

08/17/2006

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

RIGHT NUMBER: 63-233E

NAME AND ADDRESS: CANYON DITCH CO
C/O MARJORIE MAXWELL
PO BOX 1437
CALDWELL ID 83606-1437

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 12.100 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: 10/08/1887

POINT OF DIVERSION:
T04N R03W S15 SWNW 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	12.100 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:

800 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. 63-138E, 63-252 and 63-369 can be used to irrigate up to 800 acres within the boundary of the Canyon 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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

This right is designated as No. 96 in the Stewart Decree and the Boise Water Distribution Report.

Called 8-3-06
for copy of claim

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-233E

WATER RIGHT NUMBER: 63-233E

Owner Type Name and Address
Current Owner CANYON DITCH CO
 C/O MARJORIE MAXWELL
 PO BOX 1437
 CALDWELL, ID 83606-1437
 (208) ~~459-3915~~ *459-3915*

Original Owner AMERICAN DITCH CO
 , ID

459-6343

Priority Date: 10/08/1887

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 /	12.100 CFS	
	<u>Total Diversion:</u>	12.100 CFS	

Location of Point(s) of Diversion

BOISE RIVER SW1/4NW1/4 Sec. 15, Twp 04N, Rge 03W, B.M.
CANYON County

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	8		X	X	X	X	X		X					X				
04N	03W	9						X	X	X									
04N	03W	16		X	X	X				X	X	X			X	X			

Conditions of Approval:

1. TRANS. 38.

Remarks:

Comments:

Water Supply Bank:

File 63-F
~~63-0367~~
 63-0233

S T A T E O F I D A H O

-----Office of State Engineer-----

CERTIFICATE NO. 38, AUTHORIZING THE TRANSFER OF WATER RIGHT.

Permission is hereby granted WILLIAM H. MESSLER, as President of the Canyon Ditch Company, Limited, to transfer the use of 605 inches of the waters of Boise River from the land upon which it is now used, i.e., Lots 1 & 2, and S2 NE4 Section 1, Township 4 North, Range 5 West of Boise meridian, SW4 SE4 Section 3; W2 SE4, S2 SW4, Section 5, E2 NE4 Section 6; SE4 NE4, NE4 SE4 Section 5, all Section 9; E2 Section 8, and SW4 SW4 Section 11, Township 4 North, Range 4 West of Boise meridian, to the following described lands, to-wit: W2 NW4, SE4 NW4, and NW4 NE4, S2 NE4 and NE4 SE4 Section 8; W2 SW4 & SE4 NW4, Section 9, NW4 SE4, NW4 NE4, SE4 NE4, NE4 SE4, E2 SW4, SE4 NW4, SW4 NE4, and NE4 SW4 Section 15, Township 4 North, Range 3 West of Boise meridian, said water to be diverted near the southwest corner of the northwest quarter of section 15, Township 4 North, Range 3 West of Boise meridian.

The water right appurtenant to the above described land was adjudged by decree, dated January 18, 1906, of George H. Stewart, Judge of the District Court of the Third Judicial District of the State of Idaho in and for Canyon County, in the case of the Farmers' Co-Operative Ditch Co., Plaintiff, vs. Riverside Irrigating District, Defendant.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this first day of September, A.D. 1909

Jas. Stephenson, Jr.
 State Engineer.

(SEAL)

MICROFILMED

LXXVIII.

That the defendant the SETTLERS' CANAL COMPANY, Limited, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river at the head of the Government Hay Reservation, in Sec. 9, T. 3 N. R. 2 E. B.M., for use on the lands lying under its canal system, in the following amounts from the following dates;

63 0230 *Trans. 30 Trah. 40 7-34, 35, 50, 477, 483*
4953 inches, from Oct. 17, 1884. and hereby designated as Right No. 92.
63 0231 *745, 50, 34*
3672 inches, from June 1, 1891; and hereby designated as Right No. 122.
And be adjudged to pay \$603.75 costs in addition to the costs incurred by it.

LXXIX.

That the defendants WILLIAM C. YOUNG, LIZZIE YOUNG and ESTELLA YOUNG be, and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river at or near the SE 1/4 of SW 1/4 of Sec. 10, T. 4 N. R. 3 W. B.M., through what is known as the Young ditch, for use upon lands lying under said ditch in sections 15 and 21, T. 4 N. R. 3 W. B.M., in the following amount from the following date;

63 0232
200 inches, from Jan. 23, 1887. and hereby designated as Right No. 95.
And be adjudged to pay \$14.00 costs in addition to the costs incurred by them.

LXXX.

That the defendant the AMERICAN DITCH ASSOCIATION, a corporation, 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 at or near the SE corner of SW 1/4 of Sec. 16, T. 4 N. R. 3 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date;

63 0233 *Trans. 20 P.D. Trans. 1475 210"*
2390 inches, from Oct. 1, 1887. and hereby designated as Right No. 96.

And be adjudged to pay \$167.30 costs in addition to the costs incurred by it.

T-62 P.D. 3
36 P.D. 36-11
47 P.D. 48
48 P.D. 48
111 P.D. 112
790 P.D. 146
38 P.D. 172
P.D. 224
P.D. 171

MINNESOTA

JUN 21 1936

LXXXI.

