

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: **A63-00233M**
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: OCT 1, 1887

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	3.000		

7. Total Quantity Appropriated is:
3.000 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

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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:
A63-19547, A63-00223G

14. Remarks:

TRANS. 148, T172 MOVES P/D WITHIN SAME 40 ACRE TRACT EURECA DIT.
WATER IS DELIVERED TO EACH OWNERS PROPERTY
EXCESSIVE CFS CLAIMED MAY BE DUE TO DITCH LOSS, WHICH WILL

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14. Remarks: Continued
BE CALCULATED AT LATER DATE

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS COOP 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 <u>4-29-93</u>
------------	---------------------

To Jan - WESTERN

From Don

☒ Take Appropriate Action ☐ Draft A Reply ☐ Action Required By _____ ☐ See Me ☐ Call Me ☒ Return To Me	☐ For Your Information ☐ For Your Approval ☐ For Your Comments ☐ As You Requested ☐ Copy (____ Copies) ☐ 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 644.5. 648. The computer cannot calculate the POU list because of the duplicate to let us know whether 644.5 is in agreement. 648
 Thank

Reply

SEE LTR DATED JUNE 2, 1993

Signed TRH Date 6-2-93

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 JUL 25 1994

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)
 (GOLD3=Del POU's)

(GOLD4=Prev Screen)
 (GOLD5=Next Screen)

(GOLD6=End of Data)
 (Enter=Exit)
 (GOLD8=Cancel)

ADD ON:

SE NW	23
NE SW	22
NW SW	23

648 TOTAL

NWSE

SHOULD BE, DE ERROR
 CORRECTED BY RCH ON
 6/2/93 FOR BOTH CLAIMS
 AND SENT COPY TO CLAIMANT.

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

(Enter=Exit)

(GOLD4=Prev Screen)
(GOLD5=Next Screen)

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(GOLD8=Cancel)

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JUL 25 1994

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: A63-00233M

Date Received: 12-21-89

Receipt No: 4007312

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: OCT 01, 1887

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	3.000		

7. Total Quantity Appropriated is:
3.000 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

A63-00233M

Page 1

Date: 11/14/89

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AUG 17 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	04W	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
			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:
A63-19547, A63-00223G

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TRANS. 148, T172 MOVES P/D WITHIN SAME 40 ACRE TRACT EURECA DIT.
WATER IS DELIVERED TO EACH OWNERS PROPERTY
EXCESSIVE CFS CLAIMED MAY BE DUE TO DITCH LOSS, WHICH WILL

14. Remarks: Continued
BE CALCULATED AT LATER DATE

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

FARMERS COOP 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 _____ Title

Upper Center Point Ditch Co. Organization, that I have signed the foregoing document in the space below as _____ Title of

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

C. J. Muffin
Signature of Authorized Agent

Pres. Upper Center Point Ditch Co.
Title and Organization

11-14-89
Date

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

My Commission Expires December 8, 1994

Water Right Number - 63-00233M

Adj. Flag Translation:	Standard Water Right Number	old (D) Number -

+ - - - - Last Name - - - - +	+ - First Name - - +	+ - - - - Address - - - - +
-------------------------------	----------------------	-----------------------------

