

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: A63-00223G

Date Received: 12-21-89

Receipt No: 6007212

Received By: _____

DEC 21 1989

Department of Water Resources
Western Regional Office

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

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

2. Date of Priority: NOV 09, 1883

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

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

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

Section Acres 5.0

A63-00223G

Page 1

Date: 11/14/89

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10. Place of Use: Continued

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

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
A63-00233M, A63-19547

14. Remarks:

TRANS. 289.

WATER CARRIED IN UPPER CENTER POINT DITCH P/D IN SE S12 T4N R4W.
P/U LANDS UNDER EUREKA DITCH CO. NO. 2.

14. Remarks: Continued

WATER IS DELIVERED TO EACH OWNERS PROPERTY.

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

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

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: _____

For Organizations:

I do solemnly swear or affirm that I am Pres of Yonkers Anti-Apartheid League
Title

Organization Upper Center Point Ditch Co., Title _____
document in the space below as Pres. of _____

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

Signature of Authorized Agent

Pres. of Upper Canyon Point Ditch Co
Title and Organization

Date _____

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AUG 17 1992

State of Idaho)
County of ADA) SS.

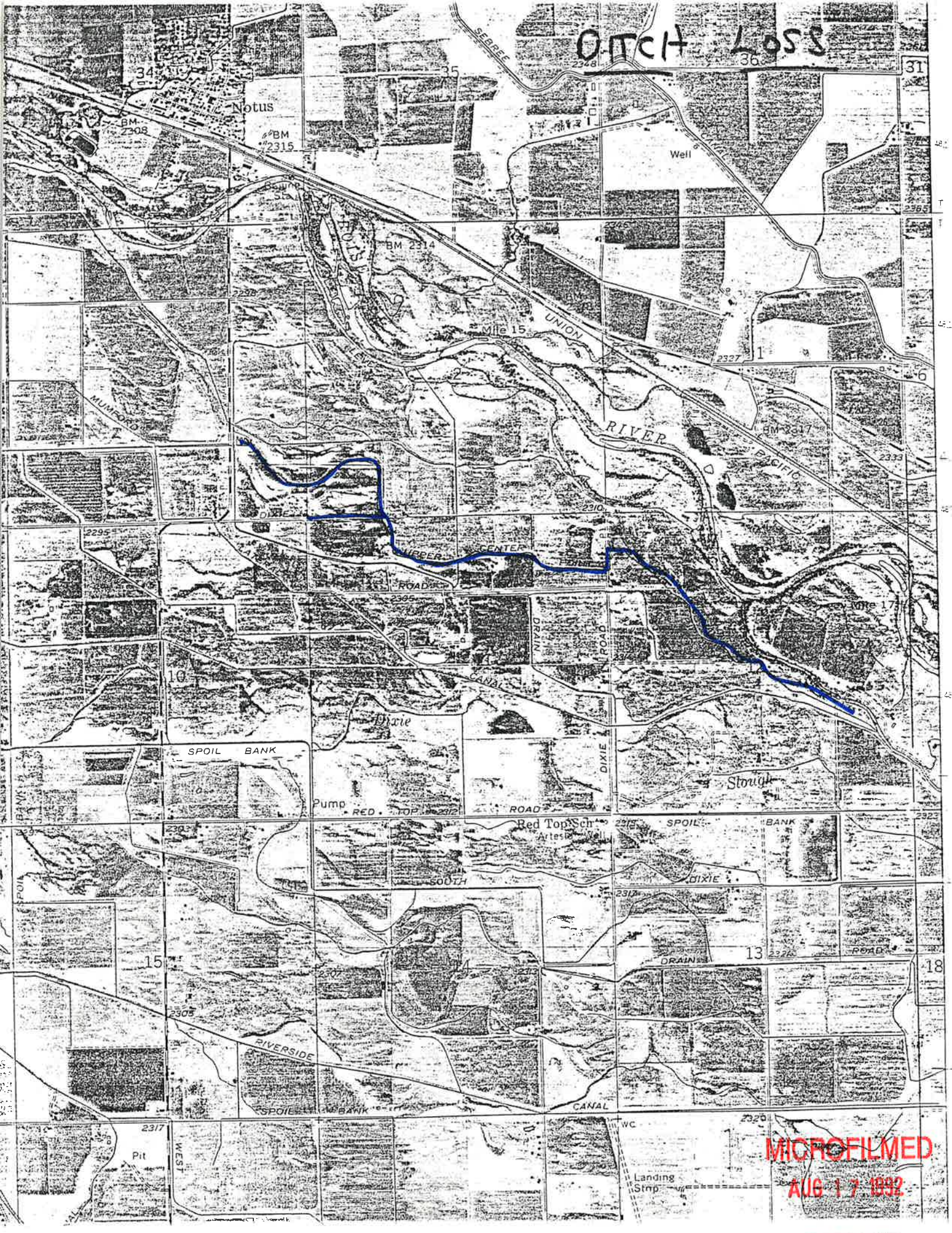
Subscribed and sworn (or affirmed) before me this 14th day
of Nov 19 89

Ron Howerton
Notary Public

Seal

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

ITCH LOSS



MICROFILMED
AUG 17 1992

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: **A63-00223G**

Date Received: 12/21/1989

Receipt No: W007212

Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

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

2. Date of Priority: NOV 9, 1883

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	03W	7		SE	SW		CANYON
	04W	12		NE	SE	R	CANYON

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

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

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JUL 25 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
		2	SW	SW	IRR	40.0
			SE	SW	IRR	35.0
			SW	SE	IRR	30.0
			SE	SE	IRR	25.0
					Section Acres	130.0
		3	SE	SE	IRR	40.0
					Section Acres	40.0
		11	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	30.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
					Section Acres	310.0
		12	NE	NW	IRR	20.0
			NW	NW	IRR	35.0
			SW	NW	IRR	40.0
			SE	NW	IRR	23.0
			NE	SW	IRR	22.0
			NW	SW	IRR	23.0
					Section Acres	163.0
					Total Acres	648.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
A63-00233M, A63-19547

14. Remarks:

TRANS. 289.

