

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: A63-00203B
Date Received: 3/16/1990
Receipt No: W011254
Received By: Lu

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: JUN 01, 1878
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	17			SE		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	0.200		
7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 35.0 Acre Feet Per Annum.
9. Non-irrigation uses:

A63-00203B

Page 1

Date: 03/16/90

MICROFILMED

AUG 17 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	17	NE	NE		IRR	10.0
Section Acres							10.0
Total Acres							10.0

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:
A63-00204B, A6321605

14. Remarks:
TRANSFER 103 FOR POINT OF DIVERSION.
THIS CLAIM REPRESENTS A SPLIT OFF OF A63-00203. THE ORIGINAL
DECREED WATER RIGHT DID NOT INDICATE THE NUMBER OF ACRES PER
QUARTER, QUARTER.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

FARMERS CO-OP DITCH CO.
Decree Plaintiff

vs

RIVERSIDE IRR. DIST.
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: 4

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): Mona I. Martin Date: 3.16-1990
_____ Date: _____

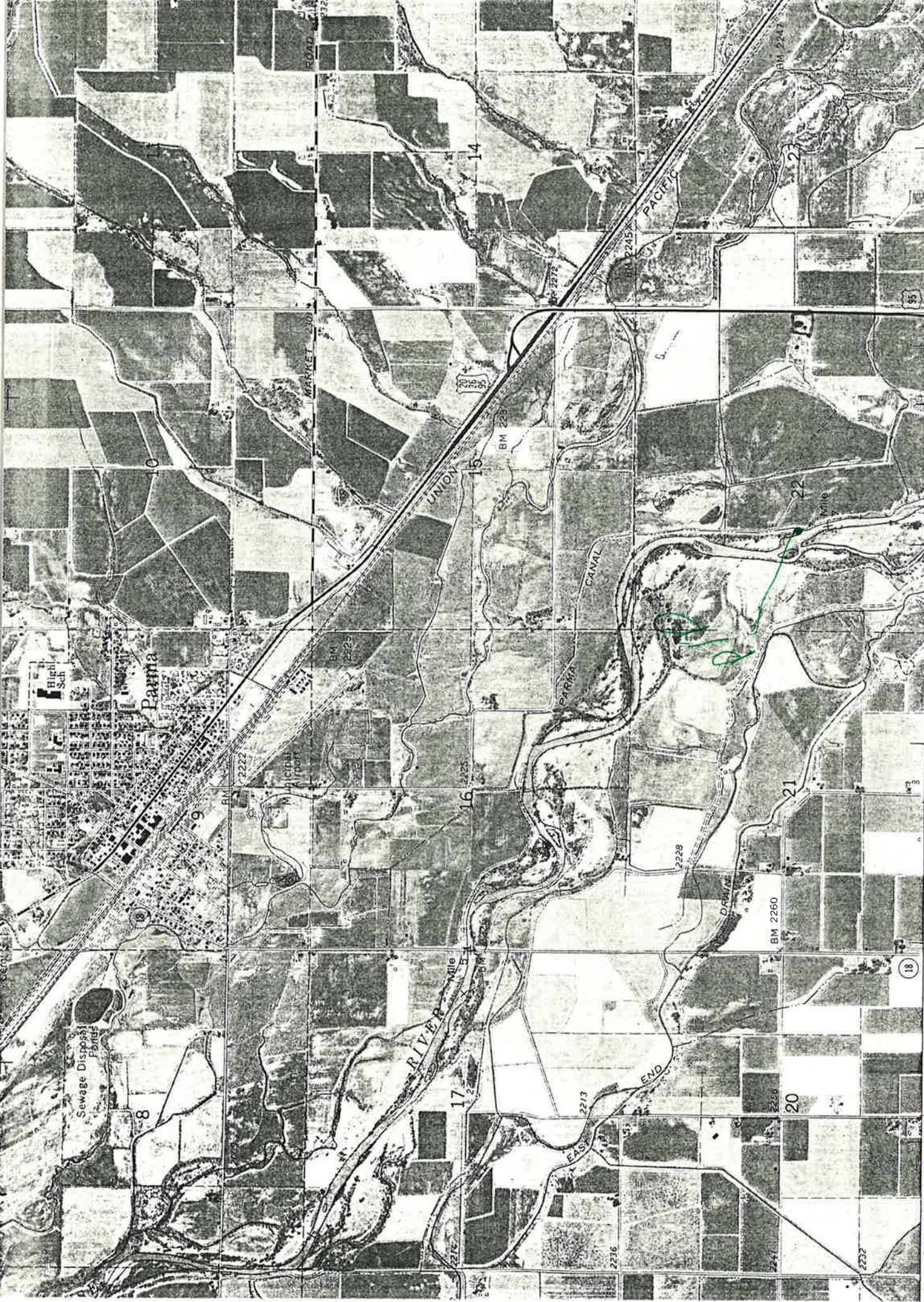
State of Idaho)
County of Ada) SS.