*** C - CURRENT OWNER ***
GREER

DORA

1 -
2 -
3 -
City-
phone -
State-
zip-

*** O - ORIGINAL OWNER ***
AMERICAN DITCH CO.

+ -	- Priority Date	- + 10/01/1987
+ -	- Region 14	- - +
+ -	-- Stage D - received	- - +
+ -	Status	- - - +

```

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

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[illegible]

04N	03W	7	SE SW	7	(27)	CANYON
-----	-----	---	-------	---	------	--------

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

01 - IRRIGATION

3.000

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - +
3.000

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
04N	04W	11	NE SE			01	IRRIGATION	(27) CANYON
04N	04W	11	NW SE			01	IRRIGATION	(27) CANYON

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - -

[illegible]

+ MICROFILMED

AUG 17 1992

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AUG 17 1992

File 63-F
63-233

STATE OF IDAHO

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

Certificate No. 48, authorizing Transfer of Point of Diversion.

Permission is hereby granted NANCY NICHOLS, WILLIAM NICHOLS and G. W. COOPER, of Caldwell, Canyon county, Idaho, to transfer the point of diversion of Two Hundred ten (210) inches of the waters of Boise river from the point where it is now diverted, i. e., at the head gate of the canal of the American Ditch Association, Limited, on the south bank of said stream at or near the southeast corner of the southwest quarter of section sixteen (16), Township four (4) North, Range Three (3) West of Boise Meridian, to the headgate of the Pioneer-Dixie Ditch Company, at a point on south bank of Boise river near the center of the northeast quarter of the northwest quarter of Section Twenty (20), Township Four (4) North, Range Three (3) West of Boise Meridian, said water to be used upon the same lands as originally intended.

The above water right was adjudicated by decree, dated January 18, 1905, of George H. Stewart, Judge of the Third Judicial District of the State of Idaho, in and for Canyon county, in the matter of the Farmers' Co-operative Ditch Company, plaintiff, vs. Riverside Irrigation District, Limited, et al, defendants.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of my office, at Boise, Idaho, this thirty-first day of March, A.D. 1910.

Jan. Stephenson, Jr.,
State Engineer.

(SEAL)

MICROFILMED
AUG 17 1982

	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	
COBISKIE					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			(20 ACRES)					5								5	
"					12			→ 10	35												45	
Rodman					12			→ 10	40	23											73	
Nichols					12			(25 ACRES)	→ 7	23											30	
Martin					12			(25 ACRES)	→ 15												15	
White					11								(40 ACRES)	→ 10	30						40	
Turner					11								(40 ACRES)	→ 29	10						39	
Cain					11								(40 ACRES)	→ 1							1	
GRIFFITHS					11			30	40												70	
																				648 ACRES		

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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 #		(REMARKS) Ditch LOSS	
		to compare at later date.	
		A63-19547	
		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	"D" FLAG
63-00223 G	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 IRRIGATION

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AUG 17 1992

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

<u>PRIORITY</u>		<u>DECREED TO</u>	<u>AMOUNT DECREED</u>	
