

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: A63-04632D
Date Received: 2/12/1990
Receipt No: X9-9
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MC CONNEL ISLAND DITCH CO. LTD. 208-722-5014
Address: C/O JIM HEDGES
33125 ISLAND RD.
PARMA, ID 83660-0000

2. Date of Priority: FEB 21, 1887

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
05N	05W	7	SE	SE		1	CANYON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.690		1094.40

7. Total Quantity Appropriated is:
6.690 C.F.S. (and/or) 1094.40 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	06W	1	NE	NW	3	IRR	22.0
			NW	NW	4	IRR	29.0
			SW	NW		IRR	38.0

A63-04632D

Page 1

Date: 02/12/90

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AUG 26 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	06W	1	SE		NW		IRR	30.0
			NE		SW		IRR	39.0
			NW		SW		IRR	38.0
			SW		SW		IRR	35.0
			SE		SW		IRR	35.0
			NE		SE		IRR	6.0
			NW		SE		IRR	21.0
			SW		SE		IRR	35.0
			SE		SE		IRR	38.0
			Section Acres 366.0					
		2	NE		NE	1	IRR	37.0
			NW		NE	2	IRR	37.0
			SW		NE		IRR	37.0
			SE		NE		IRR	39.0
			NE		NW	3	IRR	35.0
			SE		NW	4	IRR	35.0
			NE		SW	5	IRR	30.0
			SE		SW	6	IRR	22.0
			NE		SE		IRR	39.0
			NW		SE		IRR	39.0
			SW		SE		IRR	38.0
			SE		SE		IRR	34.0
			Section Acres 422.0					
		11	NE		NE		IRR	35.0
			NW		NE		IRR	28.0
			SW		NE		IRR	33.0
			SE		NE		IRR	26.0
			Section Acres 122.0					
		12	NW		NE		IRR	37.0
			SW		NE		IRR	18.0
			NE		NW		IRR	38.0
			NW		NW		IRR	37.0
			SW		NW		IRR	25.0
			SE		NW		IRR	33.0
			NW		SW		IRR	33.0
			Section Acres 221.0					
06N	06W	35	SW		SE	5	IRR	29.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	06W	35	SE	SE	4	IRR	27.0
						Section Acres	56.0
		36	SW	SW		IRR	19.0
						Section Acres	19.0
						Total Acres	1206.0

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:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

MC CONNELL ISLAND DITCH CO. LT
Decree Plaintiff

vs

HENRY KOELLING, ET AL
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 McConnell Island Ditch Co. Title that I have signed the foregoing document in the space below as Pres. of McConnell Island Ditch Co. Title and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Pres. McConnell Island Ditch Co.
Title and Organization

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 12 day
of Feb 19 90

[Signature]
Notary Public

Seal

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

MICROFILMED
AUG 20 1992

Water Right Number - 63-04632D

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MC CONNEL ISLAND DITCH CO. LTD.

1 - RT. 3

2 -

3 -

City- PARMA

State- ID Zip- 836600000

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
02/21/1887 14 D - DECREED+ - - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BOISE RIVER SNAKE RIVER+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

05N 05W 7 SE SE 1 (27) CANYON

+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

03/15

11/15

6.690

1094.40

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
6.690 1094.40+ - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

05N	06W	1	NE NW	3	22.0	01	IRRIGATION	(27) CANYON
05N	06W	1	NW NW	4	29.0	01	IRRIGATION	(27) CANYON
05N	06W	1	SW NW		38.0	01	IRRIGATION	(27) CANYON
05N	06W	1	SE NW		30.0	01	IRRIGATION	(27) CANYON
05N	06W	1	NE SW		39.0	01	IRRIGATION	(27) CANYON
05N	06W	1	NW SW		38.0	01	IRRIGATION	(27) CANYON
05N	06W	1	SW SW		35.0	01	IRRIGATION	(27) CANYON
05N	06W	1	SE SW		35.0	01	IRRIGATION	(27) CANYON
05N	06W	1	NE SE		6.0	01	IRRIGATION	(27) CANYON
05N	06W	1	NW SE		21.0	01	IRRIGATION	(27) CANYON
05N	06W	1	SW SE		35.0	01	IRRIGATION	(27) CANYON
05N	06W	1	SE SE		38.0	01	IRRIGATION	(27) CANYON
05N	06W	2	NE NE	1	37.0	01	IRRIGATION	(27) CANYON
05N	06W	2	NW NE	2	37.0	01	IRRIGATION	(27) CANYON
05N	06W	2	SW NE		37.0	01	IRRIGATION	(27) CANYON
05N	06W	2	SE NE		39.0	01	IRRIGATION	(27) CANYON
05N	06W	2	NE NW	3	35.0	01	IRRIGATION	(27) CANYON
05N	06W	2	SE NW	4	35.0	01	IRRIGATION	(27) CANYON
05N	06W	2	NE SW	5	30.0	01	IRRIGATION	(27) CANYON
05N	06W	2	SE SW	6	22.0	01	IRRIGATION	(27) CANYON
05N	06W	2	NE SE		39.0	01	IRRIGATION	(27) CANYON

