

08/17/2006

NOTICE OF ERROR
REPLY

RECEIVED

SEP 22 2006

DEPARTMENT OF
WATER RESOURCES

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: September 29, 2006

Water right number: 63-19547

UPPER CENTER POINT DITCH CO

C/O KEN BRUSH

19724 DIXIE RIVER RD

CALDWELL ID 83607

Telephone Number: (208)454-9090

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:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 9/20/2006 SIGNATURE: Kenneth Brush for Upper Center Point Ditch Co.
Please print your name: Kenneth Brush for Upper Center Point Ditch Co.

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

SEP 25 2006

08/17/2006

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

RIGHT NUMBER: 63-19547

NAME AND ADDRESS: UPPER CENTER POINT DITCH CO
C/O KEN BRUSH
19724 DIXIE RIVER RD
CALDWELL ID 83607

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 11.320 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.

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION:

T04N R03W S7 SESW Within CANYON County
T04N R04W S12 NESE Rediversion Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	11.320 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:

542 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.

This right when combined with Right Nos. 63-223G, 63-233M, and 63-32342 can be used to irrigate up to 542 within the boundary of the Upper Center Point Ditch Company.

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.

This right is designated as Nos. 23-27 in the Stewart Decree and the Boise Water Distribution Report.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a combination of old Right Nos. 63-155, 63- 156E, 63-157, 63-158, and 63-159.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 E. FRONT ST.
P.O. BOX 83720
BOISE, ID 83720-0098

RECEIVED

FEB 16 2006

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please Print or Type)

[] Water Right Number(s): 63-19547, 63-2236
63-233 M

[] Name(s): Upper Centerpoint Ditch Co

[] Old Mailing Address(s): Glen Palmer
RT 2
Caldwell, ID 83605

[] New Mailing Address(s): Ken Brush
19724 Dixie River Rd.
Caldwell, Idaho 83607

Telephone Number(s): (208) 454-9090
(208) 250-1706 (Cell)

[] Signature(s) of Owner(s): Kenneth Brush

(Include your title if on behalf of a company or organization)

