

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: A63-00203D
Date Received: 3/22/1990
Receipt No: CO15878
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN R. LE FAVE
Address: 10435 MAYMIE RD. 208-853-3202
BOISE, ID 83703

AND/OR

Name: RUTH L. LE FAVE
Address: 10435 MAYMIE RD. 208-853-3202
BOISE, ID 83703

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 of	Lot	County
05N	05W	22	NW	NE	SW		CANYON

5. Description of diverting works:
PARMA DITCH DITCH HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.260		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is 192.5 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, 20 HEAD HORSES, MULES AND CATTLE

A63-00203D

Page 1

Date: 03/22/90

MICROFILMED

AUG 17 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	16	NE	NW		IRR	15.0
			SE	NW		IRR	40.0
Section Acres							55.0
Total Acres							55.0

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:
63-00204D

14. Remarks:

THE CLAIMANT OWNS 78.6 ACRES OF THE 280 ACRES OF LAND IN WHICH
THIS WATER RIGHT IS APPURTENANT.

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: -1-

For Individuals:

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

Signature of Claimant(s): John A. Lafae Date: 3-22-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of March 19 90

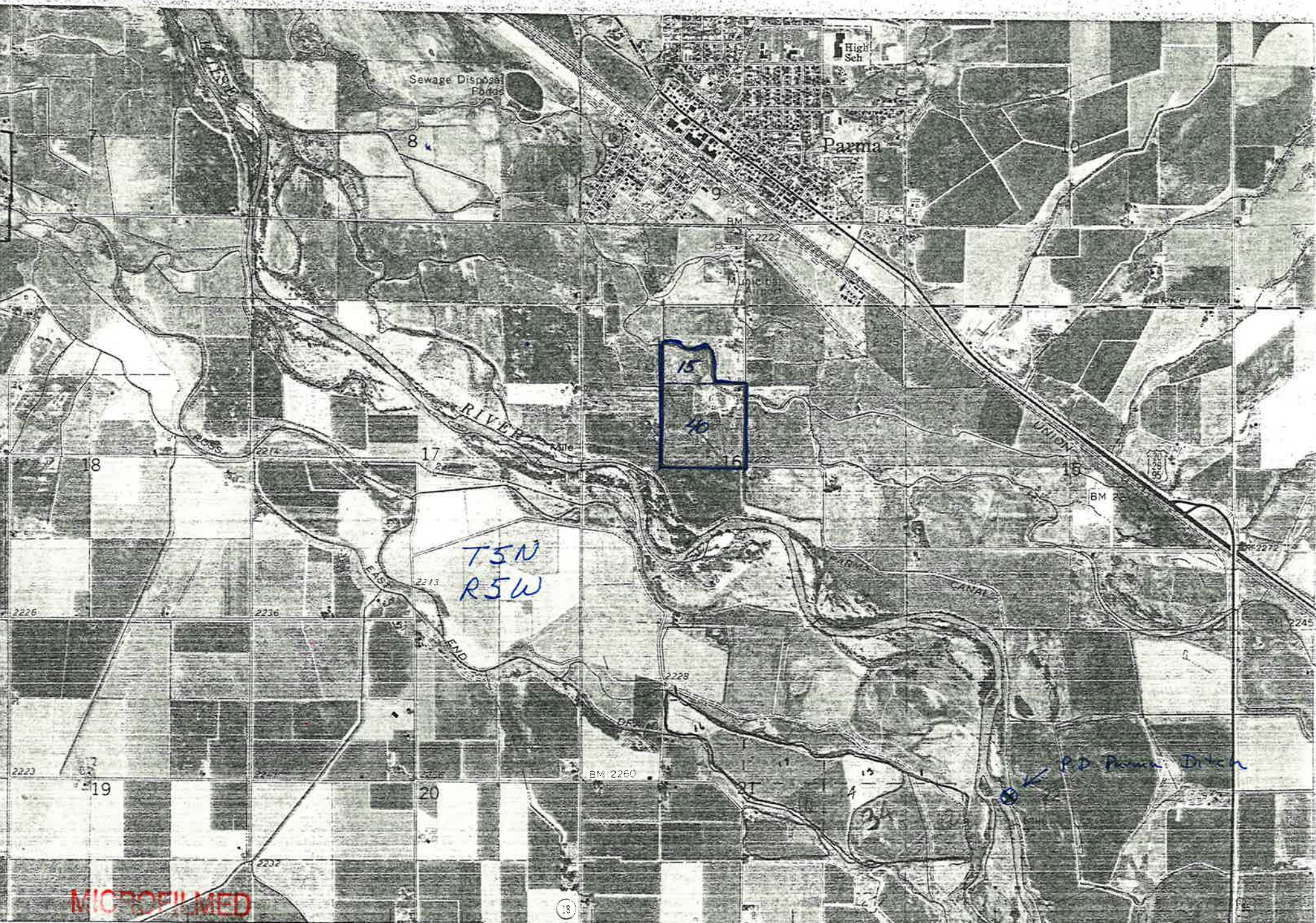
Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994