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Water right number - 63-04632D Adj. flag translation: Standard Water Right Number

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
05N	06W	2	NW SE		39.0	01	IRRIGATION	(27) CANYON
05N	06W	2	SW SE		38.0	01	IRRIGATION	(27) CANYON
05N	06W	2	SE SE		34.0	01	IRRIGATION	(27) CANYON
05N	06W	11	NE NE		35.0	01	IRRIGATION	(27) CANYON
05N	06W	11	NW NE		28.0	01	IRRIGATION	(27) CANYON
05N	06W	11	SW NE		33.0	01	IRRIGATION	(27) CANYON
05N	06W	11	SE NE		26.0	01	IRRIGATION	(27) CANYON
05N	06W	12	NW NE		37.0	01	IRRIGATION	(27) CANYON
05N	06W	12	SW NE		18.0	01	IRRIGATION	(27) CANYON
05N	06W	12	NE NW		38.0	01	IRRIGATION	(27) CANYON
05N	06W	12	NW NW		37.0	01	IRRIGATION	(27) CANYON
05N	06W	12	SW NW		25.0	01	IRRIGATION	(27) CANYON
05N	06W	12	SE NW		33.0	01	IRRIGATION	(27) CANYON
05N	06W	12	NW SW		33.0	01	IRRIGATION	(27) CANYON
06N	06W	35	SW SE	5	29.0	01	IRRIGATION	(27) CANYON
06N	06W	35	SE SE	4	27.0	01	IRRIGATION	(27) CANYON
06N	06W	36	SW SW		19.0	01	IRRIGATION	(27) CANYON

Total Acres: 1206.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - -
No Remarks found.

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

+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - Decree Date - +
MC CONNELL ISLAND DITCH CO. LTD.	HENRY KOELLING, ET AL	11/14/1986

+ - - Audit Fields - 03/17/87 05/01/88 CONVERT 07/19/89 CURTIS

+ - - - - - 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 - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 11/14/1986		

MICROFILMED
AUG 20 1984

MCCONNEL ISLAND DITCH COMPANY

WATER RIGHT NUMBERS: A63-04632A THROUGH A63-04632N
DATE FILED: FEBRUARY 12, 1990
W.R. AGENT: LINDA WERNER
DATED: FEBRUARY 12, 1990

DESCRIPTION OF DIVERTING WORKS: DAM, DITCH
OTHER WATER RIGHTS: A63-04632A THROUGH A63-04632N
SEE DECREE 63-F-1. NO FEES CHARGED IN SRBA BECAUSE OF THIS
DECREE DATED 11/1986, PER LYNN KROGH-HAMPE.
MAPS CAN BE FOUND ATTACHED TO A63-04632A.

MICROFILMED

AUG 20 1992

11/17/2006

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

RIGHT NUMBER: 63-4632D

NAME AND ADDRESS: MC CONNEL ISLAND DITCH CO LTD
PO BOX 668
PARMA ID 83660

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 6.690 CFS
1,094.400 AFY

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: 02/21/1887

POINT OF DIVERSION:

T05N R05W S7 SESE Lot 1 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	6.690 CFS 1,094.40 AFY

Diversion for irrigation under this water right prior to March 15 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:

1206 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

11/17/2006

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

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 when combined with Right Nos. 63-4632B through 63-4632N can be used to irrigate up to 1206 acres within the boundary of the McConnel Island Ditch Company.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

MEMORANDUM

TO: McConnell Island Ditch Co LTD Adjudication Claims

FROM: Dave Tuthill

DATE: October 6, 2006

RE: Response to Notice of Error Replies

I called Darwin Vander Stelt, who had prepared the Notice of Error Replies for McConnell Island Ditch Co LTD, and indicated to him that the acreage for the existing water rights had already been determined by the decree dated November 14, 1986. Thus, we cannot increase the acreage as requested.