Date: 2-3-2006

RECEIVED
FEB 21 2006
DEPARTMENT OF
WATER RESOURCES



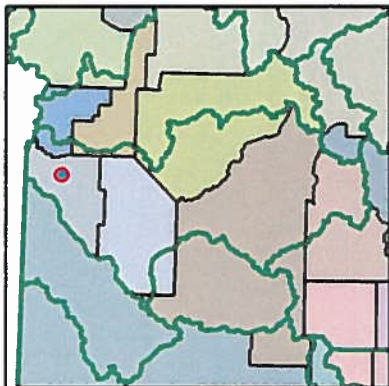
Idaho Department of Water Resources

Adjudication Claim Number: **63-19547**

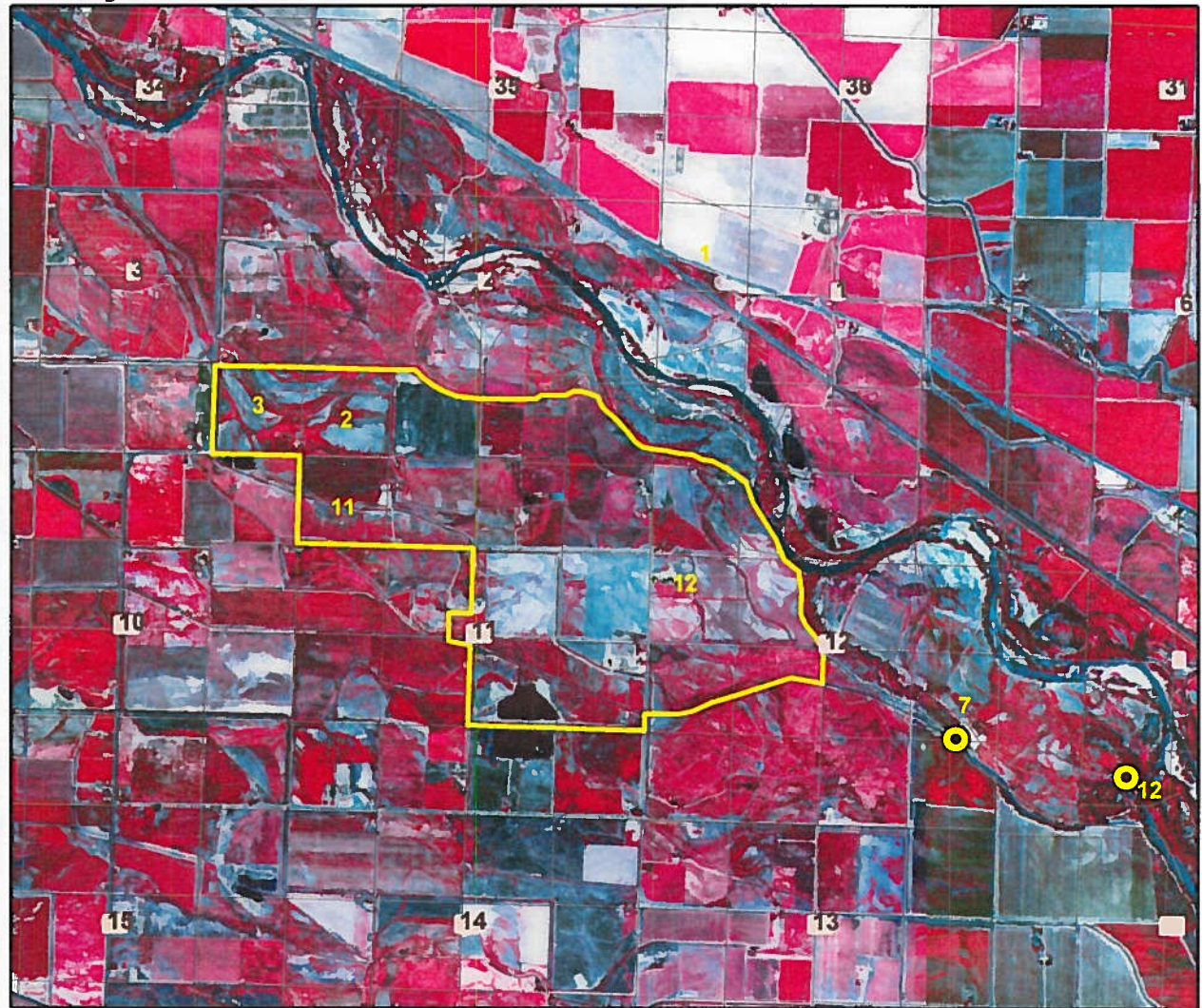
T04N R03W
T04N R04W
T05N R03W
T05N R04W

Legend

-  POD Recommended
-  Upper center point ditch.shp
-  GCDB05N04W GCDB
-  GCDB05N03W GCDB
-  GCDB04N04W GCDB
-  GCDB04N03W GCDB



Canyon County
IDWR Basin 63



0 1 2 Miles

Prepared by A. Warntjes
On Wednesday, January 18, 2006
1987/88 Aerial Photography

XXII.

That the defendant C. W. COOPER be, and he is hereby awarded, the use of the waters of Boise River, diverted from said river at a point in NW 1/4 of SE 1/4 of Sec. 12, and SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon the SE 1/4, Sec. 11, T. 4 N. R. 4 W. B.M., and lots 6, 7 and 8, and SW 1/4 of NW 1/4 of Sec. 12, T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

63 0155 T P.D. 172
160 inches, from June 1, 1865; and hereby designated as Right No. 23. And be adjudged to pay \$11.20 costs in addition to the costs incurred by him.

XXIII.

That the defendant J. D. ROLAND be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the S. 1/2 of SW 1/4 of Sec. 7, T. 4 N. R. 3 W. B. M., through what is known as the Center Point Ditch, for use upon the S. 1/4 of NE 1/4 and SE 1/4 of NW 1/4 of sec. 11, T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

63 0156 T 71, P.D. 85, P.D. 172
120 inches, from June 1, 1865; and hereby designated as Right No. 24. And be adjudged to pay \$8.40 costs in addition to the costs incurred by him.

