

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: A63-00204B
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, 1894
3. Source: BOISE RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 05N | 05W | 17 | | SE | NE | | CANYON |
| | | 22 | NW | NE | SW | R | 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:

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:
A63-00203B, A63-21605

14. Remarks:

TRANSFER #103 FOR POINT OF DIVERSION.
THIS CLAIM REPRESENTS A SPLIT OFF OF A63-00204. ALSO, THE ACRES
IRRIGATED PER QUARTER, QUARTER ARE INDICATED ON THIS CLAIM WHERE
THEY WERE NOT ON THE DECREED WATER RIGHT. THE QUANTITY CLAIMED
IS 1" PER ACRE.

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): Mrs Mona J. Martin Date: 3.16-1990
_____ Date: _____

State of Idaho)
County of Ada) SS.

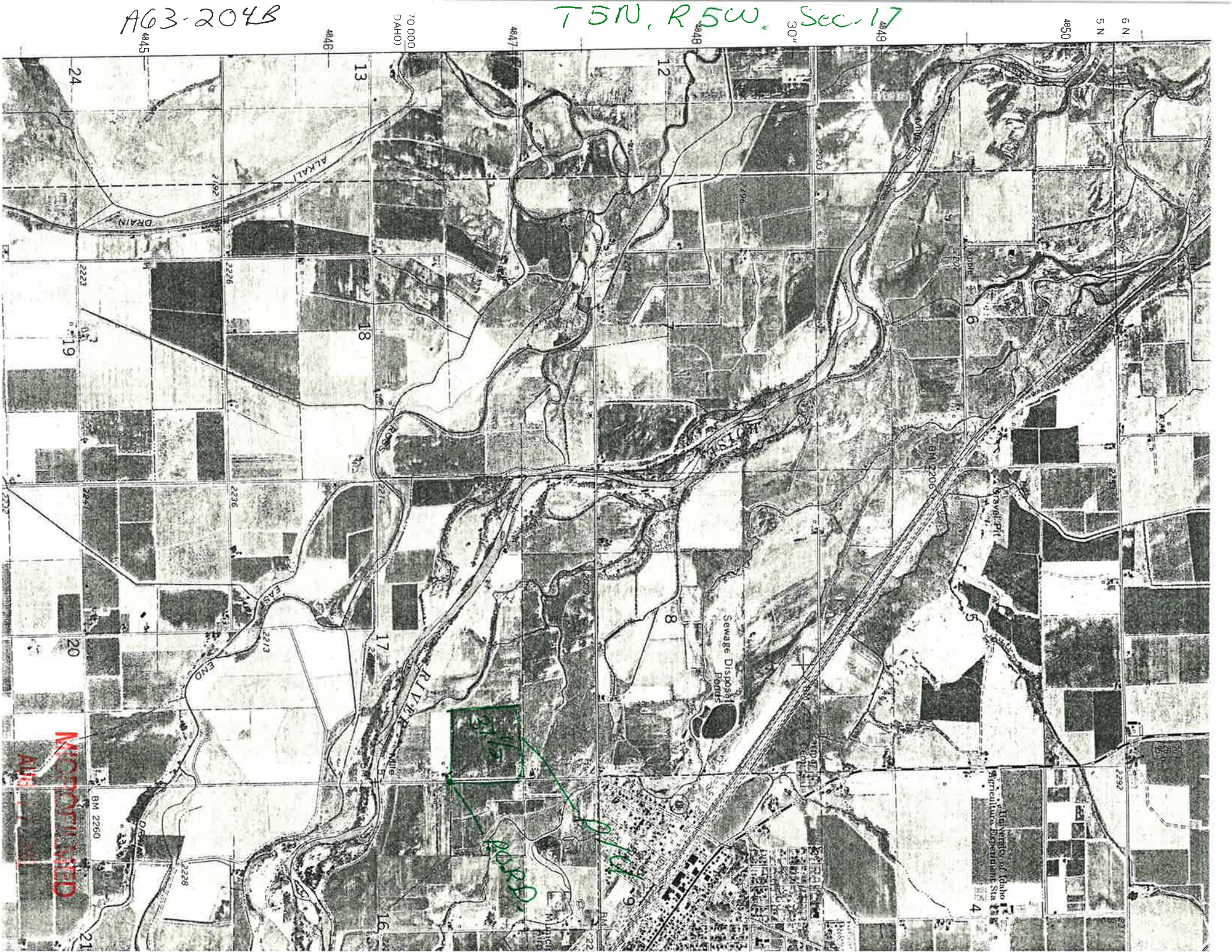
Subscribed and sworn (or affirmed) before me this 16 day
of March 19 90 Linda Werner
Notary Public