MICROFILMED

AUG 17 1992

180 000 FEET (IDAHO) 57' 30"

504

505

506

55'

507

Receipt Details for ID C015878

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/22/1990 4:44:32 PM	3/22/1990	State	\$155.00	Check
Payer		LE FAVE, JOHN R OR RUTH L		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
5966			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$155.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

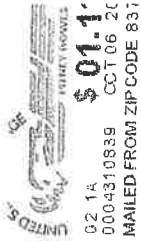
Basin Number	Sequence Number	Split Suffix	Amount	Type
63	203	D	\$105.00	Claim
63	204	D	\$50.00	Claim

Print Report

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

ADDRESS SERVICE
REQUESTED

FIRST CLASS



RECEIVED

OCT 13 2006

WATER RESOURCES
WESTERN REGION

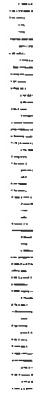
Does Not Live Here

**DELIVERY ATTEMPTED
NOT KNOWN**

JOHN R LE FAVE
RUTH L LE FAVE
10435 MAYME LN
BOISE ID 83703

ANZ

63-204D
203D
4700



09/08/2006

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

RIGHT NUMBER: 63-203D

NAME AND ADDRESS: JOHN R LE FAVE
10435 MAYMIE RD
BOISE ID 83703

RUTH L LE FAVE
10435 MAYMIE RD
BOISE ID 83703

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.860 CFS

The rights listed below are limited to a total combined diversion rate of 1.10 cfs. Combined Right Nos.: 63-203D and 63-204D.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

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: 06/01/1878

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>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/01 11/15	0.860 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 S16	NENW	15.00	T05N R05W S16	SENW	40.00
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STOCKWATER same as IRRIGATION

55 ACRES TOTAL

Right Nos. 63-203D and 63-204D are limited to the irrigation of a combined total of 55 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