WATER CARRIED IN UPPER CENTER POINT DITCH P/D IN SE S12 T4N R4W.
P/U LANDS UNDER EUREKA DITCH CO. NO. 2.

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JUL 25 1994

14. Remarks: Continued

WATER IS DELIVERED TO EACH OWNERS PROPERTY.

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

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.

Decree Plaintiff

RIVERSIDE IRR. DIST.

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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JUL 25 1994

IDAHO DEPARTMENT OF WATER RESOURCES

MEMO-REPLY

Date 4-29-93To Jan - WESTERNFrom Don☒ Take Appropriate Action☐ For Your Information☐ Draft A Reply☐ For Your Approval☐ Action Required By _____☐ For Your Comments☐ See Me☐ As You Requested☐ Call Me☐ Copy (____ Copies)☒ Return To Me☐ File

Comments

Please ask an agent to check the two attached records to determine if the problem POU can be modified. I'm hoping a map or other document will lead to a solution. The total Acres in ~~the~~ each record is 644.5648. The computer cannot calculate the POU list because of the duplicate to let us know whether 644.5 is in agreement. Thank 648

Reply

SEE LTR DATED JUNE 2, 1993

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JUL 25 1994

Signed

TRH

Date

6-2-93

This POU and the Previous POU Are Identical

SD-0409

Idaho Department of Water Resources

Date: 04/29/93

MODIFY CLAIM

Adjudication Places of Use Screen

Time: 16:45:09

Water Right Number: A63-00223G

Total Records: 20

FIRST PAGE

10.	Twp	Rng	Sec	1/4	1/4	Lot	Acres	Use	Use Desc.	County	County Name
	04N	04W	1	SW	SW		5.0	01	IRR	27	CANYON
	04N	04W	2	SW	SW		40.0	01	IRR	27	CANYON
	04N	04W	2	SE	SW		35.0	01	IRR	27	CANYON
	04N	04W	2	SW	SE		30.0	01	IRR	27	CANYON
	04N	04W	2	SE	SE		25.0	01	IRR	27	CANYON
	04N	04W	3	SE	SE		40.0	01	IRR	27	CANYON
	04N	04W	11	NE	NE		40.0	01	IRR	27	CANYON
	04N	04W	11	NW	NE		40.0	01	IRR	27	CANYON
	04N	04W	11	NW	NE		40.0	01	IRR	27	CANYON
	04N	04W	11	SW	NE		30.0	01	IRR	27	CANYON
	04N	04W	11	SE	NE		40.0	01	IRR	27	CANYON
	04N	04W	11	NE	NW		40.0	01	IRR	27	CANYON
	04N	04W	11	NW	NW		40.0	01	IRR	27	CANYON
	04N	04W	11	NE	SE		40.0	01	IRR	27	CANYON
	04N	04W	12	NE	NW		20.0	01	IRR	27	CANYON
	04N	04W	12	NW	NW		35.0	01	IRR	27	CANYON
	04N	04W	12	SW	NW		40.0	01	IRR	27	CANYON

(GOLD2=Update)

(GOLD4=Prev Screen)

(GOLD6=End of Data)

(Enter=Exit)

(GOLD3=Del POU's)

(GOLD5=Next Screen)

(GOLD8=Cancel)

ADD ON:

SE NW 23
NE SW 22
NW SW 23

648 TOTAL

NWSE

SHOULD BE, DE ERROR

CORRECTED BY RDH ON

6/2/93 FOR BOTH CLAIMS

AND SENT COPY TO CLAIMANT.

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JUL 25 1994

SD-52

INQUIRY

Water Right Number: A63-00233M

Idaho Department of Water Resources

Adjudication Places of Use Screen

Date: 04/29/93

Time: 16:50:33

FIRST PAGE

10.	TWP	RNG	SEC	1/4	1/4	Lot	Acres	Use	Use Desc.	County	County Name
	04N	04W	1	SW	SW		5.0	01	IRR	27	CANYON
	04N	04W	2	SW	SW		40.0	01	IRR	27	CANYON
	04N	04W	2	SE	SW		35.0	01	IRR	27	CANYON
	04N	04W	2	SW	SE		30.0	01	IRR	27	CANYON
	04N	04W	2	SE	SE		25.0	01	IRR	27	CANYON
	04N	04W	3	SE	SE		40.0	01	IRR	27	CANYON
	04N	04W	11	NE	NE		40.0	01	IRR	27	CANYON
	04N	04W	11	NW	NE		40.0	01	IRR	27	CANYON
	04N	04W	11	NW	NE		40.0	01	IRR	27	CANYON
	04N	04W	11	SW	NE		30.0	01	IRR	27	CANYON
	04N	04W	11	SE	NE		40.0	01	IRR	27	CANYON
	04N	04W	11	NE	NW		40.0	01	IRR	27	CANYON
	04N	04W	11	NW	NW		40.0	01	IRR	27	CANYON
	04N	04W	11	NE	SE		40.0	01	IRR	27	CANYON
	04N	04W	12	NE	NW		20.0	01	IRR	27	CANYON
	04N	04W	12	NW	NW		35.0	01	IRR	27	CANYON
	04N	04W	12	SW	NW		40.0	01	IRR	27	CANYON