That the defendant A. V. LINDER be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the center of SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the SW 1/4 of NE 1/4, SE 1/4 of NW 1/4, NE 1/4 of SW 1/4, NW 1/4 of SE 1/4, and lot 2, all in Sec. 12, T. 4 N. R. 1 W. B.M., in the following amount from the following date;

63 0234

200 inches, from June 1, 1888. hereby designated as Right No. 98. And be adjudged to pay \$14.00 costs in addition to the costs incurred by him.

LXXXII.

That the defendant LEVI SMITH 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 SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the E. 1/2 of SW 1/4 of Sec. 7, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63 0235

65 inches, from June 1, 1888. hereby designated as Right No. 99. And be adjudged to pay \$4.55 costs in addition to the costs incurred by him.

LXXXIII.

That the defendant CHARLOTTE CALHOUN be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the SW 1/4 of SE 1/4 of sec. 15, T. 4 N. R. 1 E. B.M., for use upon the W. 1/2 of the SW 1/4, otherwise described as lots 3 and 4, Sec. 7, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63 0236

70 inches, from June 1, 1888. hereby designated as Right No. 100. And be adjudged to pay \$4.90 costs in addition to the costs incurred by her.

LXXXIV.

That the defendant E. J. LINDER be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the center of the SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use on the E. 1/2 of SE 1/4 of sec. 12, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0237

73 inches, from June 1, 1888. hereby designated as Right No. 101. And be adjudged to pay \$5.11 costs in addition to the costs incurred by him.

MISSOURI
JUN 2 1888

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	American Ditch Association	47.8		63-0233
36	Rosenberger, C. H.	2.0	45.8	
38	Messler, Wm. H.	12.1	33.7	
		28.3		
47	American Ditch Association	~~(29.5)~~	4.2	
111	Randall, H. L.	~~(1.2)~~		
166 (P/S)				
790	Boise Project Board of Control	1.2		
48	Nichols, Nancy & Wm., Cooper, C. W.	4.2	0	

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NOT FILMED

Receipt Details for ID C015502

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/12/1990 6:06:31 PM	3/12/1990	State	\$1,164.00	Check
Payer		CANYON DITCH CO.,LTD.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
335			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$1,164.00	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	369		\$1,014.00	Claim
63	252		\$50.00	Claim
63	138	E	\$50.00	Claim
63	233		\$50.00	Claim

Print Report

JUN 22 2005

DEPARTMENT OF
WATER RESOURCES

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-233E

WATER RIGHT NUMBER: 63-233E

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CANYON DITCH CO C/O MARJORIE MAXWELL PO BOX 1437 CALDWELL, ID 83606-1437 (208)459-3915
Original Owner	AMERICAN DITCH CO , ID

Priority Date: 10/08/1887

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	12.100 CFS	
	<u>Total Diversion:</u>	12.100 CFS	

Location of Point(s) of Diversion

BOISE RIVER	SW1/4NW1/4	Sec. 15, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of UseIRRIGATION Within CANYON County

T04N R03W S08	NWNE	T04N R03W S08	SWNE
T04N R03W S08	SENE	T04N R03W S08	NENW
T04N R03W S08	NWNW	T04N R03W S08	SENE
T04N R03W S08	NESE	T04N R03W S09	NWNW
T04N R03W S09	SWNW	T04N R03W S09	SENE
T04N R03W S16	NWNE	T04N R03W S16	SWNE
T04N R03W S16	SENE	T04N R03W S16	SENE
T04N R03W S16	NESW	T04N R03W S16	NWSW
T04N R03W S16	NESE	T04N R03W S16	NWSE

Conditions of Approval:Remarks:

1. General TRANS. 38.

Comments:

STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY NO.	DATE	AMOUNT DECREED			TOTAL SEC. FT.
					STEWART DECREE	INTERVENORS STEWART DECREE	BRYAN DECREE	
CALDWELL HIGH LINE			34	6-1-1866	15.40			770
			46	6-1-1869	37.20			1860
			77	10-29-1880	27.60			1380
	29*		46	6-1-1869	1.00*			50*
								79.20
CAMPBELL (CANYON DITCH CO.)			132	5-17-1900	10.00			500
			134	10-25-1901	5.54			277
			38 96	10-1-1887	12.10			605
			105 9	6-1-1865	.50			25
								28.14
CANYON COUNTY			35	6-1-1867	75.80			3790
			35-A	6-1-1867		1.76		88
	29		46	6-1-1869	1.00			50
	36*		35	6-1-1867	.38*			19*
	54*		35	6-1-1867	1.11*			55.5*
	59		31	6-1-1866	2.60			130
	75		35	6-1-1867	.50			25
	147		35	6-1-1867	.20			10
CONWAY & HAMMING			48	6-1-1870	2.60			130
			64	6-1-1877	.90			45
			118	6-1-1891	2.20			110
DAVIS (LITTLE DAVIS)								5.70
			94	6-1-1886	13.40			670
			119	6-1-1891	.54			27
								13.94
EUREKA NO. 1			13	6-1-1865	33.32			1666
								33.32