XXIV.

That the defendants DRAPER & WELLS be, and they are hereby awarded the use of the waters of Boise River, diverted from said river at a point

for use upon the

in the following amount and from the following date;

63 0157 T P.D. 172
197 inches, from June 1, 1865; and hereby designated as Right No. 25. And be adjudged to pay \$13.79 costs in addition to the costs incurred by them.

XXIV. XXV.

That the defendant THOMAS J. PALMER be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the center of S. 1/2 of SW 1/4 of Sec. 7, T. 4 N. R. 3 W. B.M., through what is known as the Center Point Ditch, for use upon lands situated in T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

63 0158 T P.D. 172
80 inches, from June 1, 1865; and hereby designated as Right No. 26. And be adjudged to pay \$5.60 costs in addition to the costs incurred by him.

XXVI.

That the defendant NOAH W. PALMER be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the center of the S. 1/2 of SW 1/4 of sec. 7, T. 4 N. R. 3 W. B.M., through what is known as the Center point Ditch, for use upon lands situated in T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

63 0159 T P.D. 172
79 inches, from June 1, 1865; and hereby designated as Right No. 27. And be adjudged to pay \$5.53 costs in addition to the costs incurred by him.

XXVII.

That the defendant J. N. TUCKER 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. 25, and SW 1/4 of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the SW 1/4 of Sec. 24, NE 1/4 of NW 1/4 and lots 4, 5 and 6 of sec. 25, T. 5 N. R. 5 W. B.M., in the following amount and from the following date;

63 0160
350 inches, from June 1, 1865; and hereby designated as Right No. 28. And be adjudged to pay \$24.50 costs in addition to the costs incurred by him.

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

RECEIVED
DEC 21 1989

Ident. Number: A63-19547
Date Received: 12-21-89
Receipt No: 40007212
Received By: _____

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UPPER CENTER POINT DITCH COMPANY
Address: C/O GLEN PALMER
RT. 2
CALDWELL, ID 83602
208-459-2981

2. Date of Priority: JUN 01, 1865

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
04N	03W	7		SE	SW		CANYON
	04W	12		NE	SE	R	CANYON

5. Description of diverting works:
CONC. STRUCTURE, WOOD BOARDS, DIRT DITCHES, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	11.320		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	1	SW	SW		IRR	5.0
Section Acres							5.0

A63-19547

Page 1

Date: 11/14/89

MICROFILMED

SEP 02 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	04W	2	SW		SW		IRR	40.0
			SE		SW		IRR	35.0
			SW		SE		IRR	30.0
			SE		SE		IRR	25.0
			Section Acres					130.0
		3	SE		SE		IRR	40.0
			Section Acres					40.0
		11	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	30.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			NE		SE		IRR	40.0
			Section Acres					310.0
		12	NE		NW		IRR	20.0
			NW		NW		IRR	35.0
			SW		NW		IRR	40.0
			SE		NW		IRR	23.0
			NE		SW		IRR	22.0
			NW		SW		IRR	23.0
			Section Acres					163.0
			Total Acres					648.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A63-00223G, A63-00233M

14. Remarks:
THIS RIGHT HAS COMBINED A63-00155,156E,157,158,159 INTO
A63-19547.
WATER IS DELIVERED TO EACH OWNERS PROPERTY.

14. Remarks: Continued

EXCESSIVE CFS CLAIMED MAY BE DUE TO DITCH LOSS, WHICH WILL
BE CALCULATED AT LATER DATE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

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 Organizations:

I do solemnly swear or affirm that I am Pres. _____ of _____ Title

Upper Center Point Ditch Co. , that I have signed the foregoing Organization document in the space below as Pres. _____ of Title

Upper Center Point Ditch Co. and that the statements contained in the Organization foregoing document are true and correct.