(GOLD4=Prev Screen)

(Enter=Exit)

(GOLD5=Next Screen)

(GOLD6=End of Data)

(GOLD8=Cancel)

MICROFILMED

JUL 25 1994

Old (D) Number -

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

EARL

2 -

3 -

City- CALDWELL

Phone -

State- ID Zip- 83605

EUREKA DITCH CO. NO. 2

1 -

2 -

3 -

City-

Phone -

State- Zip-

+ - - - Region - - - +
14

+ - - - Stage - - - +
D - DECREED

+ - - - Status - - - - +

+ - - - - Source - - - - - +
BOISE RIVER

+ - - - - Tributary - - - - - +
SNAKE RIVER

Twn	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion
1	1	1	1	1	1	1	1

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

01 - IRRIGATION

0.500

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.500

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

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

-----+-----Remarks-----+-----

TRANS. 289.

WATER CARRIED IN UPPER CENTER POINT DITCH P/D IN SE S12 T4N R4W.
P/U LANDS UNDER EUREKA DITCH CO. NO. 2.

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AUG 17 1992

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

10/27/89 14:23:38
Page 2

Water right number - 63-00223G

Adj. flag translation: Standard Water Right Number

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

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

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

+ - Decree Date - +
01/18/1906

+ - - Audit Fields -

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

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

Field Exam Made - 00/00/0000
Protested Date - 00/00/0000
Hearing Date - 00/00/0000
Verified Date - 07/01/1985
Receipt Number -
Appl Received - 00/00/0000

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

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AUG 17 1992

WR #	CFS RATING	PRIORITY DATE	"D" FLAG
63-00155	3.2	06/01/1865	
63-00158	1.6		
63-00159	1.58		
63-00157	3.94		
63-00156E	1.00		
<u>11.32</u>		COMBINED CFS	EXCESSIVE CFS DUE TO
COMBINED INTO NEW #		A 63-19547	REMARKS Ditch Loss to compare at later date.
POINT OF DIVERSION ^{P/O} 4W 3W SECTION 7 SE SW R-4W 4W SECTION 12 NE SE			

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

~~SECTION~~ 3.5 cfs

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

63-0223

63-0145

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Earl Giles
of
Caldwell, Idaho)

ORDER GRANTING CHANGE
OF POINT OF DIVERSION
NO. 289

For A Change of Point of Diversion
Canyon County, Idaho,
Water District No. 12-A)

WHEREAS, On the 10th day of March, 1966, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of an application of Earl Giles of Route #5, Caldwell, Idaho, for a change in point of diversion on Boise River, came on regularly for hearing, pursuant to the published notice, in due and statutory form, and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Change of Point of Diversion be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 18th day of March, 1966.

(SEAL)

s/

CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

MICROFILMED

AUG 17 1992

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CERTIFICATE FOR CHANGE OF POINT OF DIVERSION
OF DECREED WATER RIGHT NO. 289

THIS IS TO CERTIFY, That Earl Giles of Route #5, Caldwell, Idaho, is the owner of and using a certain water right of 0.5 cubic feet per second of the waters of Boise River, with priority of November 9, 1883, said water being decreed to Eureka Ditch Company (Right No. 89), by decree of Judge Geo. H. Stewart, of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, in the case of

FARMERS COOPERATIVE DITCH COMPANY

Plaintiffs

vs.

RIVERSIDE IRRIGATION DISTRICT, Ltd.,

Defendants

said decree bearing date of January 18, 1906, and being appurtenant to the following described lands, to-wit:

Lands served under canal system

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho at Boise, Idaho, in Volume 5 of Decrees, at Page 410;

And that now, upon the application of Earl Giles, made before the State Reclamation Engineer of the State of Idaho, for a Certificate of Change of Point of Diversion, and the said application having been granted, the right to change the point of diversion of 0.5 cubic feet per second of the waters of Boise River is HEREBY GRANTED;

That said change of point of diversion shall not modify in effect said decreed water right or place of use;

Said water is to be limited at any given time to an amount actually needed and beneficially used, and shall not exceed the following amount, to-wit:

0.5 cubic feet per second of the
waters of Boise River, with priority
of November 9, 1883;

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AUG 17 1992

7

That the water right hereby transferred has heretofore been conducted from Boise River through the Eureka Ditch Company ditch, with point of diversion in the SE $\frac{1}{4}$, Section 12, Township 4 North, Range 4 W. B. M.,

That the water right hereby transferred will hereafter be conducted to said land through Upper Center Point Ditch Company ditch, with point of diversion being in the SE $\frac{1}{4}$, Section 12, Township 4 North, Range 4 W. B. M.,

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 18th day of March, 1966.