No.	Date		Sec. Feet	Inches
23	6-1-65	C. W. Casper	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 Buraka 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

STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

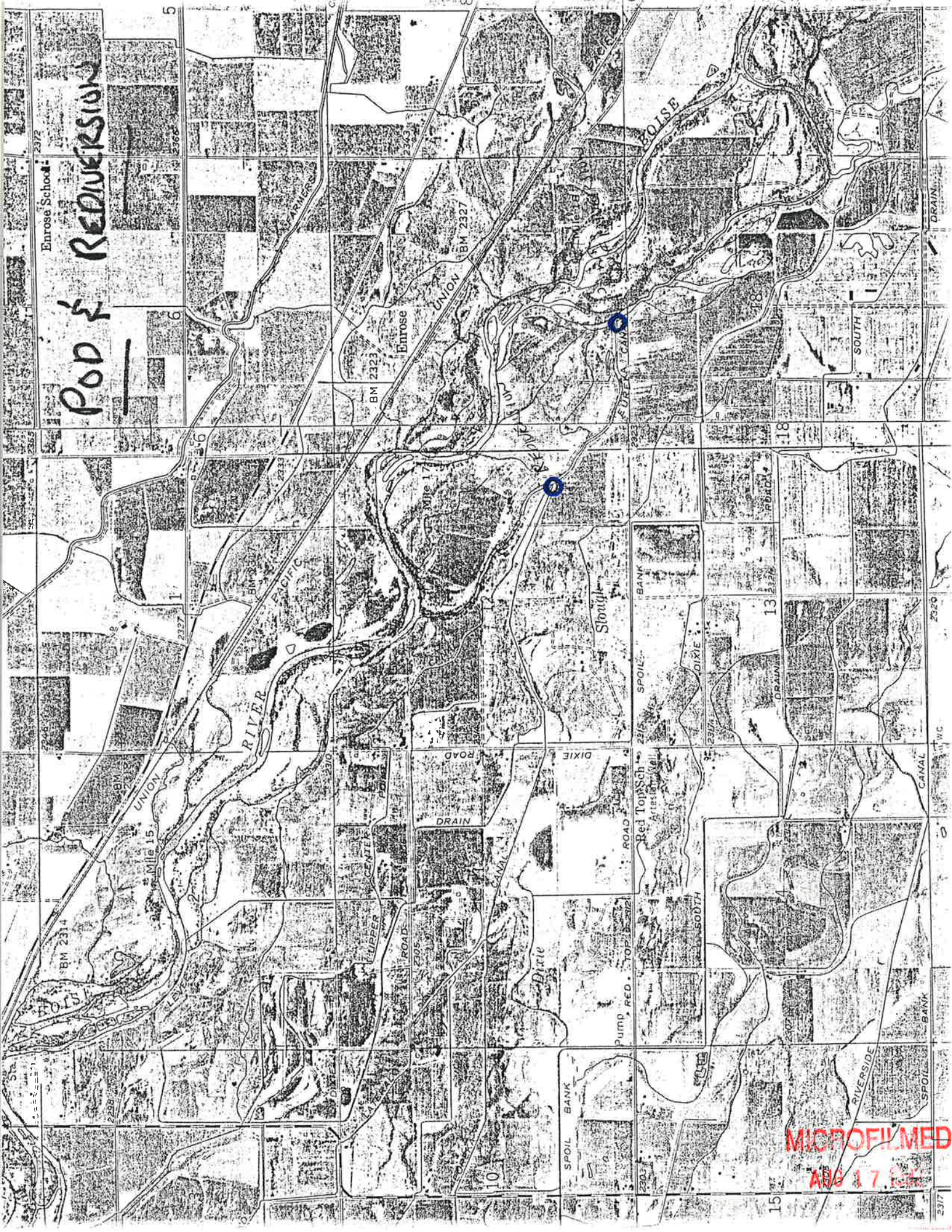
NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY NO.	DATE	AMOUNT DECREED			TOTAL SEC. FT.
					STEWART DECREE	INTERVENORS STEWART DECREE	BRYAN DECREE	
SIEBENBERG			9	6-1-1865	13.42			671
		105*	9	6-1-1865	.50*			25*
		717*	9	6-1-1865	.64*			32*
								12.28
THURMAN MILL			7	6-1-1864	3.30			165
			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	CREEK →		150 ✓
		159*	24	6-1-1865	.10*			5*
	63-0223G	289	89	11-9-1883	.50	GILES		25 14.82 ✓

*SUBTRACT

MICROFILMED

AUG 17 1992

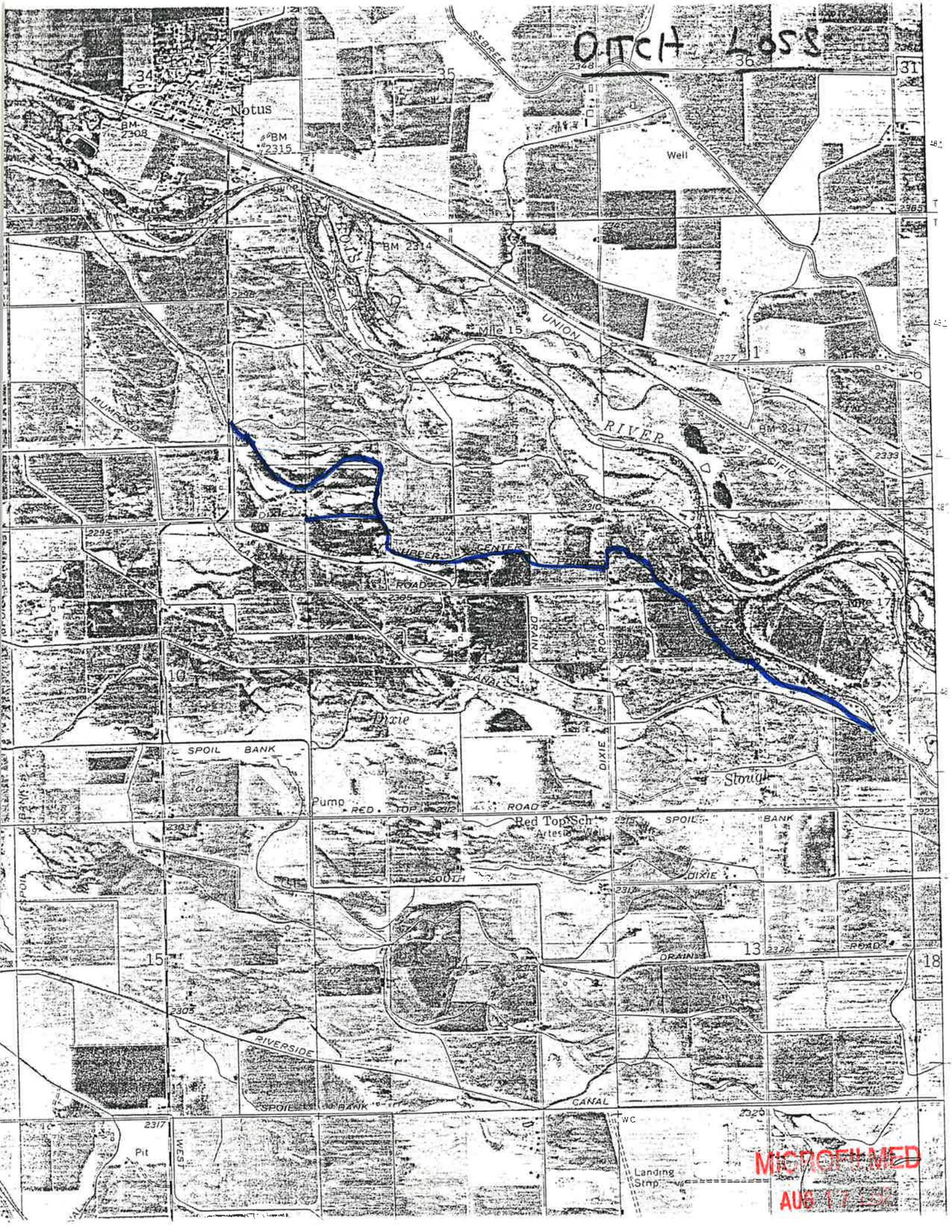
Pod É REDIVERSION



MICROFILMED

Aug 17 1964

ITCH LOSS



6132
452
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;
\$3,015.55 T. P. D. 1922 32 cts
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;
\$3,015.55 T. P. D. 1885, P. D. 1922
120 inches, from June 1, 1865; and hereby designated as Right No. 24. And be adjudged to pay \$3.40 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;
\$3,015.55 T. P. D. 1922 3.94 cts
197 inches, from June 1, 1865; and hereby designated as Right No. 25.

And be adjudged to pay \$15.79 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. 5 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;

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.

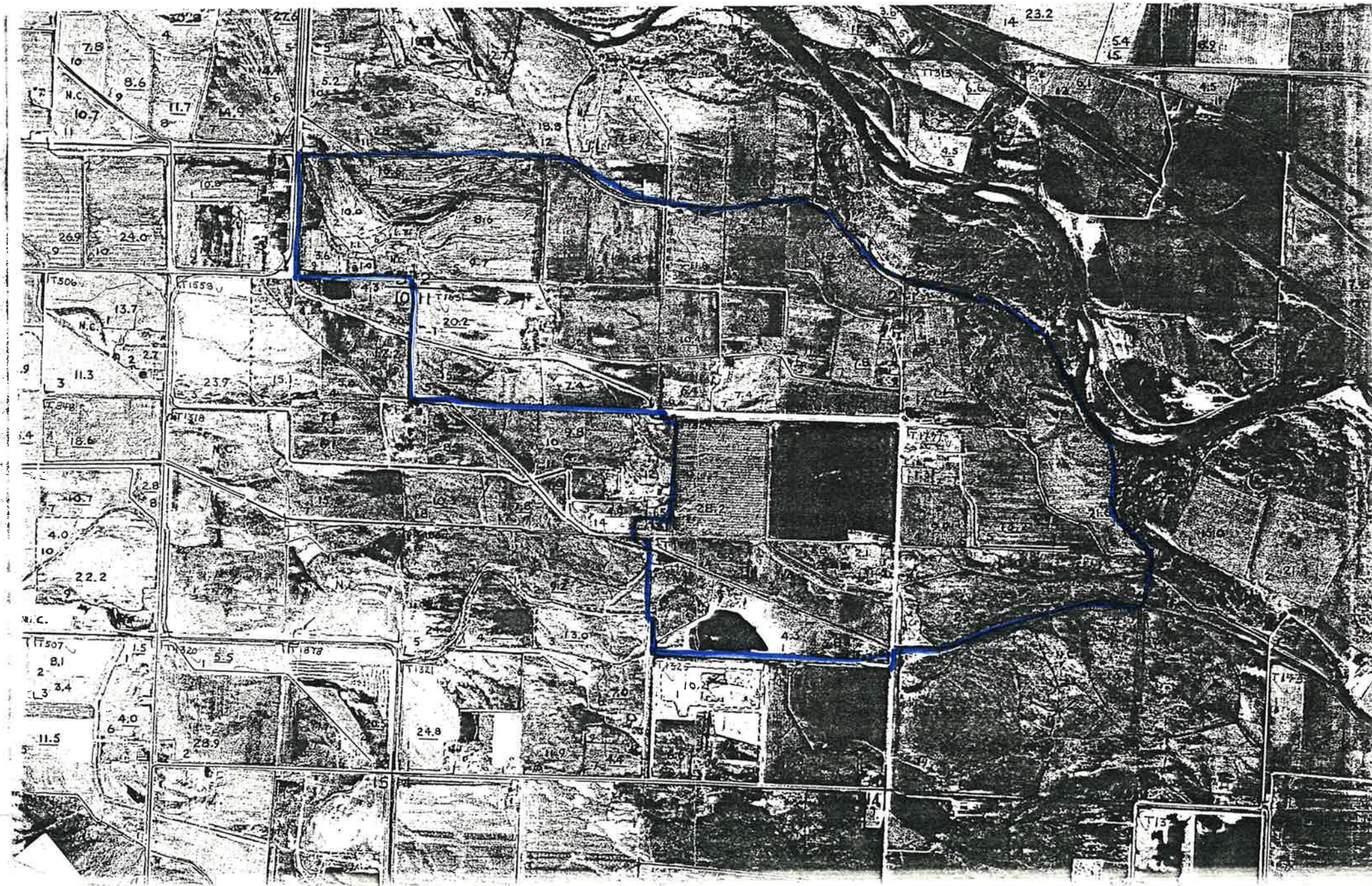
That the defendant NOAH W. PALMER, do, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the center of the S. 1/2 of SW 1/4 of sec. 7, T. 4 N. R. 3 W. B.M., through what is known as the Center point Ditch, for use upon lands situated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

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. 20, 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;

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

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

RIGHT NUMBER: 63-233M
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: 3.000 CFS
PRIORITY DATE: 10/01/1887

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	3.000 CFS

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. 96 in the Stewart Decree and the Boise Water Distribution Report.

08/17/2006

RECEIVED

SEP 22 2006

DEPARTMENT OF
WATER RESOURCES

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: September 29, 2006

Water right number: 63-233M

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

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

Idaho Department of Water Resources

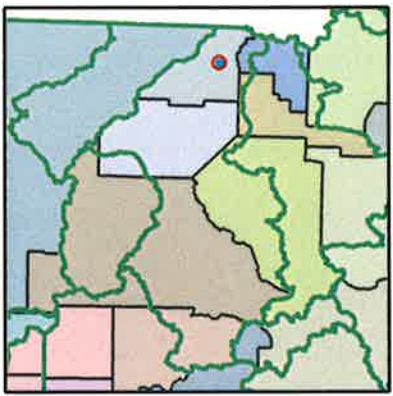


Adjudication Claim Number: **63-233M**

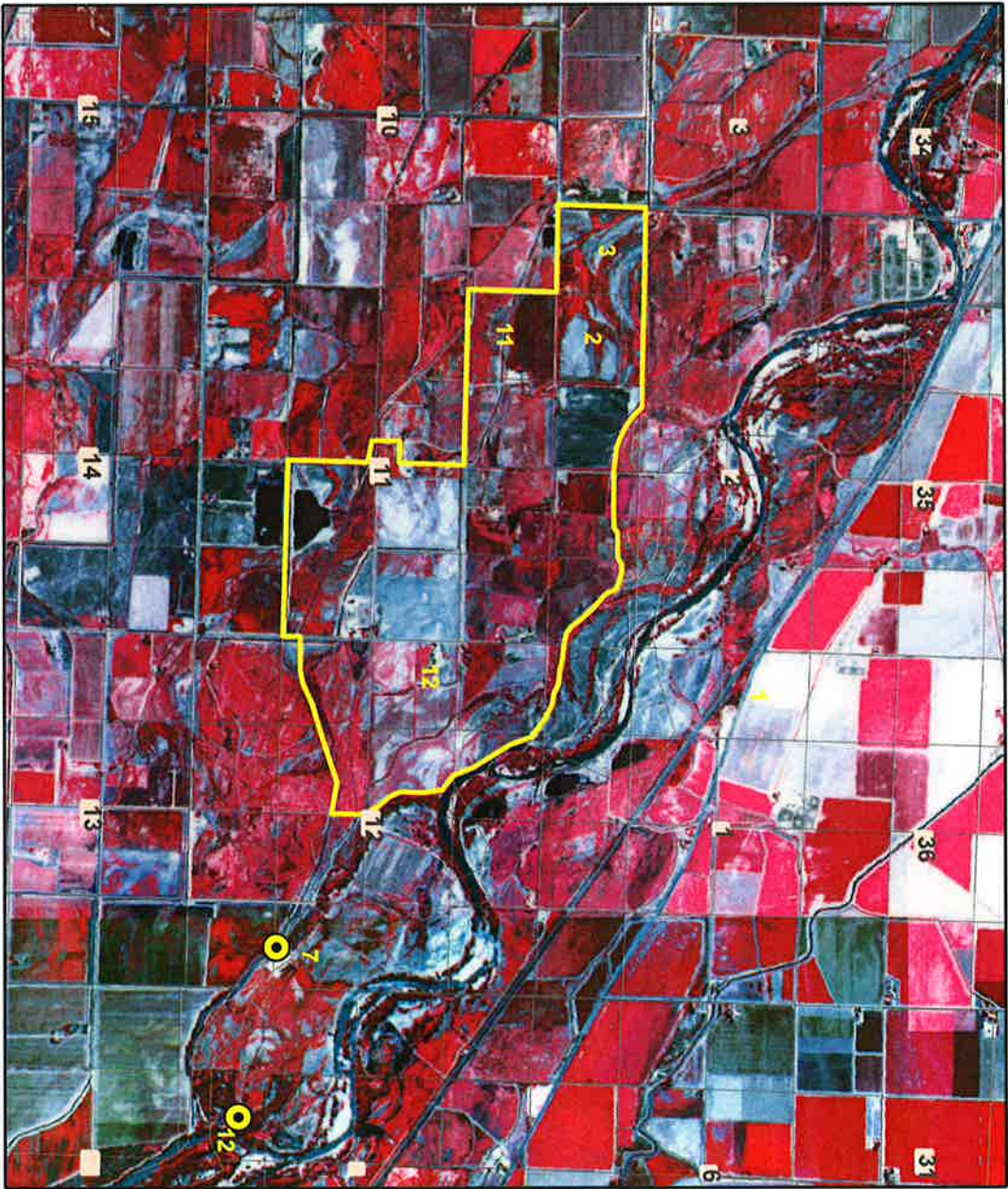
**T04N R03W
T04N R04W
T05N R03W
T05N R04W**

Legend

- **POD Recommended**
- Upper center point ditch, shp
- GCDB05N04W GCDB
- GCDB05N03W GCDB
- GCDB04N04W GCDB
- GCDB04N03W GCDB



Canyon County
IDWR Basin 63



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

63-233

Basin	Sequence	Suffix	Basis	Status	Right ID	Priority Date	Rate(cfs)	Transfer #	Source	Water Users	Owner(s)	Version	Source Table
63	233	C	Decreed	Active	217984	1887-10-01	1	36	BOISE RIV	IRRIGATION	PIONEER DIXIE DITCH		wrAdjudicationClaim
63	233	D	Decreed	Active	51120	1887-10-01	1	62	BOISE RIV	IRRIGATION	CARTRIGHT, JOHN V		wrWaterRight