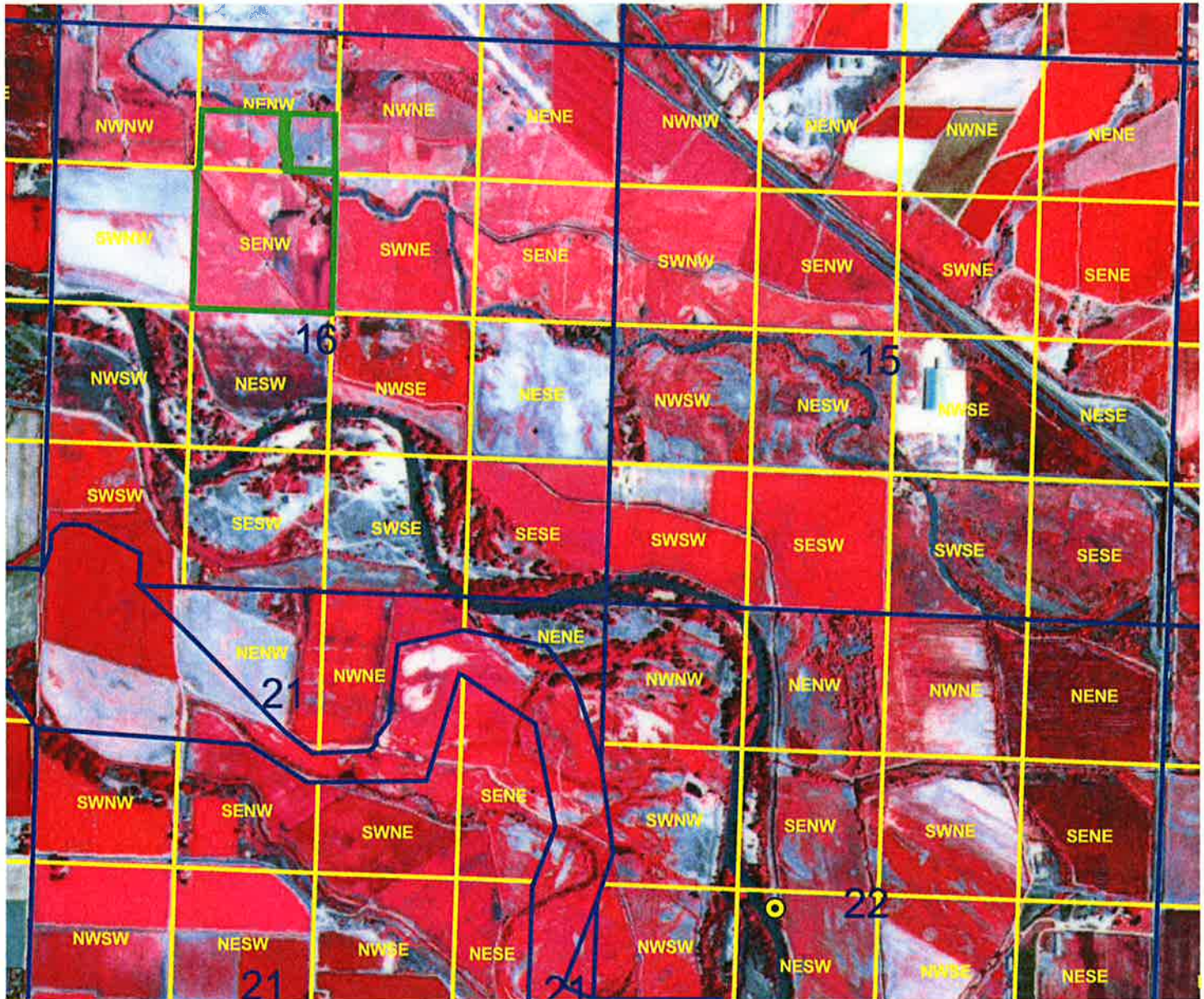
This right is also designated as Right No. 71 in the Boise River Stewart Decree and Boise River Water Distribution Report.

Stockwater use is for 20 head mixed stock: horses, mules and beef cattle.



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTIONS 16 and 22
Water Rights: 63-203D and 63-204D



1320 0 1320 2640 3960 Feet

TOTAL IRRIGATED ACRES = 55



- 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 63-203D V1

WATER RIGHT NUMBER: 63-203D V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN R LE FAVE 10435 MAYMIE RD BOISE, ID 83703 (208)853-3202
Current Owner	RUTH L LE FAVE 10435 MAYMIE RD BOISE, ID 83703 (208)853-3202
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>
STOCKWATER	01/01 to 12/31	0.020 CFS	
IRRIGATION	03/01 to 11/15	0.860 CFS	
	<u>Total Diversion:</u>	0.860 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 S16	NENW	15.0	T05N R05W S16	SENW	40.0
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Total Acres: 55

STOCKWATER same as IRRIGATIONConditions of Approval:

1. Right is diverted at the Parma Ditch Company headgate and delivered by the Parma Ditch Company.
2. E52 The rights listed below are limited to a total combined diversion rate of 1.10 cfs. Combined Right Nos.: 63-203D and 63-204D.
3. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-203D V1

4. This right is also designated as Right No. 71 in the Boise River Stewart Decree and Boise River Water Distribution Report.
5. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
6. 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.
7. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. 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.
9. X02 Stockwater use is for 20 head mixed stock: horses, mules and beef cattle.
10. E55 Right Nos. 63-203D and 63-204D are limited to the irrigation of a combined total of 55 acres in a single irrigation season.