(SEAL)

s/

CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

MICROFILMED
AUG 17 1992

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)
Earl Giles)
of)
Route #5,)
Caldwell, Idaho,)
For a Transfer of Water Right in the)
County of Canyon, State of Idaho)

ORDER GRANTING TRANSFER
NO. 1064

WHEREAS, On the 4th day of February, 1966, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of the application of Earl Giles of Caldwell, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice in due and statutory form and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that the water will be put to a higher and more efficient beneficial use and no one will be injured thereby;

NOW, THEREFORE, IT IS ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have herunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 7th day of February, 1966.

Carl E. Tappan

CARL E. TAPPAN
State Reclamation Engineer

MICROFILMED
AUG 17 1992

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

TRANSFER OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 1064

THIS IS TO CERTIFY, That Earl Giles of Route #5, Caldwell, Idaho, is the owner of and using a certain water right of 0.5 cubic feet per second of the waters of Boise River, with priority of June 1, 1865, decreed to Eureka Water Company, (Right No. 13), by Judge Geo. H. Stewart, of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, in the case of

FARMERS COOPERATIVE DITCH CO.
a corporation,

Plaintiff

vs.

RIVERSIDE IRRIGATION DISTRICT, Ltd.,
a corporation, et al

Defendants

said decree bearing date of January 18, 1906, and being appurtenant to the following described lands, to-wit:

Lands served under canal system,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, beginning at Page 410 thereof;

That said Earl Giles has become the owner of said water right by purchase;

And that now, upon the application of Earl Giles for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of 0.5 cubic feet per second of the waters of Boise River upon the above described lands is hereby abandoned, and the lands to be irrigated under such right and to which the water right HEREBY CONFIRMED shall become appurtenant by this Certificate for irrigation and domestic purposes, is described as follows, to-wit:

Part SW~~1~~NE~~4~~, Section 11,
Township 4 North, Range 4
W. B. M.,

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AUG 17 1992

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

0.5 cubic feet per second of
the waters of Boise River, with
priority of June 1, 1865;

That the water right hereby transferred has heretofore been conducted to the first described lands through Eureka Ditch Company ditch with point of diversion in the SE $\frac{1}{4}$, Section 12, Township 4 North, Range 4 W. B. M.,

That the water right hereby transferred will hereafter be conducted through the Upper Center Point Ditch Company ditch, with point of diversion in the SE $\frac{1}{4}$, Section 12, Township 4 North, Range 4, W. B. M.,

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 7th day of February, 1966.

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

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AUG 17 1992

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
COLSON			4W	4W	3													(40 ACRES)	→ 35		35	
COLSKIE					3													(40 ACRES)	→ 5		5	
COLSON					2								40								40	
GARLEY					2								35								35	
ZIMMERMAN					2													30			30	
"					11		40														40	
Adams					11				40	40											80	
Palmer					2														25		25	
"					11	40															40	
"					1								5								5	
"					12																45	
Rodman					12																73	
Nichols					12																30	
Martin					12																15	
White					11																40	
Turner					11																39	
Cain					11																1	
GRIFFITHS					11		30	40													70	
																				648 ACRES		

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AUG 17 1992

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

No.	Date	DECREED TO	AMOUNT DECREED	
			Sec. Feet	Inches
23	6-1-65	C. W. Ceaser	3.20	160
24	6-1-65	J. W. Roland	2.40	120
25	6-1-65	Draper & Wells	3.94	197
26	6-1-65	Thomas J. Palmer	1.60	80
27	6-1-65	Noah W. Palmer	1.58	79
TOTAL				636
Less				
Roland transfer			40 inches	
Bruce "			25 "	
Bres'ears "			5 "	
Total transfer				70
NET TOTAL				566