63	233	E	Decreed	Active	596625	1887-10-08	12.1	38	BOISE RIV	IRRIGATION	CANYON DITCH CO		wrAdjudicationClaim
63	233	K	Decreed	Active	279338	1887-10-01	1.2	790	BOISE RIV	IRRIGATION	BOISE PROJECT BO		wrAdjudicationClaim
63	233	L	Decreed	Active	217985	1887-10-01	1.2	48	BOISE RIV	IRRIGATION	PIONEER DIXIE DITCH		wrAdjudicationClaim
63	233	M	Decreed	Active	293768	1887-10-01	3	148	BOISE RIV	IRRIGATION	UPPER CENTER POI		wrAdjudicationClaim
63	233	N	Decreed	Active	51129	1887-10-01	27.6	171	BOISE RIV	IRRIGATION	AMERICAN DITCH CO		wrWaterRight
63	233	P	Decreed	Active	300865	1887-10-01	0.7	224	BOISE RIV	IRRIGATION	HOUSTON, MILTON		wrAdjudicationClaim
Total CFS							47.8						

Splits

63	233		SPLIT INTO 63-0233A & 63-0233B BY TRANS. 36.										
63	233	A	SPLIT INTO 63-0233C & 63-0233D BY TRANS. 62.										
63	233	B	SPLIT INTO 63-0233E & 63-0233F BY TRANS. 38.										
63	233	D	THIS RIGHT IS COMBINED WITH A63-00233N INTO A63-21361										
63	233	F	SPLIT INTO 63-0233G & 63-0233H BY TRANS. 47 & 48.										
63	233	G	SPLIT INTO 63-0233J & 63-0233K BY TRANS. 111.										
63	233	H	SPLIT INTO 63-0233L & 63-0233M BY TRANS. 148.										
63	233	J	SPLIT INTO 63-0233N & 63-0233P BY TRANS. 224.										

Spina Change
1-19-06

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* *Trch. 40* *T-34, 35, 50, 477, 483*
4953 inches, from Oct. 17, 1884. and hereby designated as Right No. 92.
63 0231 *T-45, 50, 34*
3672 inches, from June 1, 1891; and hereby designated as Right No. 122.
And be adjudged to pay \$803.75 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-A
47 P.D. 48
48 P.D. 48
111 P.D. 148
790 P.D. 166
38 P.D. 172
P.D. 224
P.D. 171

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/b)				
790	Boise Project Board of Control	1.2		
48	Nichols, Nancy & Wm., Cooper, C. W.	4.2	0	

T

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UNRECORDED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 790.

THIS IS TO CERTIFY That BOISE PROJECT BOARD OF CONTROL, is the owner of and using the following water rights for the waters of Boise River.

Twenty (20) cubic feet per second with priority of September 1, 1864, decreed to Pioneer Dixie Ditch Company.
Thirty-four hundredths (0.34) cubic foot per second with priority of June 1, 1869, decreed to Pioneer Dixie Ditch Company
One and twenty-hundredths (1.20) cubic feet per second with priority of October 1, 1887, decreed to American Ditch Company,

by decree of Judge George H. Stewart of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, bearing date of January 18, 1906, in the case of

FARMERS' COOPERATIVE DITCH COMPANY

Plaintiffs,

vs.

REVERSIDE IRRIGATING DISTRICT, et al,

Defendants,

being appurtenant to the following described land, situate, lying and being in Water District No. 12-A, County of Idaho, and State of Idaho, by Certificate of Transfer No. 111, dated November 25, 1912, to-wit:

Lands within the Hillcrest Irrigation District, located in Sections 26, 27, 28, 29, 30, 31, 32, 33, and 34, Township 3 North, Range 2 East, B.M.

That the 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 the said Boise Project Board of Control has become the owner of said water right through purchase.