I suggested that we would be willing to review an enlargement claim, but that we would limit the date of priority to the day after the date of the decree. He stated that he planned to prepare the claim for consideration by the Ditch Company next week.

08/17/2006

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: September 29, 2006

Water right number: 63-4632D

MC CONNEL ISLAND DITCH CO LTD

C/O LINDA TRENT

PO BOX 668

PARMA ID 83660

Telephone Number: (208)722-6855

RECEIVED

SEP 28 2006

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The Place of Use listed in the IDWR Recommendation does not reflect actual patterns of use established and maintained prior to 1987.

2. Describe the changes you wish to make in the proposed recommendation:

The Place of Use should be expanded to include the following irrigated lands:

In T6N R6W: Sec. 35 SESW 12

Sec. 36 SESW 5

In T5N R6W: Sec 11 NESE 10

The total place of use should be expanded to 1233 acres.

3. Give a brief explanation as to why you disagree with these portions:

Examination of aerial photos reveal that the Mc Connel Island Ditch Co LTD has been providing water to the indicated lands for as long as anyone on the board can remember. Owners of the indicated areas own shares in the company, and have been using the water beneficially long before 1987.

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

DATE: 9/27/2006

SIGNATURE:



Rick Ketterling, President, Mc Connel Ditch Co.

Please print your name:

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

08/17/2006

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

RIGHT NUMBER: 63-4632D

NAME AND ADDRESS: MC CONNEL ISLAND DITCH CO LTD
C/O LINDA TRENT
PO BOX 668
PARMA ID 83660

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 6.690 CFS
1,094.40 AFY

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: 02/21/1887

POINT OF DIVERSION: T05N R05W S7 SESE Lot 1 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	6.690 CFS 1,094.40 AFY

Diversion for irrigation under this water right prior to March 15 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:

1206 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

This right when combined with Right Nos. 63-4632B through 63-4632N can be used to irrigate up to 1206 acres within the boundary of the McConnel Island Ditch Company.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

TELEPHONE MEMORANDUM

TO: Mc Connel Island Ditch Co Ltd Files 63-4632A – 63-4632N
FROM: Anita Warntjes
DATE: June 1, 2006
RE: Change in Secretary/Treasurer Name & Address

Lee Sisco, Boise River Watermaster, called today to state his contact for the Mc Connel Island Ditch Company LTD is the Secretary/Treasurer at:

Linda Trent, Sec/Trea.
Mc Connel Island Ditch Co LTD
PO Box 668
Parma, ID 83660
Telephone No. 722-6855



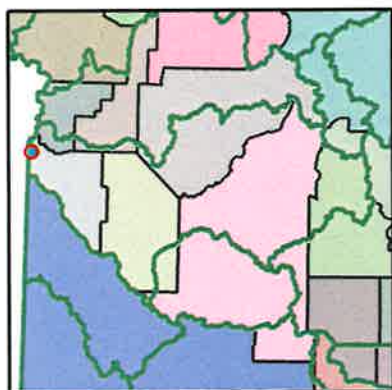
Idaho Department of Water Resources

Adjudication Claim:

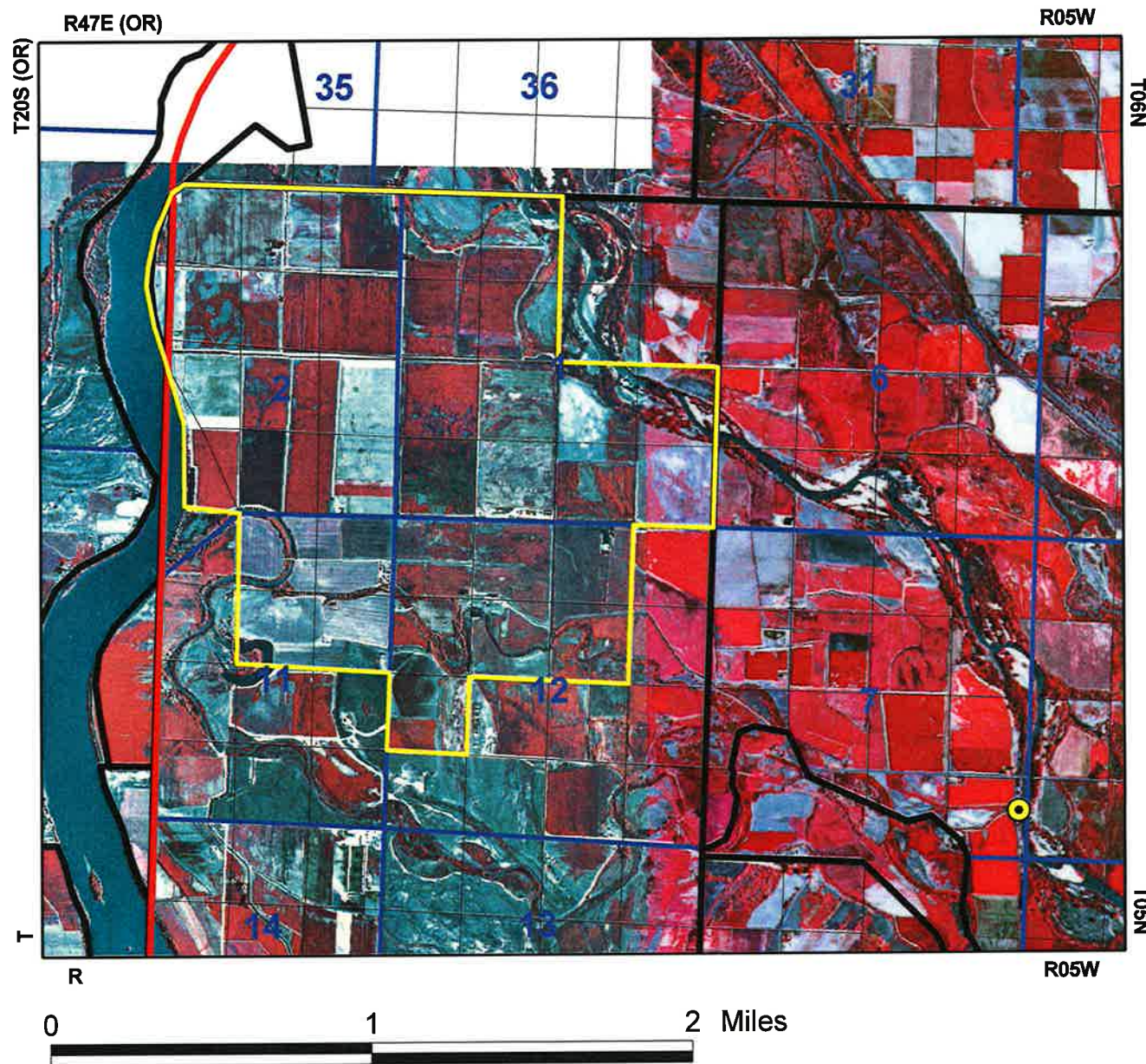
63-4632D

Legend

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



Canyon County
IDWR Basin 63



Prepared by A. Warntjes
On Thursday, March 23, 2006
1987/88 Aerial Photography

SECOND AMENDED SCHEDULE I
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LISTING OF RIGHTS

Source: Boise River
Tributary to: Snake River

Right Number	Name and Address	Priority Date	Use	Use Period From To	Cons. Volume Max. Rate	Diversion Point	Basis For Right
63-4632A	McConnel Island Ditch Co., Ltd. Rt. 3 Parma, ID 83660 Remarks: Place of use on lands of McConnel Island Ditch Co., Ltd. See Page 5, Second Amended Schedule I.	12/06/1882	Irrigation	3/15 11/15	630.0 AFA 3.85 CFS	Lot 1 (SESE) S 7, T5N, R5W	Beneficial Use
63-4632B	McConnel Island Ditch Co., Ltd. Rt. 3 Parma, ID 83660 Remarks: Place of use on lands of McConnel Island Ditch Co., Ltd. See Page 5, Second Amended Schedule I.	05/21/1883	Irrigation	3/15 11/15	9.0 AFA 0.06 CFS	Lot 1 (SESE) S 7, T5N, R5W	Beneficial Use
63-4632C	McConnel Island Ditch Co., Ltd. Rt. 3 Parma, ID 83660 Remarks: Place of use on lands of McConnel Island Ditch Co., Ltd. See Page 5, Second Amended Schedule I.	05/01/1886	Irrigation	3/15 11/15	252.0 AFA 1.54 CFS	Lot 1 (SESE) S 7, T5N, R5W	Beneficial Use
63-4632D	McConnel Island Ditch Co., Ltd. Rt. 3 Parma, ID 83660 Remarks: Place of use on lands of McConnel Island Ditch Co., Ltd. See Page 5, Second Amended Schedule I.	02/21/1887	Irrigation	3/15 11/15	1094.4 AFA 6.69 CFS	Lot 1 (SESE) S 7, T5N, R5W	Beneficial Use

RECORDED
DEC 16 1986