Remarks:Comments:

1. vmusic 9/7/2006 POD

Comment: TRANSFER 103 CHANGED THE POD FROM SECTION 16 TO THE PARMA DITCH CO HEADGATE IN SECTION 22

2. vmusic 9/7/2006 OWNERSHIP

Comment: CANYON CO TAX LOT INFORMATION STATES CURRENT OWNER IS JERRY MCDERMOTT. NO CHANGE OF OWNERSHIP FILED.

3. vmusic 9/7/2006 OVERLAP

Comment: 63-204D - SAME ACRES

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 10:11:31 AM	vmusic			Active
Priority Date	9/7/2006 10:11:45 AM	vmusic			Active
POD	9/7/2006 10:12:16 AM	vmusic			Active
Source	9/7/2006 10:13:20 AM	vmusic			Active
POU	9/7/2006 10:13:51 AM	vmusic			Active
Use	9/7/2006 10:15:23 AM	vmusic			Active
Season	9/7/2006 10:17:01 AM	vmusic			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-203D V1

Quantity	9/7/2006 10:17:38 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>
Use	9/7/2006 10:15:23 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? (Yes) 13. Is a Purpose of Use remark and/or condition required?
Season	9/7/2006 10:17:01 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	9/7/2006 10:17:38 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Contacts	9/7/2006 10:11:31 AM	vmusic	(No) 1. Do you want to schedule an appointment?
General	9/7/2006 10:11:45 AM	vmusic	Comment for 1: DESKTOP REVIEW (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-203D V1

POD	9/7/2006 10:12:16 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 10:13:20 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 10:13:51 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?
Summary	9/7/2006 10:22:01 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	9/7/2006 10:13:00 AM	vmusic	Updated shape
POU	9/7/2006 10:14:14 AM	vmusic	Updated shape for Active POU
Summary	5/15/2006 2:23:53 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:

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 / vrm

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- NA
- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
 - ☒ Check fees paid
 - ☐ Well logs (if needed)
 - ☐ Copy of topo or NAPP
 - ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
 - ☐ Check POD & POU overlap, see below – include overlapping right for exam
 - ☒ Evidence of Priority – if none, talk with claimant

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

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER per Canyon Co. tax lot info, owned by Jerry McDermott
- ☐ No change Address 2199 Sand Rd.
- ☐ NEW ADDRESS Parma ID 83660
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary – decided
- ☐ 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: 6-1-1979

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

Source: Bpice R. Tributary to _____

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

POINT OF DIVERSION

- ☒ No change changed to Parma Ditch to headgate on Bpice R. by transfer 103
- ☐ POD found is different than claimed: _____
- ☐ 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

SA claim

OVERLAP REVIEW

Other water rights with the same point of diversion: several - POD is Parma Ditch Co.

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

headgate

WATER USES

☒ No change

☐ Different Uses

Use irr From 3/1 To 11/15 Amount .86 CFS AFA

Use GW From To Amount .02 CFS AFA

Use From To Amount CFS AFA

TOTAL VOLUME - Groundwater only

NA

☐ Incomplete on claim, the total is, Amount CFS AFA

☐ Changes found, the new total is, Amount CFS AFA

☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☐ No change

☒ Changes Exam found: Domestic # of homes Stock # mixed: 20 hd horse, mules, cattle
Types Additional comments:

PLACE OF USE:

55 ac of the 78.6 claimant owns.

