

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: A63-00271A
Date Received: 3/20/1990
Receipt No: C015777
Received By: QX

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: M. TRESSA TREDWAY
Address: 27751 WAMSTAD ROAD
PARMA, ID

208-722-5714

83660

OR

Name: DONALD B. TREDWAY
Address: 27695 WAMSTAD ROAD
PARMA, ID

83660

2. Date of Priority: MAY 01, 1889

3. Source: BOISE RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	05W	22	NW	NE	SW		CANYON

5. Description of diverting works:

RT. IS TAKEN THROUGH THE PARMA IRRIGATION DIST. CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

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

A.F.A.

8. Total consumptive use is 388.0 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
05N	05W	17	NW	NE		IRR	40.0
			SW	NE		IRR	20.0
			SE	NE		IRR	30.0
			NE	NW		IRR	30.0

Section Acres 120.0

Total Acres 120.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

A63-05129D, A63-05130D, A63-00272

14. Remarks:

FROM O'DONNELL DITCH TO PARMA DITCH. CHANGE IN P/D ONLY.
TFR.#257. THERE ARE TWO POINTS OF RE-DIVERSION USED FROM THE
PARMA IRRIG. CANAL TO SERVICE THIS RT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

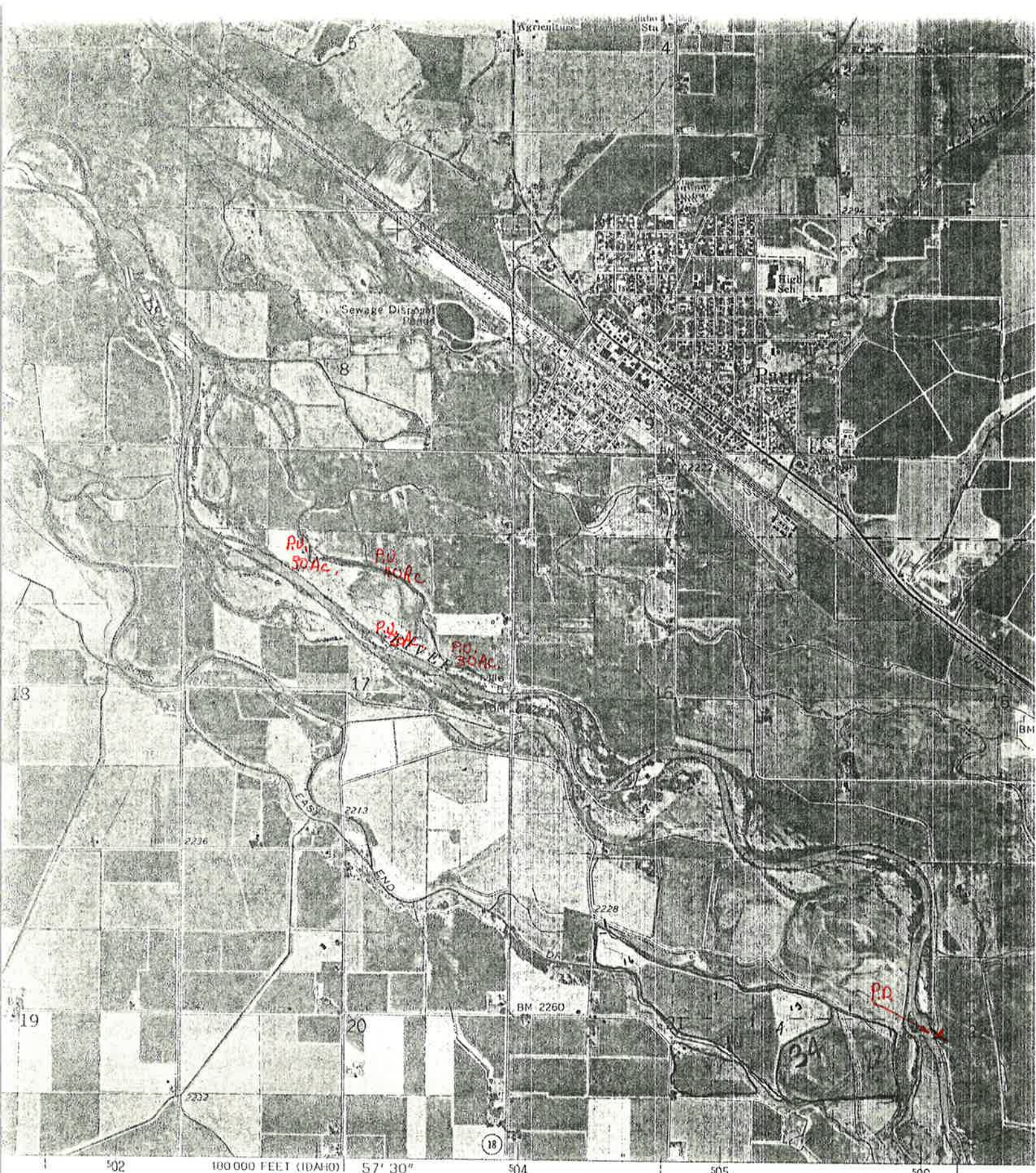
FARMERS CO-OP DITCH CO.