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

 Linda Werner
Notary Public

Seal

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



MICROFILMED
AUG 17 1992

T5N. R5W, Sec. 22
A63-00-203B

12950000 FEET (UREG)
1 MILE
SCALE 1:24000
0 1000 2000 3000 4000 5000 6000 7000 FEET

Water Right Number - 63-00203 B Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - + - - - - +

*** C - CURRENT OWNER *** STOCKTON R. H.
1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1878 D - DECREED
+ - - - - Source - - - - + + - - - - Tributary - - - - - + - - - - +
BOISE RIVER SNAKE RIVER

+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot RFlg County County
05N 05W 16 (27) CANYON

+ - - - - Description - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - - +
Code Period From Period To
01 - IRRIGATION 4.400

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - + + - - +
4.400 0.20

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|-----|-----|-----|-------|-----|------------|--------------|-------------|--------|
| 05N | 05W | 8 | SE SW | 01 | IRRIGATION | (27) | CANYON | (27) |
| 05N | 05W | 8 | NE SE | 01 | IRRIGATION | (27) | CANYON | (27) |
| 05N | 05W | 8 | SW SE | 01 | IRRIGATION | (27) | CANYON | (27) |
| 05N | 05W | 8 | SE SE | 01 | IRRIGATION | (27) | CANYON | (27) |
| 05N | 05W | 16 | NE NW | 01 | IRRIGATION | (27) | CANYON | (27) |
| 05N | 05W | 16 | SE NW | 01 | IRRIGATION | (27) | CANYON | (27) |
| 05N | 05W | 17 | NE NE | 01 | IRRIGATION | (27) | CANYON | (27) |

Total Acres: 10
+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

Remarks: SWSE
P/D IN SE, S16, T5N, R5W.

PO RD - SENE, Sec. 17, 5N 5W
5N, 5W, Sec 22, NW NE SA Trans. 103

| | | | | | |
|------------------|--------------|-----------------|--------------|------------------|------|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Tested Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - |
| Start Work Date | - 00/00/0000 | Verified Date | - 00/00/0000 | 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 | - |
| Decree Date | - 01/18/1906 | | | | |

MICROFILMED
AUG 17 1982

Receipt Details for ID W011254

| Status | Adjustment Type | Version |
|--------|------------------|---------|
| | Adjusted Receipt | 1 |

General Information:

| Date Received | Date Deposited | Region | Total Amount | Payment Type |
|----------------------|----------------|-----------------|--------------|--------------|
| 3/16/1990 2:20:22 PM | 3/16/1990 | Western | \$188.00 | Check |
| Payer | | MARTIN, MONA I. | | |

Account Information:

| Check # | Account # | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 1054 | | | |
| Card Expiration Date | Credit Card Transaction # | | |
| | | | |

Comment ADJUDICATION FEE

Fee Detail:

| Amount | Description | PCA | Fund | Fund Detail | Subsidiary | Object |
|----------|------------------|--------|------|-------------|------------|--------|
| \$188.00 | 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 | 21605 | | \$88.00 | Claim |
| 63 | 203 | B | \$50.00 | Claim |
| 63 | 204 | B | \$50.00 | Claim |

Print Report

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

ADDRESS SERVICE
REQUESTED

FIRST CLASS



Handwritten notes and stamps at the bottom left of the page, including a large "X" and some illegible text.