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

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

not
accounted for

TRANS # 148 3.00 cts
TRANS # 289 5 cts

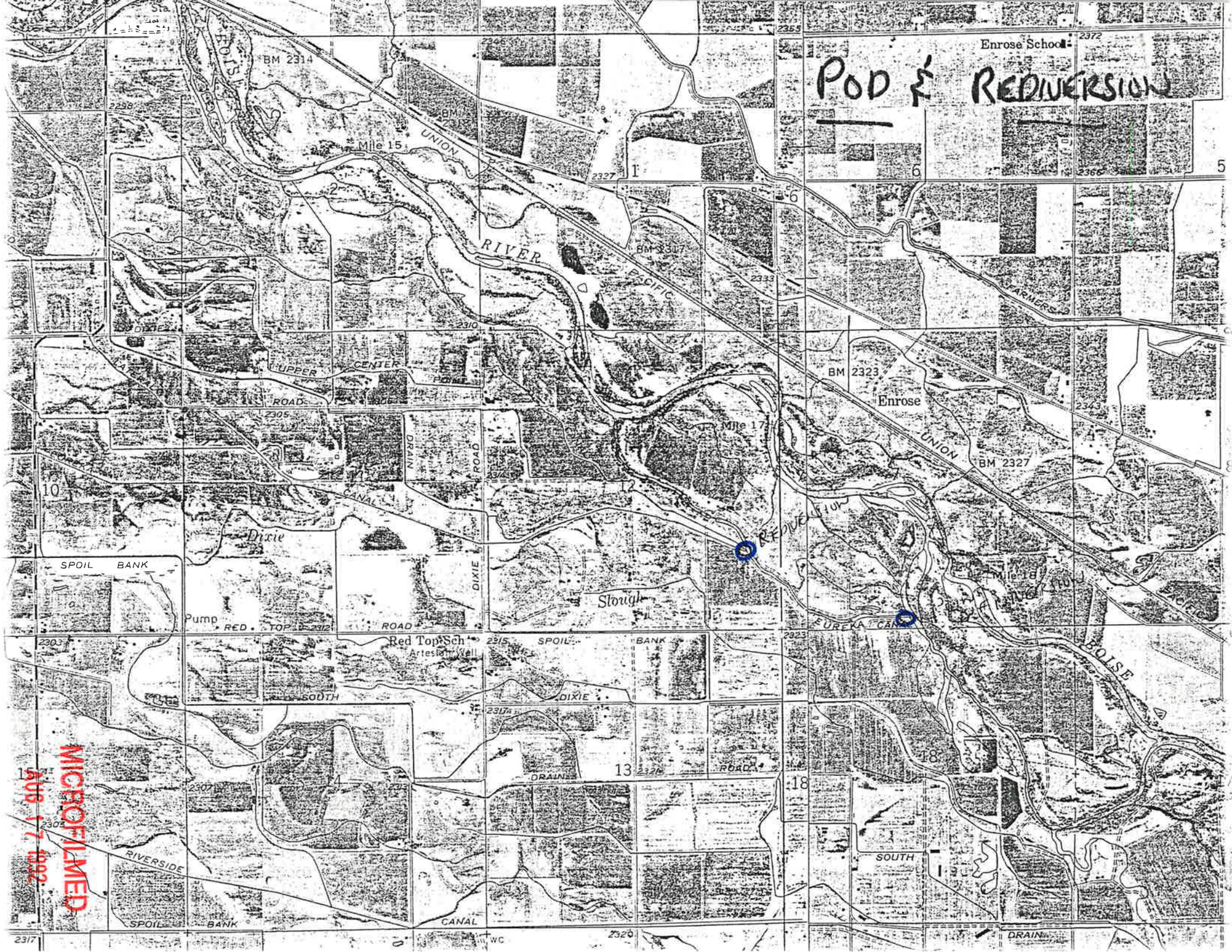
MICROFILMED

AUG 17 1992

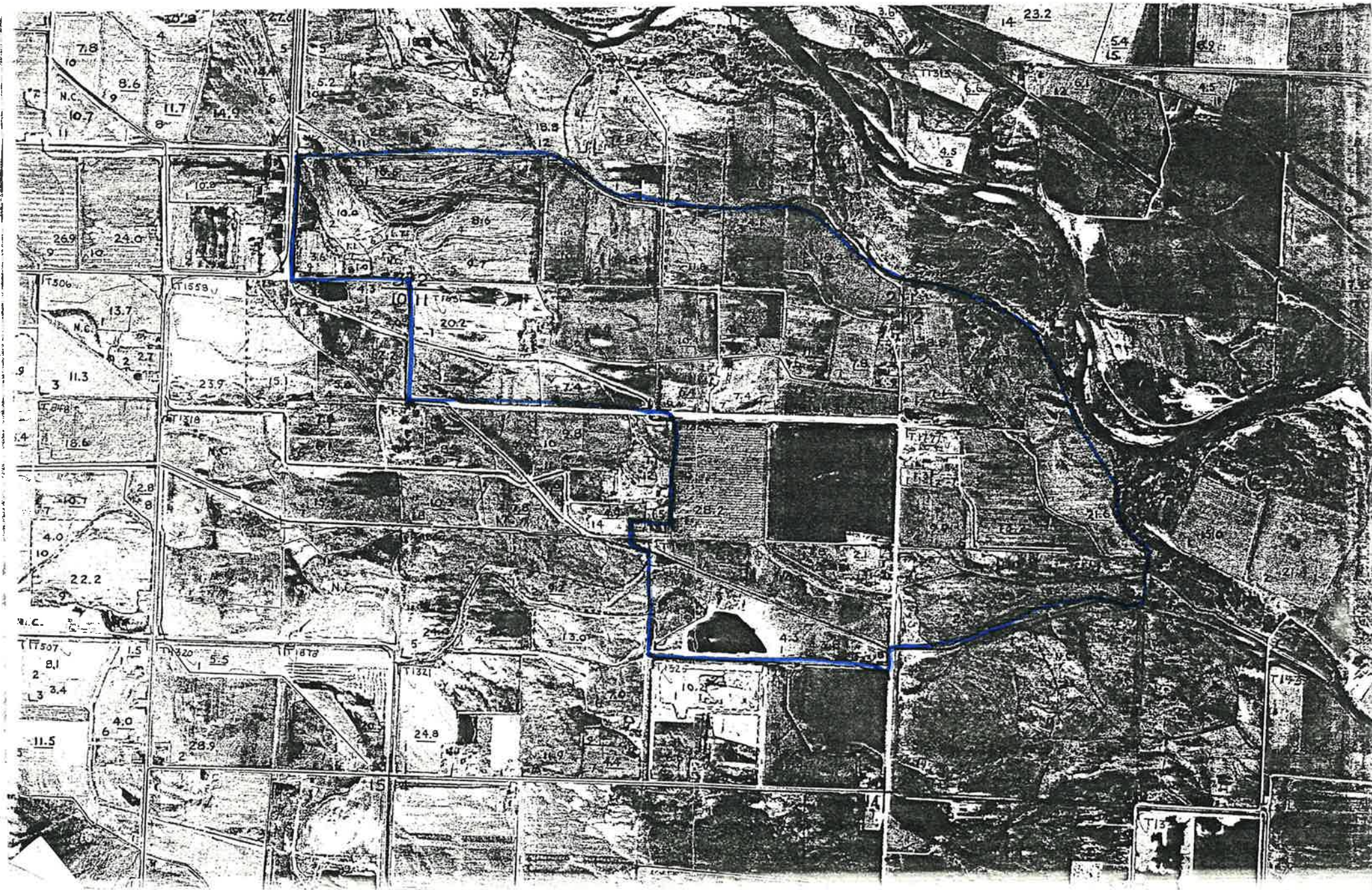
NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY NO.	DATE	AMOUNT DECREED			TOTAL SEC. FT.
					STEWART DECREE	INTERVENORS STEWART DECREE	BRYAN DECREE	
SIEBENBERG			9	6-1-1865	13.42			67L
		105*	9	6-1-1865	.50*			25*
		717*	9	6-1-1865	.64*			32*
								12.28
THURMAN HILL			7	6-1-1864	3.30			165
			10	6-1-1865	1.20			60
			11	6-1-1865	.66			33
			36	6-1-1868	14.10			705
			37	6-1-1868	3.70			185
			42	6-1-1869	1.60			80
			55	6-1-1872	.70			35
			56	6-1-1872	1.40			70
			62	6-1-1876	.44			22
			75	6-1-1880	2.40			120
			76	10-20-1880	.90			45
			78	6-1-1882	.90			45
			79	6-1-1882	.60			30
			81	6-1-1882	2.60			130
			84	6-1-1882	1.50			75
			87	6-1-1883	.90			45
			128	7-1-1895	.66			33
		412*	81	6-1-1882	.40*			20*
		736*	37	6-1-1868	1.00*			50*
		871*	36	6-1-1868	.288*			14.4*
		872*	36	6-1-1868	.22*			11*
								35.652
UPPER CENTER POINT			23	6-1-1865	3.20	63-00155		160 ✓
			24	6-1-1865	2.40	63-0156E		120 ✓
			25	6-1-1865	3.94	63-00157		197 ✓
			26	6-1-1865	1.60	63-00158		80 ✓
			27	6-1-1865	1.58	63-00159		79 ✓
		71*	24	6-1-1865	.80*			40*
		85*	24	6-1-1865	.50*			25*
	63-0233M	148	96	10-1-1887	3.00	CURRER →		150 ✓
		159*	24	6-1-1865	.10*			5*
	63-0223G	289	89	11-9-1883	.50	GILES		25 14.82 ✓