Decree Plaintiff

vs

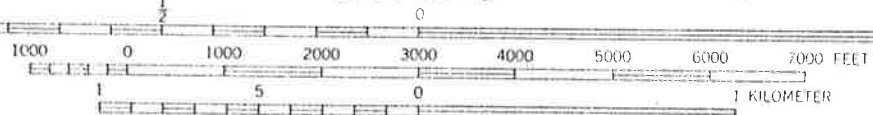
RIVERSIDE IRR. DIST.

Decree Defendant



T3N R 5 W
SEC 17
MICROFILMED
AUG 17 1992

SCALE 1:24 000



Copies Of These Maps Can Be Obtained
At Boiseville Blue Print Boise Idaho

River and its tributaries in the amount claimed in their Complaint in Intervention, and that the intervenors have priority of right to the use of the water of the Boise River and its tributaries and the Court being fully advised in the premises,

IT IS ORDERED, ADJUDGED AND DECREED, That the quantity of water required for the successful cultivation and irrigation of said lands, measured at the point where said ditches take water from the said Boise River, is one (1) inch per acre; that said one (1) inch per acre is understood to be in the same status as the one (1) inch per acre in the judgment entered in the above entitled action on January 19, 1906 and is subject to such modifications and temporary orders as this Court may make for the above entitled cause.

888 10271
T-P.D. 257 IT IS FURTHER ORDERED, ADJUDGED AND DECREED That the intervenor, Guss A. Barth, be and he is hereby awarded the use of the water of the Boise River and the tributaries thereof, subject to the above modifications from May 1, 1889, to be carried through a ditch taking water from the Boise River One Hundred Fifty (150) feet down the River from the point where Hultz Slough formerly took water from said River in the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section Seventeen (17), Township Five (5) North of Range Five (5) West of the Boise Meridian, in Canyon County, Idaho, in the quantity of forty (40) inches of water, measured under a four (4) inch pressure, said forty (40) inches and the whole thereof to be appurtenant to and to be used upon the following described property, situated in Canyon County, Idaho, to-wit:

the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$), Section Seventeen (17), Township Five (5) North of Range Five (5) West of the Boise Meridian,

MICROFILMED

AUG 17 1992

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: 2

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): M. Tressa Tredway Date: 3-20-90
Donald B. Tredway Date: 3/20/90

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of MARCH 1990

[Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994

Receipt Details for ID C015777

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/20/1990 2:10:31 PM	3/20/1990	State	\$345.00	Check
Payer		TREDWAY,M.TRESSA/DONALD B		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2732			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$345.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	21678		\$25.00	Claim
63	271	A	\$170.00	Claim
63	272		\$50.00	Claim
63	5129	D	\$50.00	Claim
63	5130	D	\$50.00	Claim

Print Report

09/19/2006

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

RIGHT NUMBER: 63-271A

NAME AND ADDRESS: DONALD B TREDWAY
27695 WAMSTAD RD
PARMA ID 83660

M TERESSA TREDWAY
27751 WAMSTAD RD
PARMA ID 83660

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.800 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: 05/01/1889

POINT OF DIVERSION:

T05N R05W S22 NESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.800 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE: IRRIGATION Within CANYON County

T05N R05W S17	SWNE	10.00	T05N R05W S17	NENW	30.00
---------------	------	-------	---------------	------	-------

40 ACRES TOTAL

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.