And that now, upon the application of the Boise Project Board of Control, through Forrest Sower Manager of Boise, Idaho, 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 Twenty-one and four hundredths (21.54) cubic feet per second of the waters of Boise River from the lands above described is HEREBY CONFIRMED, and the tracts of land to be irrigated under such rights and to which the water rights HEREBY CONFIRMED shall be made appurtenant by this certificate, are described as follows, to-wit:

All Boise Project land operated by the Boise Project Board of Control, comprising lands within the New York Irrigation District, the Boise-Kuna Irrigation District, the Nampa-Meridian Irrigation District, the Wilder Irrigation District and the Big Bend Irrigation District.

Said water 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:

20 cubic feet per second with priority of September 1, 1864.

0.34 cubic foot per second with priority of June 1, 1869.

1.20 cubic feet per second with priority of October 1, 1887.

That the water right hereby transferred has heretofore been conducted to the first above described lands through the New York Canal, with point of diversion near the Quarter corner common to Sections 3 and 4, Township 2 North, Range 3 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the New York Canal and with the same point of diversion.

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 28th day of March, 1951.

(S L)

MARK R. KULP
State Reclamation Engineer

CERTIFICATE NO. 111, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted H. L. Randall, E. L. Clark, W. H. Thompson, J. W. Brose, Homer I. Clark, W. T. Booth and John Daly of Boise, County of Ada, State of Idaho, to transfer the use of the following described waters of Boise river.

First, 100 inches of water measured under a four inch pressure, heretofore appurtenant and used upon the following described lands; East one-half of the Northeast quarter ($E\frac{1}{2} NE\frac{1}{4}$) of Section Twenty-three (23) and the East one-half of the Southeast quarter ($E\frac{1}{2} SE\frac{1}{4}$) of Section Fourteen (14), Township Four (4) North, Range Four (4) West Boise Meridian.

Second, 374 $\frac{1}{2}$ inches of water measured under a four inch pressure, heretofore appurtenant and used upon the following described lands: East one-half of the Northeast quarter ($E\frac{1}{2} NE\frac{1}{4}$) of Section Fourteen (14), the Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$) of Section Fourteen (14), the Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$) of Section Fourteen (14), the North one-half of the Southwest quarter ($N\frac{1}{2} SW\frac{1}{4}$) of Section fourteen (14), the Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$) of Section Fourteen (14), also Lots Ten (10) in Section Twelve (12) and the East one-half of the Northeast quarter ($E\frac{1}{2} NE\frac{1}{4}$) of Section 13, all in Township four (4) North, Range four (4) West Boise Meridian.

Third, 200 inches of water measured under a four inch pressure, heretofore appurtenant and used upon the following described lands: Lots Seven (7) and Eight (8) of Section Eighteen (18) in Township Four (4) North, Range Three (3) West Boise Meridian, and the Southeast quarter ($SE\frac{1}{4}$) of Section Thirteen (13), Township Four (4) North, Range 4 West, Boise Meridian, excepting the lands described in that one certain deed recorded in Book 50 of Deeds at Page 362 of the records of Canyon County, said portion excepted being a strip of land 104 feet