*SUBTRACT

POD & REDIVERSION



MICROFILMED
AUG 17 1992



(33)
(117)

XXII.

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

63 0155 T P.D. 172 3.2 cfs
160 inches, from June 1, 1865; and hereby designated as Right No. 23.
And be adjudged to pay \$11.20 costs in addition to the costs incurred by him.

XXIII.

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

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

XXIX.

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

for use upon the

in the following amount and from the following date;

63 0157 T P.D. 172 3.94 cfs
197 inches, from June 1, 1865; and hereby designated as Right No. 25.

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

~~XXIV.~~ XXV.

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

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

XXVI.

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

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

XXVII.

That the defendant J. N. TUCKER do, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SE 1/4 of Sec. 25, and SW 1/4 of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the SW 1/4 of Sec. 24, NE 1/4 of NW 1/4 and lots 4, 5 and 6 of sec. 25, T. 5 N. R. 5 W. B.M., in the following amount and from the following date;

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

08/17/2006

NOTICE OF ERROR
REPLY

RECEIVED

SEP 22 2006

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 29, 2006

Water right number: 63-223G

UPPER CENTER POINT DITCH CO

C/O KEN BRUSH

19724 DIXIE RIVER RD

CALDWELL ID 83607

Telephone Number: (208)454-9090

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

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

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

SCANNED

SEP 25 2006

08/17/2006

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

RIGHT NUMBER: 63-223G

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

CALDWELL ID 83607

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.500 CFS

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 11/09/1883

POINT OF DIVERSION:

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

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.500 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

542 ACRES TOTAL

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

This right when combined with Right Nos. 63-223G, 63-233M, 63-19547, and 63-32342 can be used to irrigate up to 542 within the boundary of the Upper Center Point Ditch Company.