Seal

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

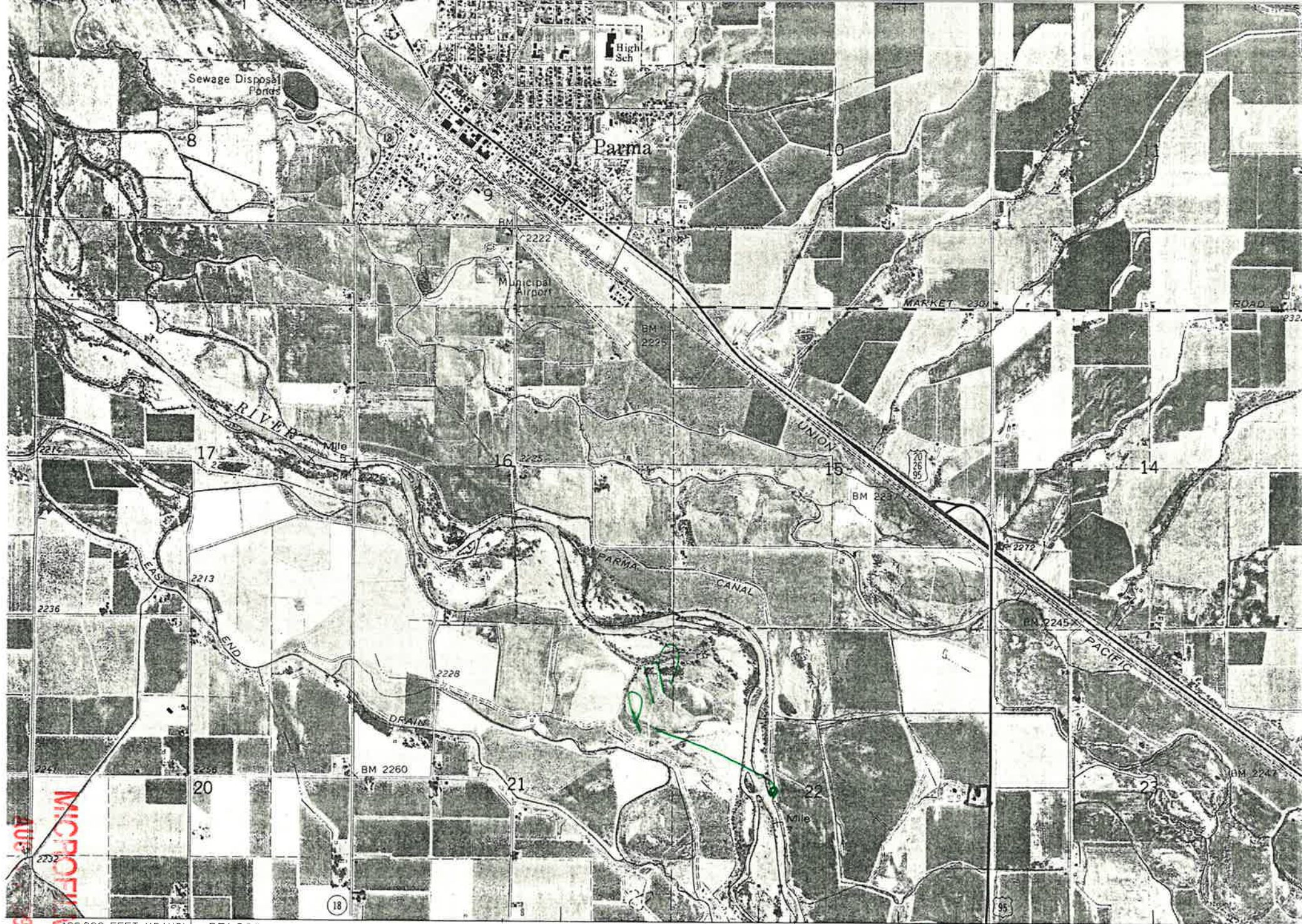
AG3-204B

T5N, R5W, Sec. 17



NOTIFIED
AUG 1 1984

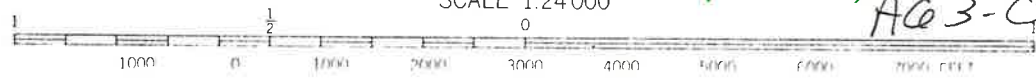
University of Idaho
Agriculture Department Sta 15



406
MICROFILMED
204B

180 000 FEET (IDAHO) 57' 30" 504 505 506 55' 507 12 950 000 FEET (OREG)