C.D. Griffiths
Signature of Authorized Agent

Pres. Upper Center Point Ditch Co.
Title and Organization

11 - 14 - 89
Date

State of Idaho)
County of AOA) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of Nov 19 89

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 8, 1994

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

10/27/89 14:27:50

Page 1

Water Right Number - 63-00155

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

UPPER CENTER POINT DITCH CO.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

*** O - ORIGINAL OWNER ***

COOPER

C. W.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - +
06/01/1865+ - - Region - - - +
14+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - - +
BOISE RIVER+ - - Tributary - - - - - +
SNAKE RIVER

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion
04N	03W	7	SE SW			(27)	CANYON

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION				3.200

Total Div. Rate - +	Total Div. Volume - +	Total Div. Capacity - +
3.200		

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
04N	04W	11	NE SE			01	IRRIGATION	(27) CANYON
04N	04W	11	NW SE			01	IRRIGATION	(27) CANYON
04N	04W	11	SW SE			01	IRRIGATION	(27) CANYON
04N	04W	11	SE SE			01	IRRIGATION	(27) CANYON
04N	04W	12	SW NE	8		01	IRRIGATION	(27) CANYON
04N	04W	12	NW NW	6		01	IRRIGATION	(27) CANYON
04N	04W	12	SW NW			01	IRRIGATION	(27) CANYON
04N	04W	12	SE NW	7		01	IRRIGATION	(27) CANYON

Total Acres:

+ - - Diversion Means -

MICROFILMED
SEP 02 1992

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-	
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-	
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-	P
Start Work Date	-	00/00/0000	Verified Date	-	06/24/1985	DLE/Carey Act	-	
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-	63
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-	T
Decree Date	-	01/18/1906						

MICROFILMED
SEP 02 1992

MICROFILMED
SEP 02 1992

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

10/27/89 14:29:16
Page 2

Water right number - 63-00156E

Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +
FARMERS CO-OP DITCH CO.

+ - - - - Decree Defendant - - - +
RIVERSIDE IRR. DIST.

+ - Decree Date - +
01/18/1906

+ - - Audit Fields -

+ - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 06/24/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 63
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- T
Decree Date	- 01/18/1906				

MICROFILMED
SEP 02 1992

IDaho DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

10/27/89 14:30:27

Page 1

Water Right Number - 63-00157

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

UPPER CENTER POINT DITCH CO.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

*** O - ORIGINAL OWNER ***

DRAPER & WELLS

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - +

06/01/1865

+ - - Region - - - +

14

+ - - Stage - - - +

D - DECREED

+ - - Status - - - - +

+ - - Source - - - - - +

BOISE RIVER

+ - - Tributary - - - - - +

SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

04N 03W 7 SE SW 7 (27) CANYON

+ - - Code Description Period From Period To Diversion Rate Diversion Volume - - - - - +
01 - IRRIGATION

3.940

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
3.940+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
P/U LANDS UNDER CANAL SYSTEM.
TRANS. 172.

SEP 02 1992

MICROFILMED

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-	
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-	
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-	P
Start Work Date	-	00/00/0000	Verified Date	-	06/18/1985	DLE/Carey Act	-	
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-	63
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-	T
Decree Date	-	01/18/1906						

SEP 02 1992

Water Right Number - 63-00158

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

UPPER CENTER POINT DITCH CO.

1 -

2 -

3 -

City-

Phone -

State-

Zip-

*** O - ORIGINAL OWNER ***

PALMER

THOMAS J.

1 -

2 -

3 -

City-

Phone -

State-

Zip-

+ - - Priority Date - - +
06/01/1865+ - - Region - - - +
14+ - - Stage - - - +
D - DECREED

+ - - Status - - - - +

+ - - Source - - - - - +
BOISE RIVER+ - - Tributary - - - - - +
SNAKE RIVER

TwN	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion
04N	03W	7	SE SW	7		(27)	CANYON

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 -	IRRIGATION			1.600	

Total Div. Rate - +	Total Div. Volume - +	Total Div. Capacity - +
1.600		

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Remarks
P/U LANDS UNDER CANAL SYSTEM. TRANS. 172.