RECEIVED

FEB 08 2007

WATER RESOURCES
WESTERN REGION

Handwritten notes and signatures in the center of the page, including a large "X" and the word "refused" with a "2" next to it.

MCNA I MARTIN
27507 HWY-18 WAMSTEAD RD
PARMA ID 83660

63-203B
63-204B
63-21605

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: 63-203B

VIVIAN PORTENIER
23960 BOISE RIVER RD
PARMA ID 83660
Telephone Number: (208)459-4087

MONA I MARTIN
27997 HWY 18 WAMSTEAD RD
PARMA ID 83660
Telephone Number: (208)459-4087

RECEIVED
OCT 20 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):
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: Oct 17 2006 SIGNATURE: Vivian Portenier
Please print your name: VIVIAN PORTENIER

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

DEPT. OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2705 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



RECEIVED

OCT 12 1993

WATER RESOURCES
WESTERN REGION

MONA I MARTIN
27997 HWY 18 WAMSPEADE RD
PARMA ID 83660

63-203B

2048

2/605



09/08/2006

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

RIGHT NUMBER: 63-203B

NAME AND ADDRESS: VIVIAN PORTENIER
23960 BOISE RIVER RD
PARMA ID 83660

MONA I MARTIN
27997 HWY 18 WAMSTEAD RD
PARMA ID 83660

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.160 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 0.20 cfs. Combined Right Nos.: 63-203B and 63-204B.

PRIORITY DATE: 06/01/1878

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 | 0.160 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 S17 NENE 10.00

10 ACRES TOTAL

Right Nos. 63-203B and 63-204B are limited to the irrigation of a combined total of 10 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

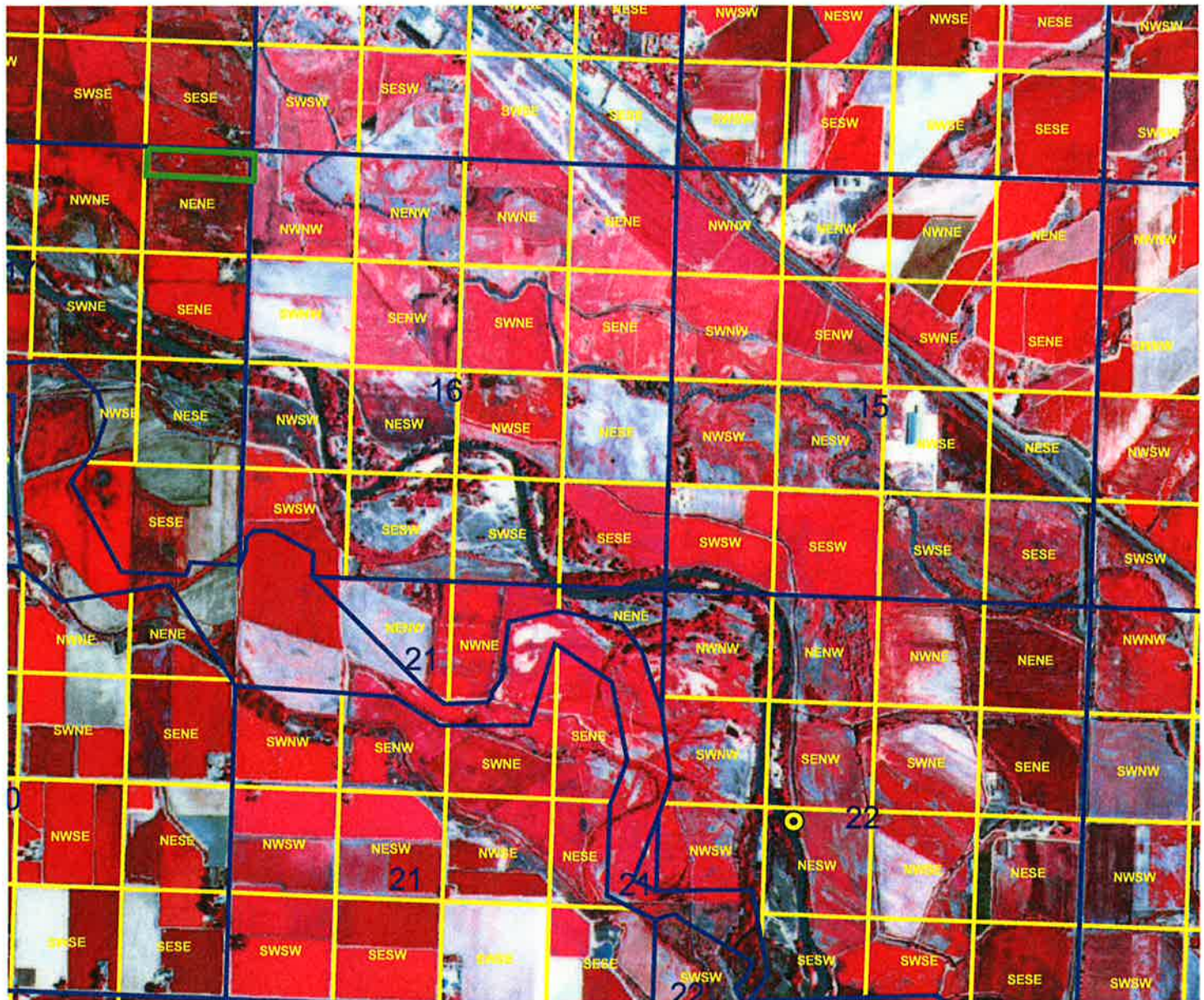
This right is also designated as Right No. 71 in the Boise River Stewart Decree and Boise River Water Distribution Report.