SCALE 1:24 000



T5N R5W Sec. 22
AG3-Q0 204B

Water Right Number - 63-00204 ^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-

Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
06/01/1894 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 16 (27) CANYON+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 1.760+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.760 0.20+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
05N 05W 8 SE SW 01 IRRIGATION (27) CANYON
05N 05W 8 NE SE 01 IRRIGATION (27) CANYON
05N 05W 8 SW SE 01 IRRIGATION (27) CANYON
05N 05W 8 SE SE 01 IRRIGATION (27) CANYON
05N 05W 16 NE NW 01 IRRIGATION (27) CANYON
05N 05W 16 SE NW 01 IRRIGATION (27) CANYON
05N 05W 17 NE NE 01 IRRIGATION (27) CANYON

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

MICROFILMED

AUG 17 1992

Water right number - 63-00204

Adj. flag translation: Standard Water Right Number

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

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

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

+ - Decree Date - +
01/18/1906

+ - - Audit Fields - 02/11/86

05/01/88 CONVERT 08/01/89 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	- 63
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 01/18/1906				

MICROFILMED
AUG 17 1992

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	00		6490

Refund(s):

Amount	Payee	Date	Document Number
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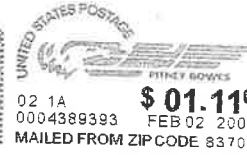
Water Right Information:

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

ADDRESS SERVICE
REQUESTED

FIRST CLASS



**WATER RESOURCES
WESTERN REGION**

refused

MONA I MARTIN
27597 HWY 18 WAMSTEAD RD
PARMA ID 83660

63-203B

63-204B

63-21605

DEPT. OF WATER RESOURCES
PLSTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

FIRST CLASS



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AAA

MONA I MARTIN
27997 HWY 18 WAMSTEAD RD
PARMA ID 83660

RECEIVED

OCT 12 1993

WATER RESOURCES
WESTERN REGION

63-203B

2048

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: 63-204B

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

09/08/2006

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

RIGHT NUMBER: 63-204B

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: 0.060 CFS

The rights listed below are limited to a total combined diversion rate of 0.20 cfs. Combined Right Nos.: 63-203B and 63-204B.

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: 06/01/1894

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	0.060 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

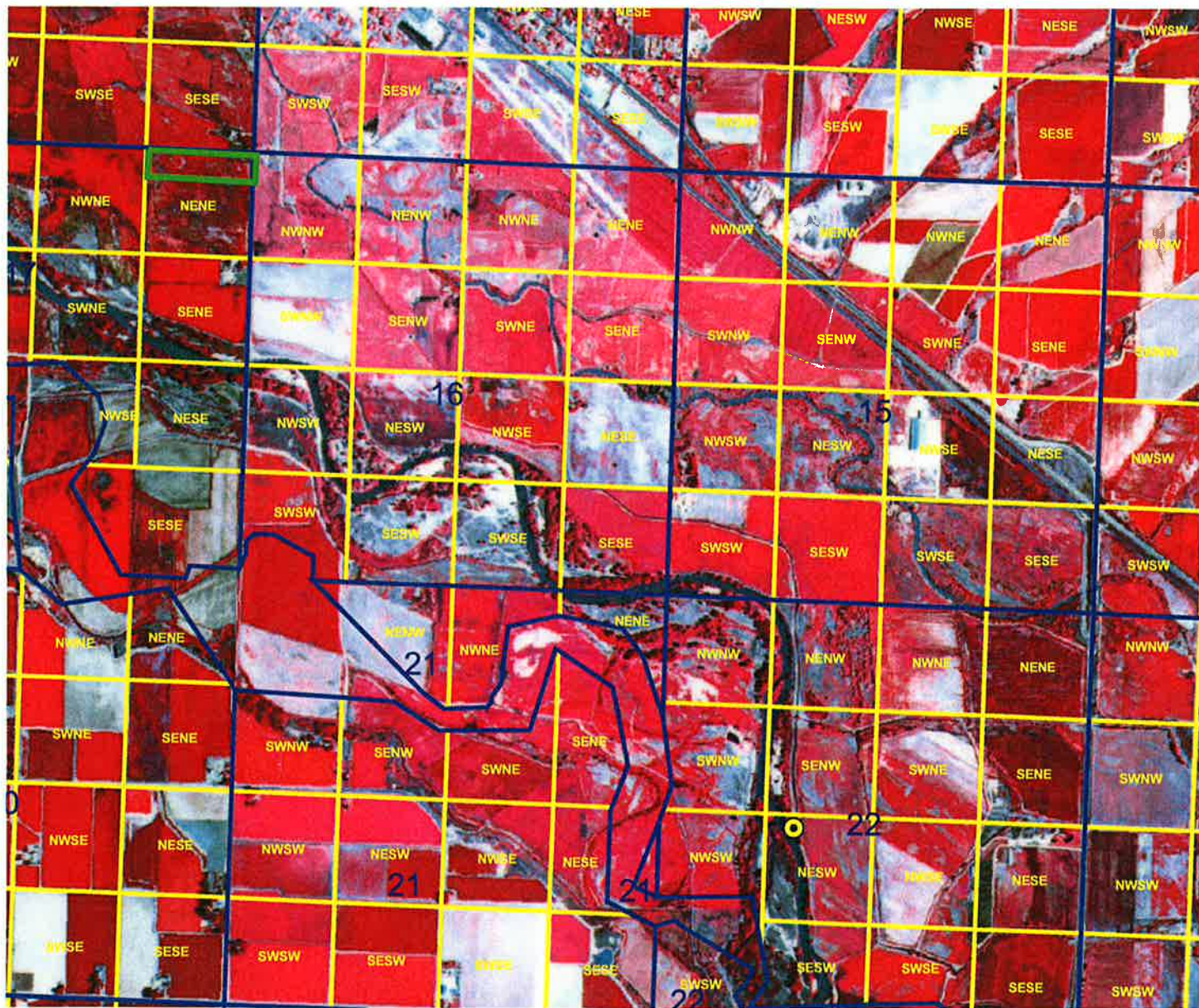
Right is diverted at the Parma Ditch Company headgate and delivered by the Parma Ditch Company.

