

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: A63-00252
Date Received: 3/12/1990
Receipt No: C015502
Received By: ES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CANYON DITCH CO. 208-459-3915
Address: C/O MARJORIE MAXWELL
22122 KENT RANCH ROAD
CALDWELL, ID 83605

2. Date of Priority: OCT 25, 1901

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	15	SW	NE	NW		CANYON

5. Description of diverting works:
DIVERSION IN RIVER W/HEADGATE & GRAV. DITCH TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.540		

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

8. Total consumptive use is 2687.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	8	NW	NE		IRR	24.0
			SW	NE		IRR	40.0

A63-00252

Page 1

Date: 03/12/90

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JUL 25 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	8	SE	NE		IRR	25.0
			NE	NW		IRR	38.0
			NW	NW		IRR	40.0
			SE	NW		IRR	35.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	17.0
			SE	SE		IRR	27.0

Section Acres 326.0

9	SW	NW	IRR	11.0
	NE	SW	IRR	30.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NW	SE	IRR	5.0
	SW	SE	IRR	40.0
	SE	SE	IRR	10.0

Section Acres 216.0

15	SW	NW	IRR	2.0
	SE	NW	IRR	11.0
	NE	SW	IRR	1.0
	NW	SW	IRR	1.0

Section Acres 15.0

16	NE	NE	IRR	22.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	30.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	38.0
	SE	NW	IRR	40.0
	NE	SW	IRR	38.0
	NW	SW	IRR	10.0
	SE	SW	IRR	7.0
	NE	SE	IRR	25.0
	NW	SE	IRR	32.0
	SW	SE	IRR	5.0