MICROFILMED
SEP 02 1992

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

10/27/89 14:32:03
Page 2

Water right number - 63-00158

Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +
FARMERS CO-OP DITCH CO.

+ - - - - Decree Defendant - - - +
RIVERSIDE IRR. DIST.

+ - Decree Date - +
01/18/1906

+ - - Audit Fields -

+ - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 06/18/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 63
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- T
Decree Date	- 01/18/1906				

MICROFILMED
SEP 02 1992

Water Right Number - 63-00159

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

UPPER CENTER POINT DITCH CO.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

*** O - ORIGINAL OWNER ***

PALMER

NOAH W.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - +
06/01/1865+ - - Region - - - +
14+ - - Stage - - - +
D - DECREED

+ - - Status - - - - +

+ - - Source - - - - - +
BOISE RIVER+ - - Tributary - - - - - +
SNAKE RIVER

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion
04N	03W	7	SE SW	7	(27)	CANYON	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION					1.580	

+ - Total Div. Rate - + 1.580 + - Total Div. Volume - + + - Total Div. Capacity - +

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
----	-----	-----	-------	-----	-------	--------------	------	-------------	--------

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +
P/U LANDS UNDER CANAL SYSTEM.
TRANS. 172.

SEP 02 1992

MICROFILMED

Adj. flag translation: Standard Water Right Number

+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found. - - - - - +

+ - - - - Decree Plaintiff - - - +
FARMERS CO-OP DITCH CO.

+ - - - - Decree Defendant - - - +
RIVERSIDE IRR. DIST.

+ - Decree Date - +
01/18/1906

+ - - Audit Fields -

+-----Water Rights Dates and Flags Area-----+

Proof Due Date	-	00/00/0000
Approved/Denied	-	00/00/0000
Proof Made Date	-	00/00/0000
Start Work Date	-	00/00/0000
Order Show Cause	-	00/00/0000
Licensed Date	-	00/00/0000
Decree Date	-	01/18/1906

Field Exam Made - 00/00/0000
 Protested Date - 00/00/0000
 Hearing Date - 00/00/0000
 Verified Date - 06/18/1985
 Receipt Number -
 Appl Received - 00/00/0000

Field Exam Fee	-	
Swan Falls	-	
Temporary Right	-	P
DLE/Carey Act	-	
Water District	-	63
Transfer/Amended	-	T

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Affidavit for Change of Point of Diversion of Decreed Water Right

63-155 3.2
63-156 3.4
63-157 3.7
63-158 1.60
63-159 1.58

STATE OF IDAHO,

County of Canyon

Harry Vail, Vice-President,

Upper Center Point Ditch Company,

being first duly sworn, deposes and says: That his postoffice address is Box 2, Caldwell, Idaho; That he is the owner of and using a certain water right, bearing date of priority of June 1, 1865 for 11.32 S.F. cubic feet per second of the waters of Boise River 1865 1.60 S.F.

County of Canyon, State of Idaho, decreed to (list attached hereto) by decree of Judge Geo. H. Stewart, of the Seventh Judicial District of the State of Idaho, in and to the County of Canyon, in the case of Farmers Co. vs. Ditch Company vs. Riverside Irrigation District, Ltd. said decree bearing date of Jan. 18, 1906 for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 12-A, in the County of Canyon, and State of Idaho, to-wit: lands lying under the Upper Center Point Canal and described in priority Rights Nos. 23, 24, 25, 26, 27 and to which said priority rights were decreed.

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: by decree

That said waters are now diverted from said stream near the center of S₂ of S₁ of Sec. 7 Twp. 4N Range 3E, and conducted to the above described lands through the Upper Center Point ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located near the center of S₂ of S₁ of Sec. 7 Twp. 4N Range 3E, and thereafter conduct same to the above described land through the Upper Center Point ditch, as per map above referred to;

That his reasons for desiring to make such change are as follows: present heading difficult and almost impossible to maintain

That no one will be injured by such change and that such change will be made at affiant's own risk.

Harry Vail
Affiant.