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



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTIONS 17 and 22
Water Rights: 63-203B and 63-204B



1320 0 1320 2640 3960 5280 Feet

TOTAL IRRIGATED ACRES = 10



-  **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 63-203B V1

WATER RIGHT NUMBER: 63-203B 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 |
| Original Owner | R H STOCKTON

PARMA, ID 83660 |

Priority Date: 06/01/1878

Basis: Decreed

Status: Active

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

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION | 03/01 to 11/15 | 0.160 CFS | |
| | <u>Total Diversion:</u> | 0.160 CFS | |

Location of Point(s) of Diversion

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

Place of UseIRRIGATION Within CANYON County

T05N R05W S17 NENE 10.0

Total Acres: 10

Conditions of Approval:

1. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-203B V1

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 also designated as Right No. 71 in the Boise River Stewart Decree and Boise River Water Distribution Report.
4. E52 The rights listed below are limited to a total combined diversion rate of 0.20 cfs. Combined Right Nos.: 63-203B and 63-204B.
5. 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.
6. E55 Right Nos. 63-203B and 63-204B are limited to the irrigation of a combined total of 10 acres in a single irrigation season.
7. Right is diverted at the Parma Ditch Company headgate and delivered by the Parma Ditch Company.

Remarks:Comments:

1. vmusic 9/7/2006 POD

Comment: TRANSFER 103 CHANGED POD TO PARMA DITCH CO HEADGATE IN SECTION 22. POD IS DOWNSTREAM OF THE STAR BRIDGE

2. vmusic 9/7/2006 OVERLAPS

Comment: 63-204B 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> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary | | | 05/15/2006 | scurtis | Active |
| Contacts | 9/7/2006 11:25:26 AM | vmusic | | | Active |
| Priority Date | 9/7/2006 11:25:42 AM | vmusic | | | Active |
| POD | 9/7/2006 11:25:57 AM | vmusic | | | Active |
| Source | 9/7/2006 11:27:39 AM | vmusic | | | Active |
| POU | 9/7/2006 11:28:27 AM | vmusic | | | Active |
| Use | 9/7/2006 11:29:34 AM | vmusic | | | Active |
| Season | 9/7/2006 11:29:54 AM | vmusic | | | Active |
| Quantity | 9/7/2006 11:30:29 AM | vmusic | | | Active |
| Summary | | | 09/07/2006 | vmusic | Active |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
| POD | 9/7/2006 11:27:18 AM | vmusic | Updated shape |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-203B V1

| | | | |
|----------|----------------------|--------|---|
| Season | 9/7/2006 11:29:54 AM | vmusic | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(No) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(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?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p> |
| Quantity | 9/7/2006 11:30:29 AM | vmusic | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(No) 8. Does the parent right have an annual diversion volume limit?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(Yes) 12. Is a Quantity remark or condition required?</p> |
| Summary | 9/7/2006 11:48:56 AM | vmusic | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(Yes) 5. Does this right have any combined use limits with other rights?</p> <p>(Yes) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(Yes) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |
| Contacts | 9/7/2006 11:25:26 AM | vmusic | <p>(No) 1. Do you want to schedule an appointment?</p> |