09/19/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

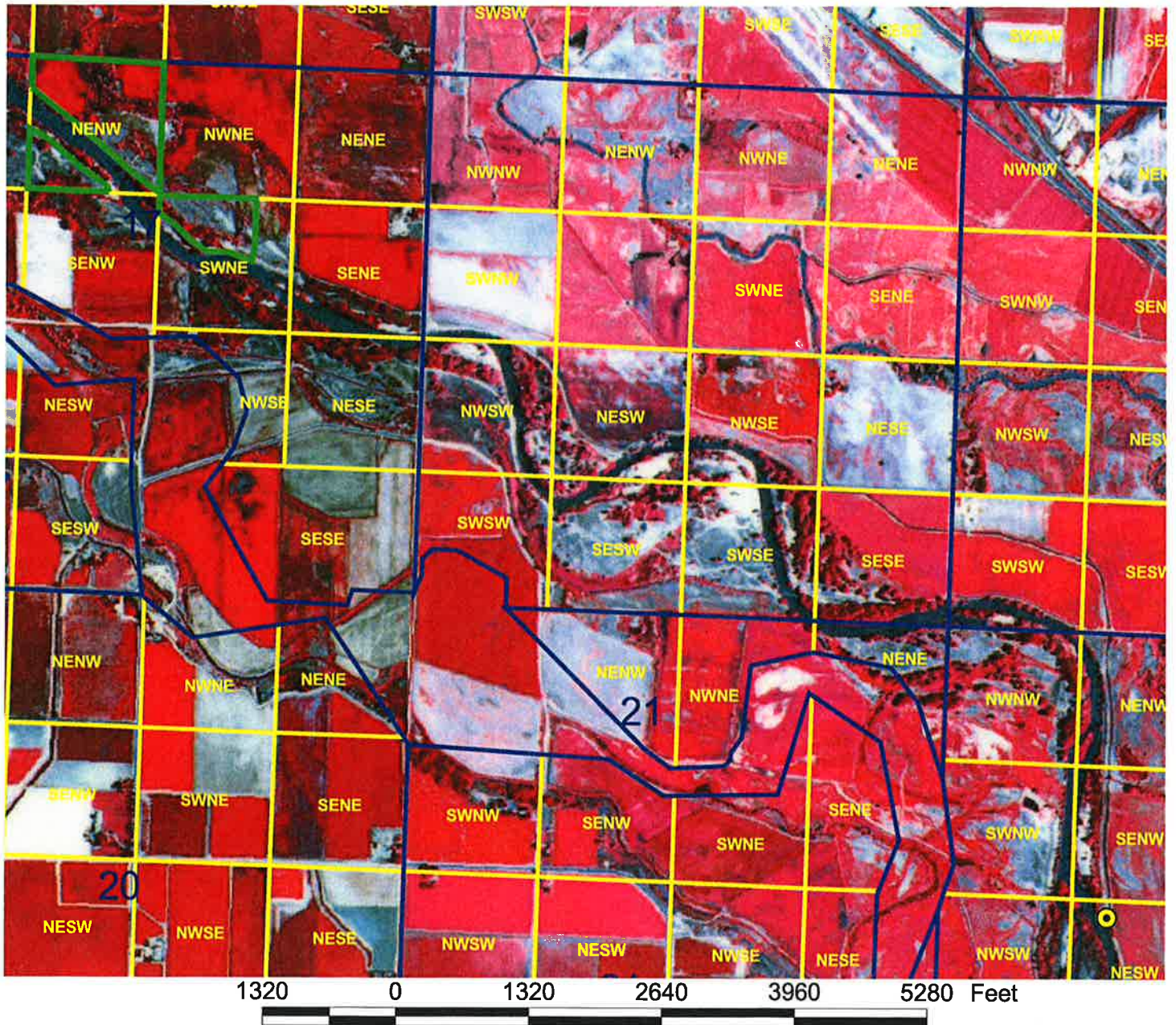
This right is also designated as Right No. 114B in the Boise River Stewart Decree and Boise River Water Distribution Report.

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



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTIONS 17 and 22
Water Right: 63-271A



TOTAL IRRIGATED ACRES = 40

- ⊙ Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: September 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-271A V1

WATER RIGHT NUMBER: 63-271A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD B TREDWAY 27695 WAMSTAD RD PARMA, ID 83660
Current Owner	M TERESSA TREDWAY 27751 WAMSTAD RD PARMA, ID 83660 (208)722-5714
Original Owner	BERT L TREDWAY PARMA, ID 83660
Original Owner	GUS A BARTH PARMA, ID 83660

Priority Date: 05/01/1889

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NE1/4SW1/4	Sec. 22, Twp 05N, Rge 05W, B.M.
CANYON County		

Place of Use

IRRIGATION Within CANYON County

T05N R05W S17	SWNE 10.0	T05N R05W S17	NENW 30.0
---------------	-----------	---------------	-----------

Total Acres: 40

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. F01 Right is diverted at the Parma Ditch Company headgate and delivered by the Parma Ditch Company.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-271A V1

4. S49 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. This right is also designated as Right No. 114B in the Boise River Stewart Decree and Boise River Water Distribution Report.
6. 183 Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:

1. vmusic 9/19/2006 POD

Comment: DOWNSTREAM FROM STAR BRIDGE. POD DECREED IN SEC 17. TRANSFER 257 CHANGED POD TO PARMA DITCH CO POD IN SEC 16 IN 1962. SOMETIMES LATER THE POD WAS CHANGED TO THE PARMA DITCH CO POD IN SEC 22.