Subscribed and sworn to before me this 26 day of February, 1943

Frank B. Bailey
Notary Public
My Commission expires Nov. 5, 1943

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

Approved by
Harry Vail
Watermaster Water Dist 12A

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P/D OVERLAP BUT ACRES NOT OVERLAPPING, USE FOR SYSTEM TOTAL CALCULATIONS

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTE TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
COLSON		4N	4W	3														(30 ACRES)	→ 35		35	
COBISKIE				3														(30 ACRES)	→ 5		5	
COLSON				2									40								40	
GARIEY				2									35								35	
ZIMMERMAN				2														30			30	
"				11	40																40	
Adams				11					40	40											80	
Palmer				2															25		25	
"				11	40																40	
"				1									5								5	
"				12																	45	
Rodman				12									40	23							73	
Nichols				12																	30	
Martin				12																	15	
White				11																	40	
Turner				11																	39	
Cain				11																	1	
WRIGHTS				11	30	40															70	
																					648	Acres

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<u>WR#</u>	<u>CFS RATING</u>	<u>PRIORITY DATE</u>	<u>"D" FLAG</u>
63-00155	3.2	06/01/1865	
63-00158	1.6		
63-00159	1.58		
63-00157	3.94		
63-00156E	1.00		
<u>11.32</u>		COMBINED CFS	EXCESSIVE CFS DUE TO
COMBINED INTO NEW #		A 63-19547	(REMARKS) Ditch LOSS to compare at later date.

POINT OF DIVERSION ^{P/O} 4W 3W SECTION 7 SE SW
R-4W 4W SECTION 12 NE SE

63-00233M	3.0 cfs	10/01/1887	P" FLAG
63-00223G	0.5 cfs	11/09/1883	OTHER RICATS

~~SECTION~~ 3.5 cfs

TOTAL CFS 14.82 cfs @ 648 ACRES (up to 741 ACRES)
 + 90 ACRES NOT
 IRRIGATED

Pod-RECONVERSION

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DITCH LOSS



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**LIST OF DECREED RIGHTS AND USERS
UNDER UPPER CENTER POINT DITCH COMPANY**

<u>PRIORITY</u>		<u>DECREED TO</u>	<u>AMOUNT DECREED</u>	
No.	Date		Sec. Feet	Inches
23	6-1-65	C. W. Cesper	3.20	140
24	6-1-65	J. W. Roland	2.40	120
25	6-1-65	Draper & Wells	3.94	197
26	6-1-65	Thomas J. Palmer	1.60	80
27	6-1-65	Noah W. Palmer	1.58	79
TOTAL				636
Less		Roland transfer	40 inches	
		Bruce "	25 "	
		Bres'ears "	1 "	
		Total transfer		70
NET TOTAL				566

**STATEMENT EXPLAINING POINTS OF DIVERSION OF
UPPER CENTER POINT DITCH COMPANY**

In addition to the points of diversion described in "Affidavit for Change of Point of Diversion of Decreed Water Right" (form 13-4) to which this statement is attached, the Upper Center Point Ditch Company has always maintained jointly with the Bureau Ditch Company a point of diversion near the Southeast corner of Section 12, Township 4 North, Range 4 West. This point of diversion will remain the same.