in width off the south side of the Southwest quarter of the southwest quarter ($SW\frac{1}{4} SW\frac{1}{4}$) of Section Eighteen (18), Township Four (4) North, Range Three (3) West, Boise Meridian and a strip of land 104 feet in width off the south side of the Southeast quarter ($SE\frac{1}{4}$) of Section Thirteen (13), Township Four (4), North, Range Four (4) West Boise Meridian, more particularly described as follows to-wit: Beginning at the southeast corner of the Southwest quarter of the Southwest quarter ($SW\frac{1}{4} SW\frac{1}{4}$) of Section Eighteen (18), Township Four (4) North, Range Three (3) West, Boise Meridian, running thence 104 feet north, thence west to the center line of Section Thirteen (13), Township Four (4) North, Range Four (4) West, Boise Meridian, thence south 104 feet to the south line of Section Thirteen (13), thence east to the point of beginning, being a strip of land deeded to the Riverside Irrigation District.

Fourth, 100 inches of water measured under a four inch pressure, heretofore appurtenant and used upon the following described lands: Fractional Southwest quarter ($SW\frac{1}{4}$) of Section Seventeen (17), Township Four (4) North, Range Three (3) West, Boise Meridian.

Fifth, 120 inches of water measured under a four inch pressure, heretofore appurtenant and used upon the following described lands: Southwest quarter of the Northwest quarter ($SW\frac{1}{4} NW\frac{1}{4}$)

SCANNED
AUG 14 2002

the above described waters from Boise River at a point located in the
Southwest quarter (SW₁) of Section Three (3), Township Two (2) North, Range Three (3) East,
Boise Meridian, to be hereafter used upon the following described lands under the proposed
Hillcrest Irrigation District, to-wit: All of the Southwest quarter (SW₁) of Section Twenty-
six (26), south of the Government Canal; The South half of the southeast quarter (S₁ SE₁), the
East half of the Northwest quarter of the Southeast quarter (E₁ NW₁ SE₁) of Section Twenty-six
(26), The East half (E₁) of Section Thirty-four (34), the Southeast quarter of Section Thirty-
four (34), and the South half of the Northeast quarter (S₁ NE₁) and the Northwest quarter of
the Northeast quarter (NW₁ SE₁) of Section Thirty-four (34), the North half (N₁) of Section
Thirty-three (33), and the North half of the Southeast quarter (N₁ SE₁) of Section Thirty-three
(33), all of Section Twenty-seven (27) south of the Government Canal; the South half (S₁) of
Section Twenty-eight (28) and the South half of the northeast quarter (S₁ NE₁) of Section Twenty-
eight (28), the Northwest quarter (NW₁) of Section Twenty-eight (28), the East half of the
southwest quarter (E₁ SW₁) and the Southwest quarter of the Southwest quarter (SW₁ SW₁) of
Section Twenty-nine (29), the Southeast quarter (SE₁) of Section Twenty-nine (29), and the South
half of the NE quarter of Section Twenty-nine (29), and all that portion of the Northwest quarter
of the Southeast quarter (NW₁ NE₁) of Section Twenty-nine (29) South of the Government Canal;
and all that portion of the East half (E₁) of Section Thirty (30), east of the Government Canal;
the Northeast quarter (NE₁) of Section Thirty-two (32), and North half of the Southeast quarter
(N₁ SE₁) of Section Thirty-two (32), the South half of the Northwest quarter (S₁ NW₁) of Section
Thirty-two (32), and all of that portion of the North half of the Northwest (N₁ NW₁) of Section