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

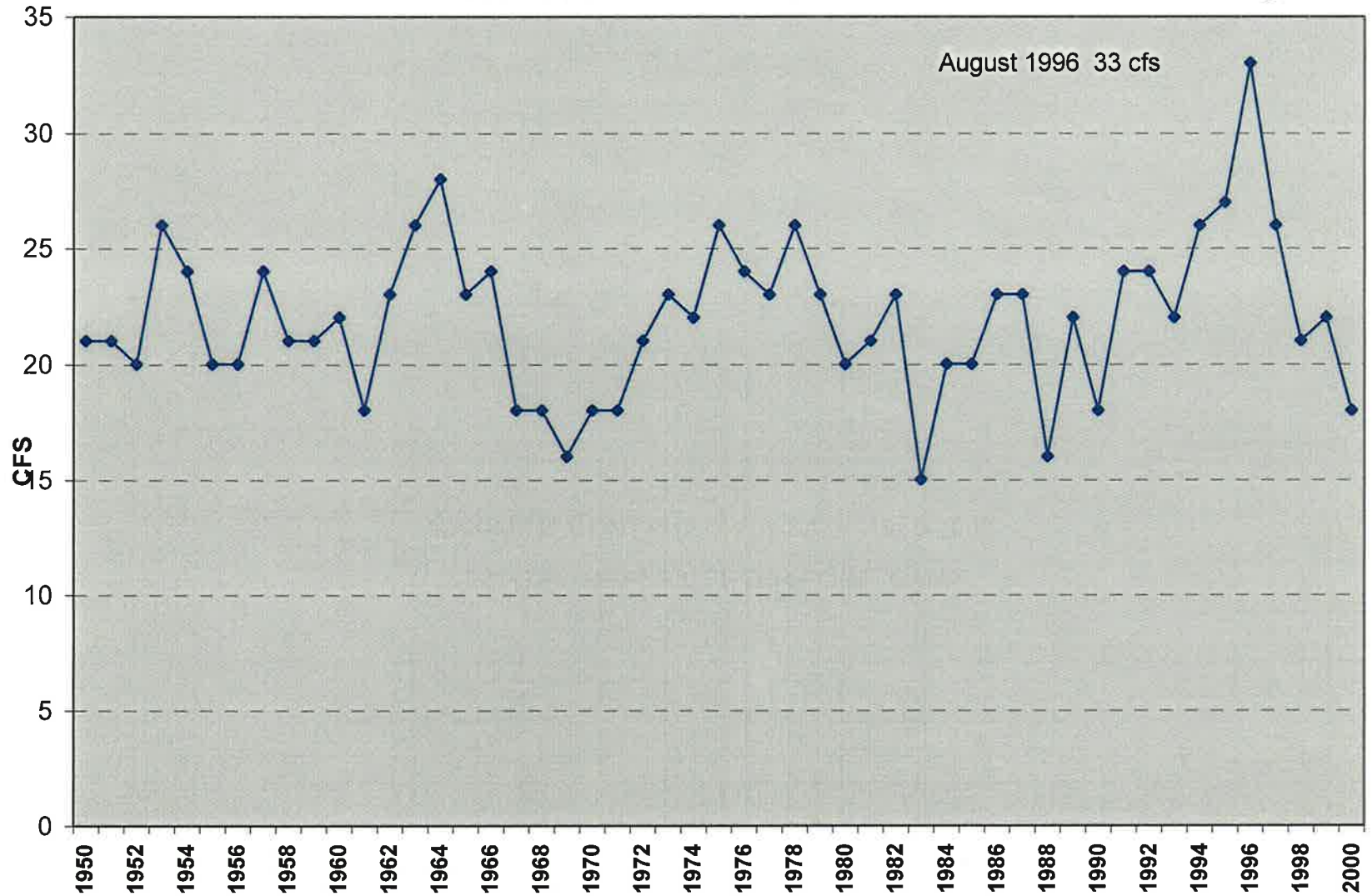
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is designated as No. 89 in the Stewart Decree and the Boise Water Distribution Report.

MAXIMUM MONTHLY DIVERSION 1950-2000

13211735 UPPER CENTER POINT CANAL



$156E = 1.0$

155	3.2	} 19547 = 11.32 cfs
156	2.4	
157	3.44	
158	1.6	
159	1.58	+ 233M = 3.0
		+ 2236 = .5
		14.82 cfs

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

RECEIVED

FEB 16 2006

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS

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

(Please Print or Type)

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

[] Name(s): Upper Centerpoint Ditch Co

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

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

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

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

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

Date: 2-3-2006

RECEIVED
FEB 21 2006
DEPARTMENT OF
WATER RESOURCES

2-3-06 Meeting Summary

Upper Center Point Ditch Co. and Pioneer Dixie Ditch Co.

Attendees:

Danielle Favreau, Dave Tuthill, and Ken Brush

Upper Center Point

- Reviewed maps – identified homesteads and major canals
- Reviewed claims 63-223G, 63-233M, 63-19547
 - o Total of 14.82 cfs claimed
 - o Assess just over 600 acres — *Identified 542 ac Irr*
 - o 600 acres at 2"/acre = 24 cfs
- As a practical matter, Upper Center Point doesn't fire up until after 4/1

Pioneer Dixie

- Reviewed maps – identified homesteads and major canals
- Reviewed claims 63-137A, 63-222C, 63-222M, 63-233C, 63-233L, 63-374
 - o 58.5 on file from watermaster
 - o 60.5 claimed – seem to be missing a transfer on 63-197A
 - o 63-222 originally a pvt. Right, 63-233 awarded to American Ditch Assoc., 63-374 a Judge Lodge Decree right
- Simplot-Vic Conrad – believe they have competing claims for the originally private right 63-222.

Actions

- need to check with water master records
 - o Information in files show claimed diversion, Ken thinks that both companies are diverting closer to 2 inches per acre
 - o If there is evidence, will need to file Beneficial Use claims for rest of diversion
- Update maps for both companies and send back to Ken
- Need to check Simplot claims. Believe that feedlots have been in production well over 5 years. Ken said that Simplot is still paying assessments to Pioneer Dixie.