Comment for 1: DESKTOP REVIEW

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-203B V1

| | | | |
|---------|----------------------|---------|--|
| General | 9/7/2006 11:25:42 AM | vmusic | (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 | 9/7/2006 11:25:57 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?
(Yes) 10. Is a POD remark and/or condition required? |
| Source | 9/7/2006 11:27:39 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 | 9/7/2006 11:28:27 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? |
| POU | 9/7/2006 11:29:04 AM | vmusic | Updated shape for Active POU |
| Use | 9/7/2006 11:29:34 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? |
| Summary | 5/15/2006 2:23:25 PM | scurtis | (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? |

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?

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
 KA ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-203B

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
☒ NEW OWNER several owners - no change of ownership files
☐ No change Address
☐ NEW ADDRESS _____
☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary decreed
☐ 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: 6-1-1898 1918

(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 T 103 changed POD to Parma Ditch Co.

- ☒ No change
☐ POD found is different than claimed: headgate in sec 22
☐ 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. made a

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

WATER USES☒ No change☐ Different UsesUse *irr* From *3/1* To *11/15* Amount *.16* 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 *NA* 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:*10 acres of original 200*☒ 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 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Overlap with other water rights: _____

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

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

449 rt # 71 in Bois R. ditch
 449 son condition
 103 stepdown condition
 Parma Ditch CO. conveys water
 E52 compound use w/ 63.204/B - limited to 10 ac.
 E55 " limited to .20 ac

1. Claimed to be more than cleared duty of water. Rec acres at
cleared duty of water .0157 cfs/ac

AFTER EXAM THE FILE SHOULD CONTAIN:

- NA
- ☒ 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:

9-1-06
Vicky Masic

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-203B V1

WATER RIGHT NUMBER: 63-203B 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 |
| Original Owner | R H STOCKTON
PARMA, ID 83660 |

Priority Date: 06/01/1878 ✓

Basis:

Status: Active

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

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION | 3/15 to 11/15 | 0.200 CFS | |
| | <u>Total Diversion:</u> | 0.200 CFS | |

Location of Point(s) of Diversion

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

Place of Use

63-203
4.4 cfs / 200 ac = (0.157 cfs/ac) (10) = .157 ≈ .16

| Twp | Rge | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
|-----|-----|-----|------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 05N | 05W | 17 | 10.0 | | | | | | | | | | | | | | | | 10.0 |

Total Acres: 10

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. TRANSFER 103 FOR POINT OF DIVERSION.
THIS CLAIM REPRESENTS A SPLIT OFF OF A63-00203. THE ORIGINAL DECREED WATER RIGHT DID NOT INDICATE THE NUMBER OF ACRES PER QUARTER, QUARTER.

Dates 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: OR
 Water District Number: 63
 Mitigation Plan: False

Combined Use Limits:

MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NOS. 63-5129B, D, E AND 63-5130B,D,E
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN REGION
SUBJECT: CLAIM ANALYSIS - BASIS OF DISALLOWAL
DATE: 8/9/2006
CC:

Statutory claims 63-5129 [source: Boise R] and 63-5130 [source: wastewater] were filed in 1983 by the Parma Irrigation District for irrigation of 623 acres from the Boise R. via a ditch system. I found information on the Parma Ditch Co, Inc on the IDSOS site. Sam Smyser is the registered agent for the Ditch Co. and he filed the statutory claims. It is still a viable non-profit privately owned corporation.

The statutory claims claim an 1878 [year only is claimed] priority date and the SRBA claims claim a priority date of 4/1/1878. The split claims A and C portions have been withdrawn.