Thirty-two (32) lying east and south of the Government Canal; all of the Southeast quarter of
the Northeast quarter (SE₁ NE₁) of Section Thirty-one (31), all in Township Three (3) North,
Range Two (2) East, Boise Meridian.

The waters hereinbefore described were adjudicated by decree dated January 10, 1906,
of George B. Stewart, Judge, of the Seventh Judicial District of the State of Idaho in and for
the County of Canyon in the case of the Farmers Cooperative Ditch Company, Plaintiff, vs. the
Riverside Irrigation District, et al, Defendants, title to the use of which waters has heretofore
been lawfully vested in the above named parties by proper deeds and conveyances.

I, WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office
at Boise, Idaho, this twenty-fifth day of November, 1912.

A. E. Robinson.

State Engineer.

(SEAL)

MICROFILMED

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

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

Certificate No. 48, authorizing Transfer of Point of Diversion.

Permission is hereby granted NANCY NICHOLS, WILLIAM NICHOLS and C. W. COOPER, of Caldwell, Canyon county, Idaho, to transfer the point of diversion of Two Hundred ten (210) inches of the waters of Boise river from the point where it is now diverted, i. e., at the head gate of the canal of the American Ditch Association, Limited, on the south bank of said stream at or near the southeast corner of the southwest quarter of section sixteen (16), Township four (4) North, Range Three (3) West of Boise Meridian, to the headgate of the Pioneer-Dixie Ditch Company, at a point on south bank of Boise river near the center of the northeast quarter of the northwest quarter of Section Twenty (20), Township Four (4) North, Range Three (3) West of Boise Meridian, said water to be used upon the same lands as originally intended.

The above water right was adjusted by decree, dated January 18, 1906, of George H. Stewart, Judge of the Third Judicial District of the State of Idaho, in and for Canyon county, in the matter of the Farmers' Co-operative Ditch Company, plaintiff, vs. Riverside Irrigation District, Limited, et al, defendants.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of my office, at Boise, Idaho, this thirty-first day of March, A.D. 1910.

Jas. Stephenson, Jr.,
State Engineer.

(SEAL)

MICROFILMED

CERTIFICATE No. 62, AUTHORIZING TRANSFER OF WATER RIGHT.

NOTED

65-6--

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

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

Certificate No. 47, authorizing Transfer of Point of Diversion.

Permission is hereby granted the AMERICAN DITCH ASSOCIATION, Limited, of Canyon County, Idaho, the right to transfer the point of diversion of Fourteen Hundred Seventy-five (1475) inches of the water of Boise River from the point where same is now being diverted, to-wit: At a point on the south side of Boise River at or near the southeast corner of Southwest quarter of Section Sixteen (16) Township Four (4) North, Range three (3) West of Boise Meridian, to the headgate of the Eureka Ditch Company, at a point on the south side of Boise River near the southeast corner of Section Twelve (12) Township Four (4) North, Range Three (3) West of Boise Meridian, said water to be used upon the same lands as originally intended, to-wit: Certain lands in sections 17, 18, 19, Township Four (4) North, Range Three (3) West of Boise Meridian, certain lands in sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, township four (4) North, Range Four (4) West of Boise Meridian, and parts of Section 1, township four (4) North, Range five (5) West of Boise Meridian, in Canyon County, Idaho.