not
accounted for

TRANS # 148 3.00 cts
TRANS # 289 .5 cts

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STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY NO.	DATE	AMOUNT DECREED				TOTAL SEC. FT.
					STEWART DECREE	INTERVENORS STEWART DECREE	BRYAN DECREE	INCHES	
STEDENBERG			9	6-1-1865	13.42			671	
		105*	9	6-1-1865	.50*			25*	
		717*	9	6-1-1865	.64*			32*	12.28
THURMAN HILL			7	6-1-1864	3.30			165	
			10	6-1-1865	1.20			60	
			11	6-1-1865	.66			33	
			36	6-1-1868	14.10			705	
			37	6-1-1868	3.70			185	
			42	6-1-1869	1.60			80	
			55	6-1-1872	.70			35	
			56	6-1-1872	1.40			70	
			62	6-1-1876	.44			22	
			75	6-1-1880	2.40			120	
			76	10-20-1880	.90			45	
			78	6-1-1882	.90			45	
			79	6-1-1882	.60			30	
			81	6-1-1882	2.60			130	
			84	6-1-1882	1.50			75	
			87	6-1-1883	.90			45	
			128	7-1-1895	.66			33	
		412*	81	6-1-1882	.40*			20*	
		736*	37	6-1-1868	1.00*			50*	
		871*	36	6-1-1868	.288*			14.4*	
		872*	36	6-1-1868	.22*			11*	35.652
UPPER CENTER POINT			23	6-1-1865	3.20	63-00155		160	✓
			24	6-1-1865	2.40	63-0156E		120	✓
			25	6-1-1865	3.94	63-00157		197	✓
			26	6-1-1865	1.60	63-00158		80	✓
			27	6-1-1865	1.58	63-00159		79	✓
		71*	24	6-1-1865	.80*			40*	
		85*	24	6-1-1865	.50*			25*	
	63-0223 M	148	96	10-1-1887	3.00	CREEER →		150	✓
		159*	24	6-1-1865	.10*			5*	
	63-0223 K	289	89	11-9-1883	.50	GILES		25	14.82 ✓

*SUBTRACT

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XXII.

That the defendant C. W. COOPER be, and he is hereby awarded, the use of the waters of Boise River, diverted from said river at a point in NW 1/4 of SE 1/4 of Sec. 12, and SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon the SE 1/4, Sec. 11, T. 4 N. R. 4 W. B.M., and lots 6, 7 and 8, and SW 1/4 of NW 1/4 of Sec. 12, T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

63 0155 T P.D. 172

3.2 cfs

160 inches, from June 1, 1865; and hereby designated as Right No. 23.

And be adjudged to pay \$11.20 costs in addition to the costs incurred by him.

XXIII.

That the defendant J. D. ROLAND be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the S. 1/2 of SW 1/4 of Sec. 7, T. 4 N. R. 3 W. B. M., through what is known as the Center Point Ditch, for use upon the S. 1/4 of NE 1/4 and SE 1/4 of NW 1/4 of sec. 11, T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

63 0156 T 71, P.D. 85, P.D. 172

120 inches, from June 1, 1865; and hereby designated as Right No. 24.

And be adjudged to pay \$8.40 costs in addition to the costs incurred by him.

XXIV.

That the defendants DRAPER & WELLS be, and they are hereby awarded the use of the waters of Boise River, diverted from said river at a point

for use upon the

in the following amount and from the following date;

63 0157 T P.D. 172

3.94 cfs

197 inches, from June 1, 1865; and hereby designated as Right No. 25.

And be adjudged to pay \$13.79 costs in addition to the costs incurred by them.

~~XXIV.~~ XXV.

That the defendant THOMAS J. PALMER do, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the center of S. 1/2 of SW 1/4 of Sec. 7, T. 4 N. R. 3 W. B.M., through what is known as the Center Point Ditch, for use upon lands situated in T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

63 0158 T P.D. 172
80 inches, from June 1, 1865; and hereby designated as Right No. 26. And be adjudged to pay \$5.60 costs in addition to the costs incurred by him.

XXVI.

That the defendant NOAH W. PALMER do, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the center of the S. 1/2 of SW 1/4 of sec. 7, T. 4 N. R. 3 W. B.M., through what is known as the Center point Ditch, for use upon lands situated in T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

63 0159 T P.D. 172
79 inches, from June 1, 1865; and hereby designated as Right No. 27. And be adjudged to pay \$5.53 costs in addition to the costs incurred by him.

XXVII.

That the defendant J. N. TUCKER do, 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. 25, and SW 1/4 of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the SW 1/4 of Sec. 24, NE 1/4 of NW 1/4 and lots 4, 5 and 6 of sec. 25, T. 5 N. R. 5 W. B.M., in the following amount and from the following date;

63 0160
350 inches, from June 1, 1865; and hereby designated as Right No. 28. And be adjudged to pay \$24.50 costs in addition to the costs incurred by him.

SEP 8 5 1885
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