This right is also designated as Right No. 125 in the Boise River Stewart Decree and Boise River Water Distribution Report.



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 63-204B V1

WATER RIGHT NUMBER: 63-204B 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: 06/01/1894

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	0.060 CFS	
	<u>Total Diversion:</u>	0.060 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. 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.
2. Right is diverted at the Parma Ditch Company headgate and delivered by the Parma Ditch Company.
3. 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.
4. 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 63-204B V1

5. 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.
6. This right is also designated as Right No. 125 in the Boise River Stewart Decree and Boise River Water Distribution Report.
7. 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.

Remarks:Comments:

1. vmusic 9/7/2006 POD
 Comment: TRANSFER 103 CHANGED THE POD TO THE PARMA DITCH CO HEADGATE IN SEC 22. POD IS DOWNSTREAM OF STAR BRIDGE

2. vmusic 9/7/2006 OVERLAP
 Comment: 63-203B 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 12:55:16 PM	vmusic			Active
Priority Date	9/7/2006 12:55:35 PM	vmusic			Active
POD	9/7/2006 3:15:35 PM	vmusic			Active
Source	9/7/2006 3:20:51 PM	vmusic			Active
POU	9/7/2006 3:21:32 PM	vmusic			Active
Use	9/7/2006 3:26:00 PM	vmusic			Active
Season	9/7/2006 3:26:24 PM	vmusic			Active
Quantity	9/7/2006 3:26:57 PM	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 3:20:33 PM	vmusic	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-204B V1

Source	9/7/2006 3:20:51 PM	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?
POD	9/7/2006 3:15:35 PM	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?
POU	9/7/2006 3:21:32 PM	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 3:22:55 PM	vmusic	Updated shape for Active POU
Use	9/7/2006 3:25:59 PM	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?
Season	9/7/2006 3:26:24 PM	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? (Yes) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-204B V1

Quantity	9/7/2006 3:26:57 PM	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?
Summary	9/7/2006 3:32:17 PM	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?
Contacts	9/7/2006 12:55:15 PM	vmusic	(No) 1. Do you want to schedule an appointment?
General	9/7/2006 12:55:35 PM	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?
Summary	5/15/2006 2:25:01 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:

desktop w/lin/wm

**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
 NA ☒ 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
 NA ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-204 B

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
☐ NEW OWNER _____
☐ No change Address
☐ NEW ADDRESS _____
☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary DELETED
☐ 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: 6-1-1894

(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. headgate

- ☒ No change
☐ POD found is different than claimed: IN GRC 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 - Panma Ditch Co headgate

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

WATER USES☒ No change☐ Different UsesUse 11/1 From 3/1 To 11/15 Amount .06 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 ac of arid. 280 ac pan☒ 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: 63-203B

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

additional flow - same acres

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

app #125 in. pipe & debris

549 good condition

183 stepdown

E55 PDA - limited to 10 acres w/ 63-203B

E52 limited to 20 CFS w/ 63-203B

app PDA also ~~not~~ ^{permitted} at the Parma Ditch Co. headgate
delivered by the " " "