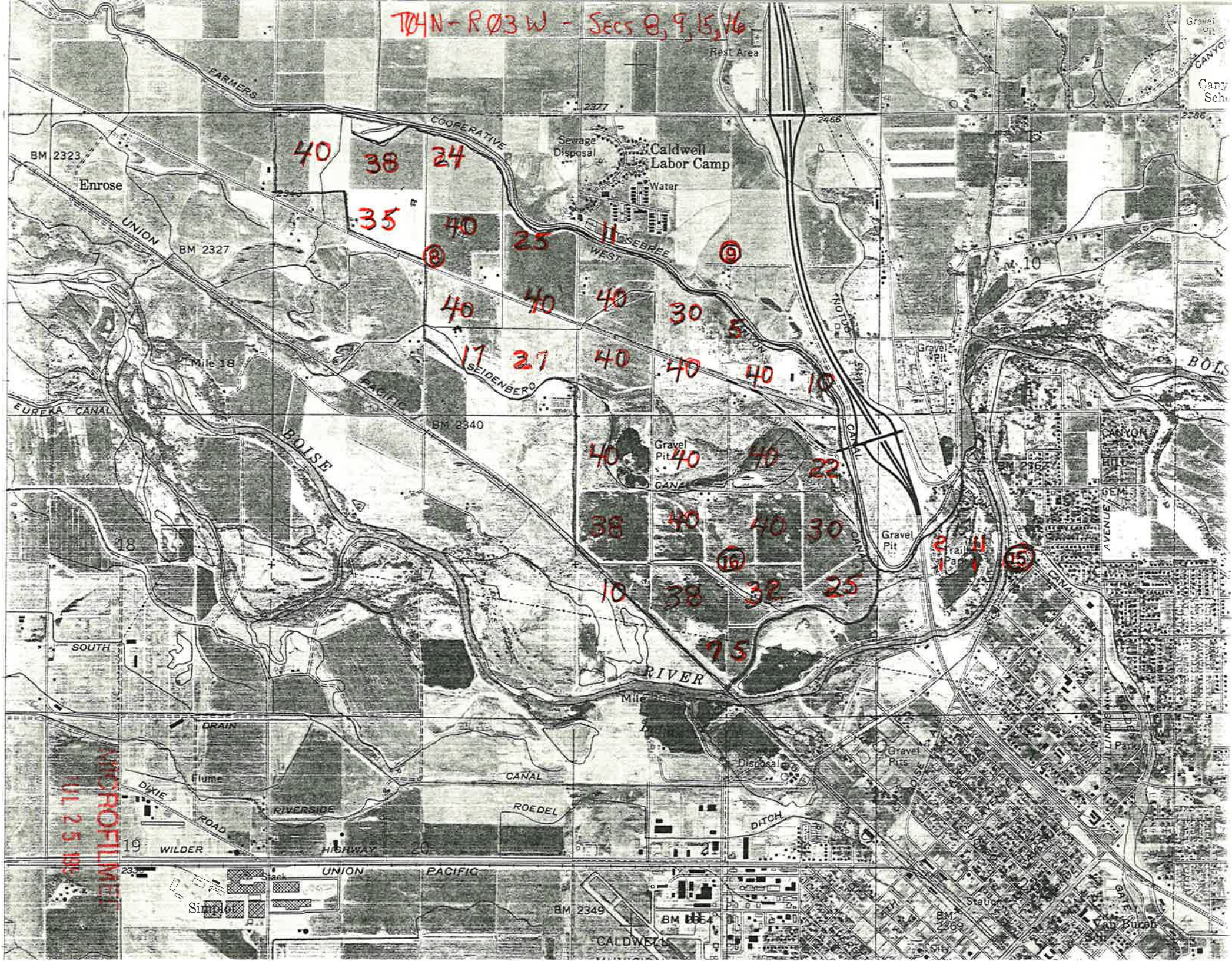
Section Acres 407.0

Total Acres 964.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

UL 2519E



13. Other Water Rights Used:

A63-00233(SPLIT), A63-00138(SPLIT), A63-00369

14. Remarks:

FOR IRR. OF LANDS UNDER SYSTEM.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Organizations:

I do solemnly swear or affirm that I am Sec. - Treas. of

Title

Canyon Ditch Co., that I have signed the foregoing

Organization

document in the space below as Sec. - Treas. of

Title

Canyon Ditch Co. and that the statements contained in the

Organization

foregoing document are true and correct.

Margaret C. Maxwell

Signature of Authorized Agent

Sec. - Treas.

Canyon Ditch Co.

Title and Organization

03-12-90

Date

State of Idaho)

County of Ada)

SS.

Subscribed and sworn (or affirmed) before me this 12th day

of MARCH 19 90

Donna P. Smith

Notary Public

Seal

Residing at BOISE, ID

My Commission Expires 11/08/1994

3

Date: 03/12/90

A63-00252

Page

MICROFILMED

JUL 25 1994

POOR ORIGINAL

XCVII.

That the defendant MATHEW CASPY be, and he 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. 3 E. B.M., through what is known as the Thurman Hill Slough, for use upon the W. 1/2 of NE 1/4 and E. 1/2 of NW 1/4 Sec. 27, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63-0250
33 inches, from July 1, 1895, hereby designated as Right No. 129. And be adjudged to pay \$2.51 costs in addition to the costs incurred by him.

XCVIII.

That the defendant the NEW YORK 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 bank of said river about 11 miles above Boise City, for use upon the lands lying under its canal system, in the following amount and from the following date;

63-0251
10955 inches, from March 23, 1900, hereby designated as Right No. 131. And be adjudged to pay \$706.85 costs in addition to the costs incurred by it.

XCIX.

That the defendant the CANYON DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river at a point at the SE corner of NE 1/4 of Sec. 16, T. 4 N. R. 3 E. B.M., for use upon the lands lying under its canal system, in the following amount from the following date;

63-0369
300 inches, from May 17, 1900. hereby designated as Right No. 132.

Also, diverted from said river at a point on its right bank, at the head of the slough immediately south of the head-gate of the so-called Sobree canal, and immediately west of the so-called Caldwell wagon bridge across said river, in Canyon County, Idaho, for use upon the lands lying under its canal system, in the following amount and from

the following date;

63-0252
277 inches, from Oct. 25, 1901. hereby designated as Right No. 134. And be adjudged to pay \$54.39 costs in addition to the costs incurred by it.

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JUL 25 1994

POOR ORIGINAL

STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 9

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	63-00252		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

MICROFILMED
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: **A63-00252**
Date Received: 3/12/1990
Receipt No: C015502
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: CANYON DITCH CO
Address: C/O MARJORIE MAXWELL
PO BOX 1437
CALDWELL ID

208-459-3915

83606-1437

2. Date of Priority: OCT 25, 1901

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	15	SW	NE	NW		CANYON

5. Description of diverting works:

DIVERSION IN RIVER W/HEADGATE & GRAV. DITCH TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.540		

7. Total Quantity Appropriated is:

5.540 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

2687.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	8	NW	NE		IRR	24.0
			SW	NE		IRR	40.0
			SE	NE		IRR	25.0

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JUN 06 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED
OCT 02 1996

