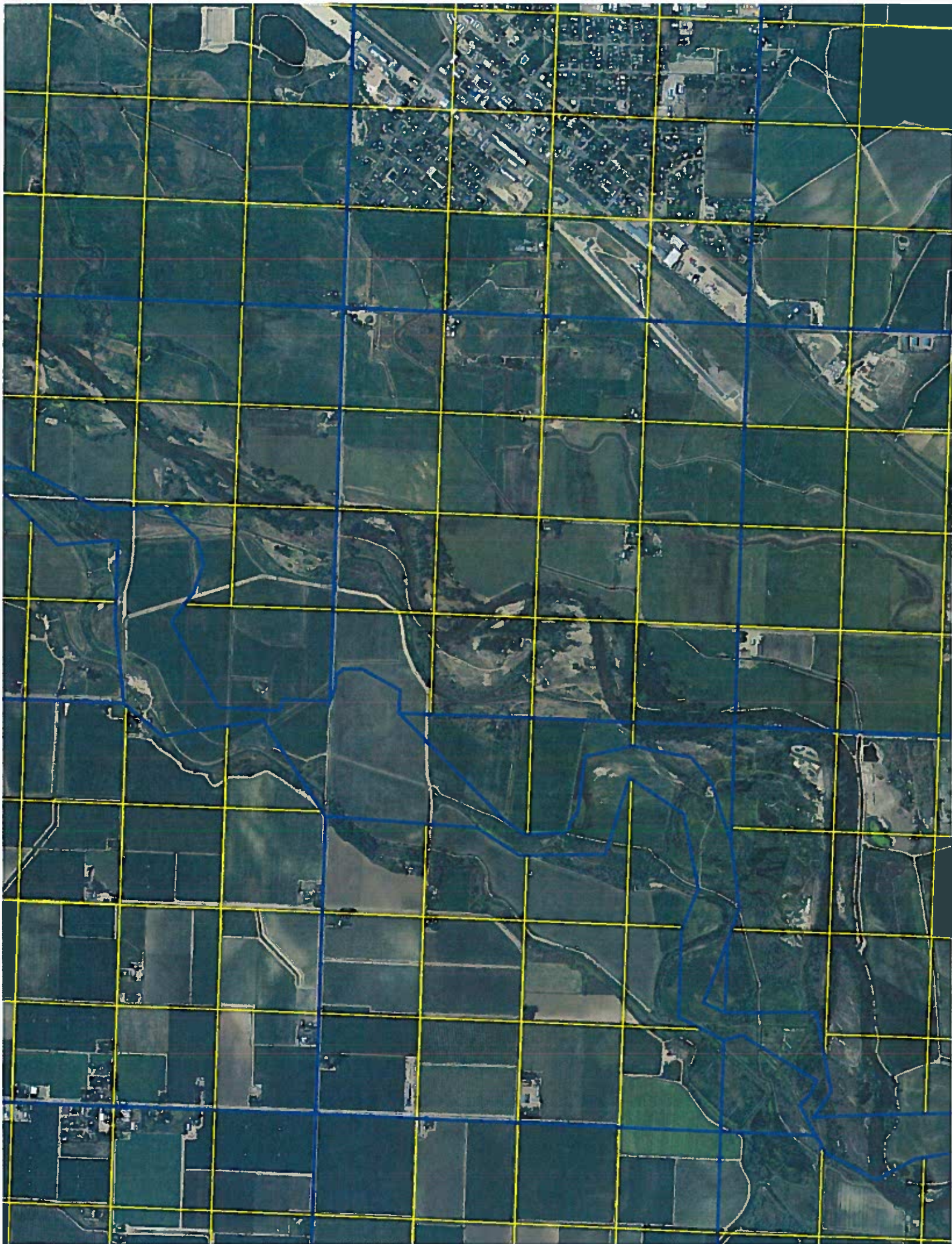
Legend

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

0 0.3 0.6 1.2 Miles







STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



RECEIVED

FEB 08 2007

WATER RESOURCES
WESTERN REGION

KONIA I MARTIN
27997 WAMSTEAD RD
PARMA ID 83660

63-203B

63-204B

63-21605

refused 2

New Owners:

Socorro Ortega - Pastor
no / 27997 Wamstead Rd
use Parma Id 83660

Raymond Trechuhl
9450 Kemp Rd
Middleton 83644

Paul Stallcup
2609 Toma Ct
Nampa 83686

Kelly Hallemann
PO Box 3593
Nampa 83653

DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

FIRST CLASS

UNITED STATES POSTAGE

02 1A \$01.00
0004310839 OCT 06
MAILED FROM ZIP CODE

RECEIVED

OCT 12 1993

WATER RESOURCES
WESTERN REGION

MONA L MARTIN
27987 HWY 18 WANTS FALH R4
PARMA ID 83660

63-200B

204B

21605



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

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21605 V1

WATER RIGHT NUMBER: 63-21605 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VIVIAN PORTENIER 23960 BOISE RIVER RD PARMA, ID 83660 (208)459-4087
Current Owner	MONA I MARTIN 27997 HWY 18 WAMSTEAD RD PARMA, ID 83660 (208)459-4087

Priority Date: 03/15/1943

Basis:

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	3/15 to 11/15	0.750 CFS	
	<u>Total Diversion:</u>	0.750 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NW1/4NE1/4SW1/4	Sec. 22, Twp 05N, Rge 05W, B.M.
CANYON County		
BOISE RIVER	SE1/4NE1/4	Sec. 17, Twp 05N, Rge 05W, B.M.
CANYON County	(Rediversion)	

Place of Use

IRRIGATION Within CANYON County

T05N R05W S17 NENE 37.5

Total Acres: 37.5

Conditions of Approval:

1. 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.
2. P03 No beneficial use found.
3. P13 No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-21605 V1

Comments:

1. vmusic 8/28/2006 BASIS FOR DISALLOWAL

Comment: NO EVIDENCE OF PRIORITY SUBMITTED. UNABLE TO VERIFY ELEMENTS OF CLAIM. OTHER DECREEED WATER RIGHTS APPURTENANT TO PROPERTY.