1- POD is downstream of Star Bridge

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:

9-1-06

FIELD EXAMINER:

Willy Wmiller

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-204B V1

WATER RIGHT NUMBER: 63-204B 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: 06/01/1894

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	11/15	0.200 CFS	
	<u>Total Diversion:</u>		0.200 CFS	

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

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

Total Acres: 10

Conditions of Approval:

1. TRANSFER #103 FOR POINT OF DIVERSION.
THIS CLAIM REPRESENTS A SPLIT OFF OF A63-00204. ALSO, THE ACRES IRRIGATED PER QUARTER, QUARTER ARE INDICATED ON THIS CLAIM WHERE THEY WERE NOT ON THE DECREEED WATER RIGHT. THE QUANTITY CLAIMED IS 1" PER ACRE.
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.

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:

decree rt # 125

overlap 63-21605 disallowed b/m claim

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
63-20	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: 63-204B

09/07/2006

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Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-26271	Claim	05N	05W	17	NE	NE		GROUND WATER	MONA I MARTIN
63-203B	Claim	05N	05W	17	SE	NE		BOISE RIVER SNAKE RIVER	VIVIAN PORTENIER
63-204B	Claim	05N	05W	17	SE	NE		BOISE RIVER SNAKE RIVER	VIVIAN PORTENIER
63-21605	Claim	05N	05W	17	SE	NE		BOISE RIVER SNAKE RIVER	VIVIAN PORTENIER
63-21678	Claim	05N	05W	17	SE	NE		GROUND WATER	M TERESSA TREDWAY
63-3001	Claim	05N	05W	17	SE	SW	7	UNNAMED DRAIN BOISE RIVER	
63-3001A	Claim	05N	05W	17	SE	SW	7	UNNAMED DRAIN BOISE RIVER	WOODROW J HARROLD
63-3001B	Claim	05N	05W	17	SE	SW	7	UNNAMED DRAIN BOISE RIVER	JANE FOSS
63-3001C	Claim	05N	05W	17	SE	SW	7	UNNAMED DRAIN BOISE RIVER	DAVE HARROLD
63-32165	Claim	05N	05W	17	SE	SW	7	UNNAMED DRAIN BOISE RIVER	CLASSEN & CO LLC
63-32166	Claim	05N	05W	17	SE	SW	7	UNNAMED DRAIN BOISE RIVER	LORI ANN MERGES
63-28129	Claim	05N	05W	17	SE	SW	7	GROUND WATER	WOODROW J HARROLD
63-5129	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	
63-5129B	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	KENNETH H MC NALL
63-5129F	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	JOHNSON RESEARCH LLC
63-203A	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	SAM H SMYSER
63-203B	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	VIVIAN PORTENIER
63-203C	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	DONNA WESTON
63-203D	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	JOHN R LE FAVE
63-204A	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	SAM H SMYSER
63-204B	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	VIVIAN PORTENIER
63-204C	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	DONNA WESTON
63-204D	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	JOHN R LE FAVE
63-209	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	DONNA WESTON
63-271A	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	DONALD B TREDWAY
63-272	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	DONALD B TREDWAY
63-275	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	NORM E RUDOLPH

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-204B

09/07/2006

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ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-5129A	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	DONNA WESTON
63-5129D	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	DONALD B TREDWAY
63-5129E	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	NORM E RUDOLPH
63-5130D	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	M TERESSA TREDWAY
63-5130E	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	NORM E RUDOLPH
63-21605	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	VIVIAN PORTENIER
63-32370	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	SAM H SMYSER
63-32371	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	MARGARET R. FARMER
63-32372	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	SAM H SMYSER
63-32373	Claim	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	MARGARET R. FARMER
63-26271	Water Right	05N	05W	17	NE	NE	7	GROUND WATER	MONA I MARTIN
63-21678	Water Right	05N	05W	17	SE	NE	7	GROUND WATER	DONALD B TREDWAY
63-3001	Water Right	05N	05W	17	SE	SW	7	UNNAMED DRAIN BOISE RIVER	WOODROW J HARROLD
63-28129	Water Right	05N	05W	17	SE	SW	7	GROUND WATER	WOODROW J HARROLD
63-5129	Water Right	05N	05W	22	NE	SW	7	BOISE RIVER SNAKE RIVER	PARMA IRRIGATION DIST

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-204B**

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



63-204- 2004 AERIAL. CLAIM AND TAXLOTS

63-204-2
63 203

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. 26, 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
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, 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. 103 220 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.