The Boise River decree included rights delivered through the Parma Ditch Co. It did not decree the rights to the ditch company but to the individual property owners. The Boise River decree map does not include the Parma Ditch co. ditch system but does indicate that these claims are not in other irrigation district service area. Here is information regarding the decreed rights through the Parma Ditch Co.

| SRBA # | BOISE R
DECREE # | POD/POU
LEGAL | # ACRES | Q | DECREED
NAME | P DATE |
|---------|---------------------|---|---------|---------------|-----------------|----------|
| 63-203* | 71 | **SE 16/E/2 NW 16,
NENE 17, S/2 SE 8, SESW 8, NESE 8 | 220 | 4.4 CFS/220" | STOCKTON | 6-1-1878 |
| 63-209# | 74 | **SE 16/ SENW 8,
NESW 8, NWSE 8, SWNE 8 | 88 | 1.76CFS/ 88" | STOCKTON | 6-1-1880 |
| 63-204+ | 125 | ** SE 16/ E/2 NW 16,
NENE 17, S/2 SE 8, SESW 8, NESE 8 | 88 | 1.76 CFS/ 88" | STOCKTON | 6-1-1894 |
| 63-272 | 77A | SESE 16/ SENE, NWNE 17 | 80 | 1.6 CFS/ 80" | BARTH | 6-1-1881 |
| 63-273 | 77D | SESE 16/ NESW 16 | 65 | 1.3 CFS/65" | JURRIES | 6-1-1881 |
| 63-274 | 77B | SESE 16/ SWSE 9 | 17 | .34 CFS/17" | FINLAY | 6-1-1881 |
| 63-275 | 77C | SESE 16/NWNW 16. | 40 | .8 CFS/40" | SHIPPY | 6-1-1881 |
| 63-271% | 114B | SENW 17/NENW 17 | 40 | .8 CFS/40" | BARTH | 5-1-1889 |

* split into 63-23270 & 62-32371
split into 63-32372 & 63-32373
+ split into A,B,C,D
** trx 103 in POD
% trx 257

The statutory claims were split in the SRBA as follows:

| SRBA # | POD/POU
LEGAL | # ACRES | Q | CLAIMANT
NAME | P DATE |
|----------------------|--------------------------|---------|----------|------------------|----------|
| 63-5129A - withdrawn | | | | | |
| 63-5129B | same as 273, 5130B | | 1.39 CFS | MCNALL | 4-1-1878 |
| 63-5129C - withdrawn | | | | | |
| 63-5129D | same as 271A, 272, 5130D | | 5.2 CFS | TREDWAY | 4-1-1878 |
| 63-5129E | same as 275, 5130E | | 2.28 CFS | RUDOLPH | 4-1-1878 |
| 63-5129F | | | .87 CFS | SIMPLOT | 4-1-1878 |

| SRBA # | POD/POU
LEGAL | # ACRES | Q | CLAIMANT
NAME | P DATE |
|----------------------|--------------------------|---------|----------|------------------|----------|
| 63-5130A - withdrawn | | | | | |
| 63-5130B | same as 273, 5129B | | .83 CFS | MCNALL | 4-1-1877 |
| 63-5130C - withdrawn | | | | | |
| 63-5130D* | same as 271A, 272, 5129D | | 3.08 CFS | TREDWAY | 4-1-1877 |
| 63-5130E* | same as 275, 5129E | | 1.71 CFS | RUDOLPH | 4-1-1877 |
| 63-5130F | | | .51 CFS | SIMPLOT | 4-1-1877 |

* claimed Boise R as source

The claimed places of use are not in any irrigation district or canal company service areas. There was no response to requests for evidence of priority sent to the all 63-5129 and 63-5130 claimants. None of the mailed requests were returned as undeliverable.

I am disallowing all of the 63-5129 and 63-5130 claims because all of the claims date back into the Boise River decree which decreed all claims to water delivered through the Parma Ditch Co. If I hear from them and the claimants provide additional information regarding these claims, I will suggest the following:

- 1 – advance the priority date to 2/15/1929, which is the day after the decree, if they can provide evidence of priority, or to 3/1/1939. the 1939 aerial clearly shows the Parma Ditch Co. ditches. Additionally, I have the IDSOS that states the ditch company was incorporated in 1915.
- 2 – Analyze the acres and quantity. Advise that all rights combined will not exceed .02 cfs/acre so that if the decreed Q is for .02 cfs / acre, then all rights combined are not to exceed .02 cfs/acre.