Idaho Department of Water Resources

Adjudication Claim Number: **63-223 G**

T04N R03W
T04N R04W
T05N R03W
T05N R04W

Legend

● POD Recommended

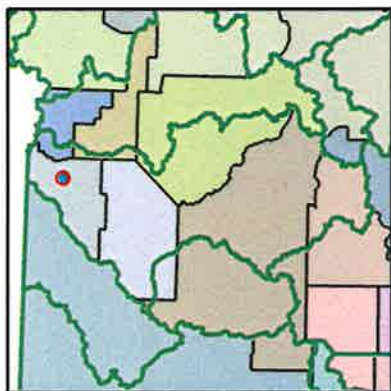
Upper center point ditch.shp

GCDB05N04W GCDB

GCDB05N03W GCDB

GCDB04N04W GCDB

GCDB04N03W GCDB



Canyon County
IDWR Basin 63



0 1 2 Miles

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

Water Right No. 63-223 Stewart Decree for 1085 inches (21.7 cfs) priority 11-9-1883
to Eureka Ditch Co No. 2

Suffix Transfers

85	May 7, 1926	J. C. Bruce changed POD to at NENE Sec 12, T4N, R4W to Eureka Ditch	(25 inches) .5 cfs
J 131	Feb 19, 1921 Jan 16, 1932	R. E. McGuire changed POD to Lower Center Point Ditch Company for at SE, Sec 2, T4N, R4W	(35 inches) .7 cfs
K 171	Feb 26, 1943	Raymond Breshears, President of Eureka Ditch Co. Changed POD to SESW Sec 7 T4N, R3W for on 63-233.	(1085 inches) 21.7 cfs (17.1 cfs)
C 224	Sept. 3, 1954	J. E. Houston changed POD to SWSW, Sec 34, T4N, R4W into natural slough into Bowman-Swisher Ditch	(45 inches) .9 cfs
B 245	June 30, 1958	J. E. Ekberg changed POD to SE, Sec 12, T4N, R4W through Lower Center Point Ditch	.6 cfs
A 287	Jan 18, 1966	J. E. Ekberg changed POD to SE, Sec 12, T4N, R4W through Lower Center Point Ditch	1.4 cfs
G 289	Mar 18, 1966	Earl Giles changed POD to SE, Sec 12, T4, R4W through Upper Center Point Ditch.	.5 cfs

63-233-- SPLIT INTO 63-0223A & 63-0223D BY TRANS. 287.

63-223A--COMBINED RIGHT - THIS RIGHT AND RIGHT NO.'S 63-00223B AND 63-00223J HAVE BEEN
COMBINED UNDER CLAIM NO. A63-20566 SINCE ALL HAVE THE SAME PRIORITY DATE AND
PLACES OF USE.

63-223D-- SPLIT INTO 63-0223B & 63-0223E BY TRANS. 245.

63-223E-- SPLIT INTO 63-0223C & 63-0223F BY TRANS. 224.

63-223F-- SPLIT INTO 63-0223G & 63-0223H BY TRANS. 289.

63-223H-- SPLIT INTO 63-0223J & 63-0223K BY TRANS. 131.

Rita Wainwright
1-19-06

(RS)

LXXII.

That the defendant JAMES L. GRAHAM be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river on Lot 6, Sec. 22, T. 4 N. R. 1 E. B.M., for use upon the S. 1/2 of NW 1/4 and lot 5 of Sec. 20, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0220
110 inches, from June 1, 1882, and hereby designated as Right No. 85. And be adjudged to pay \$7.70 costs in addition to the costs incurred by him.

LXXIII.

That the defendant FRANCIS M. JOPLIN be, and she is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the SE 1/4 of SW 1/4 of Sec. 22, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63 0221
45 inches, from June 1, 1883, and hereby designated as Right No. 87. And be adjudged to pay \$3.15 costs in addition to the costs incurred by her.

LXXIV.

That the defendant W. A. BLACK be, and he is hereby awarded the use of the waters of Boise River, diverted from said river through the canal now owned by the Riverside Irrigation District, Limited, Canyon County, Idaho, for use upon the E. 1/2 of Sec. 8 and all of Sec. 9, T. 4 N. R. 4 W. B.M., in the following amount and from the following date; and hereby designated as Right No. 88.

63 0222
600 inches, from June 1, 1883. And be adjudged to pay \$42.00 costs in addition to the costs incurred by him.

LXXV.

That the defendant the EUREKA DITCH COMPANY NO. 2 be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the SE corner of Sec. 12, T. 4 N. R. 4 W. B.M., for use upon the lands lying under its canal system, in the following amount and from the following date;

63 0223
1085 inches, from Nov. 9, 1883.; and hereby designated as Right No. 89. And be adjudged to pay \$75.95 costs in addition to the costs incurred by it.

T. P.D. 85

P.D. 131

P.D. 171

P.D. 224

P.D. 245

P.D. 287



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

JUNE 2, 1993

GLEN PALMER
UPPER CENTER POINT DITCH COMPANY
RT 2
CALDWELL ID 83602

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

REF: A63-00223G
A63-00233M

Dear Glen Palmer,

During a place of use review of the above claims, we found an error in our data entry.

We entered the NW1/4 NE1/4 with 40 acres twice and neglected to enter the NW1/4 SE1/4 with 40 acres of section 11, T4N, R4W.

I have enclosed a copies of the original land list that the entries were data entered from for your reference.

Also, enclosed are, the new copies of the corrected claims.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If we do not hear from you within 30 days, I will assume that you agree with the corrected changes.

Feel free to contact this office if you have any questions concerning this letter, the enclosed claims, or original land list.

Sincerely,

Ron Howerton
Adjudication Section
Department of Water Resources
Western Region Office
(208) 334-2190

Enclosures:

Claim copies
Land list copy

cc: files

MICROFILMED

JUL 25 1994