The water right appurtenant to the above described lands 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 matter of the Riverside Irrigation District, Limited, plaintiff, vs. Farmers' Co-Operative Ditch Company, Limited, et. al. defendants.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of my office
at Boise, Idaho, this eighteenth day of March, A.D. 1910.

Jas. Stephenson, Jr.

State Engineer

(SEAL)

RECORDED

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

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

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

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: N2 NW4, SE4 NW4 and NW4 NE4, S2 NE4 and NE4 SE4 Section 8; W2 NW4 & SE4 NW4, Section 9; NW4 SE4, NW4 NE4, SE4 NE4, NE4 SE4, N2 SW4, SE4 NW4, SW4 NE4, and NE4 SW4 Section 16, 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

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

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

CERTIFICATE NO. 36, AUTHORIZING THE TRANSFER OF POINT OF DIVERSION.

Permission is hereby granted C.H. ROSENBERGER, of Caldwell, County of Canyon, State of Idaho, to transfer the point of diversion of One Hundred (100) inches of the waters of Boise River from the present point of diversion, viz: On the south bank of river at or near the center of northeast quarter (NE4) of section 18, township 4 north, range 3 west of Boise meridian, and carried through the American Ditch Association's ditch, to a point on the south side of said river at or near the southwest corner of southwest quarter of section 17, township 4 north, range 3 west of Boise meridian, and carried through the Pioneer Dixie Ditch Company's ditch, said water to be used upon the same tract of land as before, to-wit: East half of Southwest quarter (E2 SW4) and northeast quarter of southwest quarter (NE4 SW4) section 11, township 4 north, range 4 west of Boise meridian,

The water right appurtenant to the above described land was adjudged to the American Ditch Association, by decree, dated January 18, 1906, of Geo. H. Stewart, Judge of the Third Judicial District of the State of Idaho, in and for Canyon County, in the matter of Farmer's Co-operative Ditch Company, a corporation, plaintiff, vs, Riverside Irrigation District, Limited, et.al., defendants, in the following words:

Whereupon it is ordered, adjudged and decreed as follows:

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 southwest corner of southwest quarter of section 16, township 4 north, range 3 west Boise meridian, for use upon the lands lying under its canal system, in the following amount from the following date:

2390 inches, from October 1, 1887, and hereby designated as Right No. 96. **63-0233**

100 inches of the above water right was purchased from the American Ditch Association, by Charles H. Rosenberger.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this nineteenth day of April, 1909.

Jas. Stephenson, Jr.

State Engineer

(SEAL)

MICROFILMED



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