Note re 63-5129D and 63-5130D: Claimant is Tredway. Total claims from the 4 claims, the statutory plus 63-271A and 63-272, is 9.88 cfs for 120 acres. $120 \times .02 \text{ cfs} = 2.4 \text{ cfs}$

VLM

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-203B**

09/07/2006

1

| Right # | Type | Twp | Rge | Sec | QQ | Q | Lot | Purpose of Use | Acres/Total | Name |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|-----------------------|
| 203B | Claim | 05N | 05W | 17 | NE | NE | | IRRIGATION | 10/10 | VIVIAN PORTENIER |
| 204B | Claim | 05N | 05W | 17 | NE | NE | | IRRIGATION | 10/10 | VIVIAN PORTENIER |
| 21605 | Claim | 05N | 05W | 17 | NE | NE | | IRRIGATION | 37.5/37.5 | VIVIAN PORTENIER |
| -203 | Water Right | 05N | 05W | 17 | NE | NE | | IRRIGATION | | R H STOCKTON |
| -204 | Water Right | 05N | 05W | 17 | NE | NE | | IRRIGATION | | R H STOCKTON |
| 5129 | Water Right | 05N | 05W | 17 | NE | NE | | IRRIGATION | 40/623 | PARMA IRRIGATION DIST |
| 5130 | Water Right | 05N | 05W | 17 | NE | NE | | IRRIGATION | 40/623 | PARMA IRRIGATION DIST |
| 26271 | Water Right | 05N | 05W | 17 | NE | NE | | STOCKWATER | | MONA I MARTIN |
| 26271 | Water Right | 05N | 05W | 17 | NE | NE | | DOMESTIC | | MONA I MARTIN |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-203

WATER RIGHT NUMBER: 63-203

Owner Type Name and Address
Original Owner R H STOCKTON
PARMA, ID 83660

parent

Priority Date: 06/01/1878

Basis:

Status: See Remarks

Source Tributary
BOISE RIVER SNAKE RIVER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION | / to / | 4.400 CFS | |
| | <u>Total Diversion:</u> | 4.400 CFS | |

Location of Point(s) of Diversion

BOISE RIVER Sec. 16, Twp 05N, Rge 05W, B.M.
CANYON County

Place of Use

IRRIGATION Within CANYON County

| | | | |
|---------------|------|---------------|------|
| T05N R05W S08 | SESW | T05N R05W S08 | NESE |
| T05N R05W S08 | SWSE | T05N R05W S08 | SESE |
| T05N R05W S16 | NENW | T05N R05W S16 | SENW |
| T05N R05W S17 | NENE | | |

Conditions of Approval:

1. P/D IN SE, S16, T5N, R5W.
THIS RIGHT HAS BEEN SPLIT AND CLAIMED AS FOLLOWS: A63-00203A A63-00203B
A63-00203C CLASON, WANDA A63-00203D, 1.26 CFS BY JOHN &/OR RUTH LE FAVE (55
ACRES) CLF

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-203

WATER RIGHT NUMBER: 63-203

| | |
|-------------------|-------------------------|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner | R H STOCKTON |
| | PARMA, ID 83660 |

Priority Date: 06/01/1878

Basis: Decreed

Status: Active

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

| | | | |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION | / to / | 4.400 CFS | |
| | <u>Total Diversion:</u> | 4.400 CFS | |

Location of Point(s) of Diversion

BOISE RIVER
CANYON County

Sec. 16, Twp 05N, Rge 05W, B.M.

Place of Use

IRRIGATION Within CANYON County

| | | | |
|---------------|------|---------------|------|
| T05N R05W S08 | SESW | T05N R05W S08 | NESE |
| T05N R05W S08 | SWSE | T05N R05W S08 | SESE |
| T05N R05W S16 | NENW | T05N R05W S16 | SENW |
| T05N R05W S17 | NENE | | |

Conditions of Approval:

1. P/D IN SE, S16, T5N, R5W.

Remarks:

Comments:

Verification Log:

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;

63 0202

P.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, 11 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 \$21.86 costs, in addition to the costs incurred by him.