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	03W	8	NE		NW		IRR	38.0
			NW		NW		IRR	40.0
			SE		NW		IRR	35.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	17.0
			SE		SE		IRR	27.0
			Section Acres					326.0
		9	SW		NW		IRR	11.0
			NE		SW		IRR	30.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	5.0
			SW		SE		IRR	40.0
			SE		SE		IRR	10.0
			Section Acres					216.0
		15	SW		NW		IRR	2.0
			SE		NW		IRR	11.0
			NE		SW		IRR	1.0
			NW		SW		IRR	1.0
			Section Acres					15.0
		16	NE		NE		IRR	22.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	30.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	38.0
			SE		NW		IRR	40.0
			NE		SW		IRR	38.0
			NW		SW		IRR	10.0
			SE		SW		IRR	7.0
			NE		SE		IRR	25.0
			NW		SE		IRR	32.0
			SW		SE		IRR	5.0
			Section Acres					407.0
			Total Acres					964.0

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OCT 02 1996

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A63-00233 (SPLIT), A63-00138 (SPLIT), A63-00369

14. Remarks:

FOR IRR. OF LANDS UNDER SYSTEM.

ADDRESS CHANGE BY CLAIMANT LETTER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.

Decree Plaintiff

RIVERSIDE IRR. DIST.

vs Decree Defendant

MICROFILMED
OCT 02 1996

08/17/2006

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

RIGHT NUMBER: 63-252

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

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 5.540 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: 10/25/1901

POINT OF DIVERSION:
T04N R03W S15 NWNW 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	5.540 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, 63-233E 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

This right is designated as No. 134 in the Stewart Decree and the Boise Water Distribution Report.

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



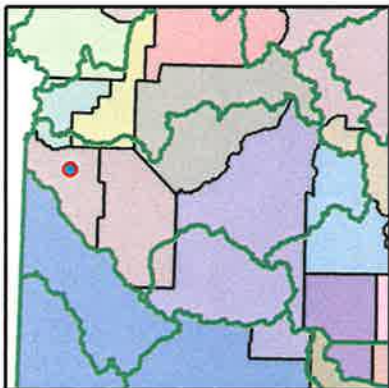
Idaho Department of Water Resources

Adjudication Claim:

63-252

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63



0 1 2 Miles

Prepared by A. Warntjes
On Wednesday, April 5, 2006
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

May 29, 1996

KARL J. DREHER
DIRECTOR

RECEIVED

JUN 04 1996

CANYON DITCH CO
C/O MARJORIE MAXWELL
PO BOX 1437
CALDWELL ID 83606-1437

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Notices of Claim No. A63-00138E, A63-00252 & A63-00369
Change of Address *A records modified. O R Records.*

Dear Claimant,

120 06-06-96

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim(s) can be sent only to the address on your claim(s) or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right(s) referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

The address is correct as shown above or as otherwise changed.

Marjorie Maxwell
Claimant Signature

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JUN 06 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED
OCT 02 1996

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS**

**In Re Snake River Basin Adjudication Case
No. 39576**

**) Notice of Filing Director's Report and Supplemental
) Director's Report Part II & III, United States' and Tribal
Non-consumptive Claims.**

**TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:**

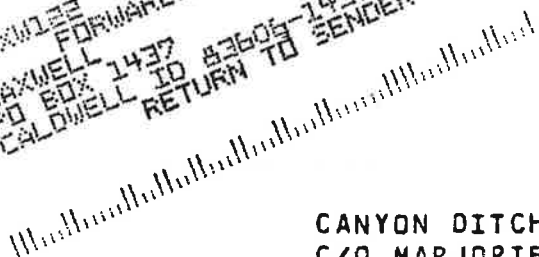
THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH THE DISTRICT COURT. A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT. THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PROCEEDINGS ON THESE WATER RIGHT CLAIMS.

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

**40441
Idaho Department of water Resources
Statehouse Mail
Boise, Idaho 83720**

**MAXWELL 836052022 1394 04/19/95
FORWARDING TIME EXPIRED
MAXWELL 1437
PO BOX 1437 ID 83605-1437
CALDWELL RETURN TO SENDER**



**CANYON DITCH CO
C/O MARJORIE MAXWELL
22122 KENT RANCH ROAD
CALDWELL ID 83605**

**Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1**

Handwritten:
A63-00138E ✓
A63-00252 ✓
A63-00369 ✓

RECEIVED

APR 20 1995

Department of Water Resources

RECEIVED

MAY 29 1996

**WATER RESOURCES
WESTERN REGION**

**MICROFILMED
OCT 02 1996**