☒ No Change

☐ Changes shown below:

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

Overlap with other water rights: _____

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

x02 ✓ SW is for mixed stock: 20 wd horses, mules, cattle.

not SW not a lot of vis bly

not SW not to 2 1/2 dpt

rt # 71 in Bldg R. ditch

549 SW remark

1831 step down remark

combined use w/ 63-2040: 55 acres ^{E52} 1.1 cfs ^{E55}

conveyed via Parma Ditch Co. ditch, ³ west side.

- (1) claimed a greater than decreed duty of water. ✓ Q3
Recommended at decreed duty
- (2) new owner - no C/O filed
- (3) tax 103 changed POD to Parma Ditch Co. Wadsworth.

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:

9-7-06

FIELD EXAMINER:

Wick Macc-

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 POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-203D**

09/07/2006

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

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

09/07/2006

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Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
203D	Claim	05N	05W	16	NE	NW		IRRIGATION	15/55	JOHN R LE FAVE
204D	Claim	05N	05W	16	NE	NW		IRRIGATION	15/55	JOHN R LE FAVE
4700	Claim	05N	05W	16	NE	NW		IRRIGATION	25/55	JOHN R LE FAVE
-203	Water Right	05N	05W	16	NE	NW		IRRIGATION		R H STOCKTON
-204	Water Right	05N	05W	16	NE	NW		IRRIGATION		R H STOCKTON
4700	Water Right	05N	05W	16	NE	NW		IRRIGATION	25/25	JOHN H HURLEY
4702	Water Right	05N	05W	16	NE	NW		IRRIGATION	15/55	LOIS J HURLEY
13459	Water Right	05N	05W	16	NE	NW		DOMESTIC		JOHN HURLEY
203D	Claim	05N	05W	16	SE	NW		IRRIGATION	40/55	JOHN R LE FAVE
204D	Claim	05N	05W	16	SE	NW		IRRIGATION	40/55	JOHN R LE FAVE
-203	Water Right	05N	05W	16	SE	NW		IRRIGATION		R H STOCKTON
-204	Water Right	05N	05W	16	SE	NW		IRRIGATION		R H STOCKTON
4702	Water Right	05N	05W	16	SE	NW		IRRIGATION	40/55	LOIS J HURLEY
5129	Water Right	05N	05W	16	SE	NW		IRRIGATION	31/623	PARMA IRRIGATION DIST
5130	Water Right	05N	05W	16	SE	NW		IRRIGATION	31/623	PARMA IRRIGATION DIST
19370	Water Right	05N	05W	16	SE	NW		STOCKWATER		RUTH L LE FAVE
19370	Water Right	05N	05W	16	SE	NW		DOMESTIC		RUTH L LE FAVE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-203D V1

WATER RIGHT NUMBER: 63-203D V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN R LE FAVE 10435 MAYMIE RD BOISE, ID 83703 (208)853-3202
Current Owner	RUTH L LE FAVE 10435 MAYMIE RD BOISE, ID 83703 (208)853-3202
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>
STOCKWATER	1/01 to 12/31	0.020 CFS	
IRRIGATION	3/15 to 11/15	1.260 CFS	
	<u>Total Diversion:</u>	1.260 CFS	

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	05W	16	15.0	40.0			55.0

Total Acres: 55

STOCKWATER same as IRRIGATIONConditions 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. THE CLAIMANT OWNS 78.6 ACRES OF THE 280 ACRES OF LAND IN WHICH THIS WATER RIGHT IS APPURTENANT.

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: AND
 Water District Number: 63
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Mitigation Plan: False

Combined Use Limits:

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

Priority Date: 06/01/1878 -ok
Basis: dcl
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	3/1 / to 11/15	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

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

Priority Date: 06/01/1878

Basis: Decreed

Status: Active

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		

2800 ac

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. 106 440 inches, from June 1, 1878; and hereby designated as Right No. 70. And be adjudged to pay \$30.80 costs in addition to the costs incurred by him

LX.

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

63 0203

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

63 0204

P.D. 103 85 inches, from June 1, 1894.; and hereby designated as Right No. 125.

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