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>
Summary			04/23/2006	scurtis	Active
Contacts	8/28/2006 1:20:14 PM	vmusic			Active
Summary			08/28/2006	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	4/23/2006 1:43:40 PM	scurtis	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
Contacts	8/28/2006 1:20:48 PM	vmusic	(No) 1. Do you want to schedule an appointment?
Summary	8/28/2006 1:22:09 PM	vmusic	Comment for 1: DESKTOP REVIEW (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (No) 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? (No) 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?

Water Supply Bank:

CONVERSATION MEMO

Date: 6/6/2006

Agent: Lori Graves

With: Paul Stallcop, Sam Smyser

Subject: Parma Ditch Co.

Claim No.(s): A63-21605, A63-203B, A63-204B

Paul Stallcop telephoned and said that he purchased the NENE 40 acres from the original claimants and subdivided the property into 10-acre lots. County tax records indicate the four owners are Socorro Ortega-Pastor, Raymond Tschohl, Paul Stallcop and Kelly Halleman. Paul said that he had just recently sold his 10 acres to Raymond who now owns 20. Paul also said that the owners of the properties all pay to for irrigation water delivered by Parma Ditch Co. The watermaster and president is Sam Smyser. Parma Ditch Co. water rights did not show up in the overlap report.

I called Sam Smyser (722-5713) regarding Parma Ditch Co. adjudication claims. He stated that he filed. As it turns out, the water rights delivered by Parma Ditch Co. are decrees 63-203 and 63-204. SRBA claims were filed on these rights by separate individuals including Sam Smyser probably because the company is so small (623 shares).

The original claimants that filed A63-21605 also filed A63-203B and A63-204B for their delivered water. Decrees 63-203 and 63-204 covered all 40 acres, but they only claimed 10 acres. Since a map was not included with the claims, Jan Shurte said to recommend 10 acres where the claimant's home was located, which is the farthest north 10 acres now owned by Socorro Ortega-Pastor. This was evidenced by domestic right 63-26271 decreed in the name of Mona Martin, who was the original claimant that lived on the property. The other three parcels will not be recommended for irrigation under the decreed rights.

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?

CONVERSATION MEMO

Date: 6/1/2006

From: Lori Graves

With: Mrs. Socorro Ortega-Pastor

Re: Water Use/Priority

Claim No.: 63-21605

Mrs. Socorro Ortega-Pastor stated per telecom that she and her husband purchased 10 acres and do not irrigate nor plan to irrigate the property. They plan to construct buildings instead.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 10, 2006

SOCORRO ORTEGA-PASTOR
27997 WAMSTAD RD
PARMA ID 83660

RAYMOND TSCHOHL
9450 KEMP RD
MIDDLETON ID 83644

PAUL STALLCOP
2609 TOMA CT
NAMPA ID 83686

KELLY HALLEMAN
PO BOX 3593
NAMPA ID 83653

RE: NOTICE OF CLAIM NO: A63-21605

Dear Land Owner:

We are currently preparing the Notice of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Enclosed is a computer printout of the claim for your reference. Our research indicates there may have been changes in the ownership for portions of the above claim. Idaho Department of Water Resources (IDWR) records currently show the following name and address as the owner of the claim listed above:

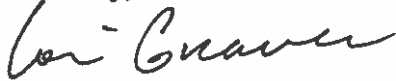
**VIVIAN PORTENIER
23960 BOISE RIVER RD
PARMA ID 83660**

**MONA MARTIN
27997 HWY 18 WAMSTEAD RD
PARMA ID 83660**

The Idaho statutes require that (IDWR) be informed of a change in water right ownership within 120 days of the property transaction. If you purchased the property referenced in this letter, please fill out the change in ownership form and send it with the required documentation to my attention at 2735 Airport Way, Boise ID 83705. If no response is received from you, all further legal notices concerning the claim will be sent to the name and address of the original claimant shown above. Please call me at (208) 334-2190 if you have questions.

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Sincerely,

A handwritten signature in cursive script that reads "Lori Graves". The signature is written in dark ink and is positioned above the printed name.

Lori Graves

Sr. Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 11, 2006

VIVIAN PORTENIER
23960 BOISE RIVER RD
PARMA ID 83660

MONA MARTIN
27997 HWY 18 WAMSTEAD RD
PARMA ID 83660

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No: A63-21605

Dear Claimants:

In the past, you submitted the above referenced claim during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim for your reference only, it is not necessary to return this print-out. It appears that you no longer own the property, however, because the department has not received a change in ownership for the claim, you are still listed as the current owner of record, which is why you are receiving this notice.

You indicated, when this claim was filed, that the water right was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date."

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right if water availability problems arise in the future.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your diversion and acres irrigated needs to be identified on the attached aerial photo. Please include as much detail regarding your diversion system as possible. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

The required evidence supporting the priority date requested and clearly marked aerial photo needs to be submitted by June 1, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully,



Lori Graves
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" Pamphlet/Affidavit
Notice of Claim A63-21605
Aerial Photo

Cc: SOCORRO ORTEGA-PASTOR
27997 WAMSTAD RD
PARMA ID 83660

RAYMOND TSCHOHL
9450 KEMP RD
MIDDLETON ID 83644

PAUL STALLCOP
2609 TOMA CT
NAMPA ID 83686

KELLY HALLEMAN
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