2. vmusic 9/19/2006 POU

Comment: CLAIMED 120 ACRES WHICH IS THE TOTAL OF POSSIBLE ACRES DECREED IN 63-271 AND 63-272. THE NESW SECTION 17 WAS DECREED SO REDUCED ACRES TO 40. ALSO THERE HAS BEEN AN ACC TRANSFER IN POU. NOT SURE WHEN BUT 1939 AERIAL SHOWS ACRES IRRIGATED IN THE SWNE WHICH WAS CLAIMED BUT NOT DECREED. RECOMMENDED 30 ACRES IN THE NENW [30 CLAIMED] AND 10 ACRES IN THE SWNE [20 CLAIMED]

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			05/15/2006	scurtis	Active
Contacts	9/19/2006 2:26:59 PM	vmusic			Active
Priority Date	9/19/2006 2:27:17 PM	vmusic			Active
POD	9/19/2006 2:28:18 PM	vmusic			Active
Source	9/19/2006 2:30:49 PM	vmusic			Active
POU	9/19/2006 2:32:14 PM	vmusic			Active
Use	9/19/2006 2:35:48 PM	vmusic			Active
Season	9/19/2006 2:36:11 PM	vmusic			Active
Quantity	9/19/2006 2:36:42 PM	vmusic			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-271A V1

Summary 09/19/2006 vmusic Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/19/2006 2:27:00 PM	vmusic	(No) 1. Do you want to schedule an appointment?
General	9/19/2006 2:27:17 PM	vmusic	Comment for 1: DESKTOP REVIEW (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	9/19/2006 2:28:19 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	9/19/2006 2:30:49 PM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	9/19/2006 2:32:14 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - SEE COMMENTS Description for Question 13 - AERIALS
POU	9/19/2006 2:33:35 PM	vmusic	Updated shape for Active POU
POD	9/19/2006 2:28:50 PM	vmusic	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-271A V1

Summary	9/19/2006 2:42:14 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Use	9/19/2006 2:35:48 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	9/19/2006 2:36:11 PM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	9/19/2006 2:36:42 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
POU	9/19/2006 3:26:21 PM	vmusic	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-271A V1

Summary

5/15/2006 2:37:47 PM

scurtis

(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

Water Supply Bank:

DESKTOP REVIEW / VLM

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-211A

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME Per Canyon Co. text info on Arcview, current
- ☒ NEW OWNER owner is Michael Thiry, 5804 Emerald, Boise, 83704
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary decided
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: Boise R. Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change Decided POD: NENW S17. Trx 257 changed POD to Parma Ditch Co. POD SE S16. Claimed POD NENW S22
- ☐ POD found is different than claimed: which is Parma Ditch Co. POD - no
- ☐ If different, when did POD change? SRBA claims by Parma Ditch Co.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

see claim**OVERLAP REVIEW**Other water rights with the same point of diversion: 63-272

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

additional 80 acres @ 1.6 CFS**WATER USES**☒ No change☐ Different UsesUse irr From 3/1 To 11/15 Amount .6 CFS ✓ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount NA CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change SW☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:

Decree: NE NW 917 (assume 40 acres). Claimed 120 acres which is total acres w/ 63-272

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	5W	11			10		30												40

Overlap with other water rights: 63-272 not possible to irrigate 40 ac. in 29

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

adds 40 acres & 1.6 cfs

Delivery System Narrative:

See claim

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

549 ✓ 504
183 ✓ step down
exp. Police R de line # 114B
005 ✓ acc. trx in POD
003 ✓ acc. trx in POD

FOI exp. diverted @ & delivered by Parma Ditch Co.

- (1) downstream from Star Bridge
- (2) acc trxs in POD to current Parma Ditch Co. POD, 622
- (3) no B portion - rec as 63-271
- (4) Claimed 120 ac decreed to both 271 & 272. reduced
acres to the decreed (?) 40 ac & rec 80 ac as 62-272
- (5) acc trxs in POU? 40 decreed in AENW 17 but only 30 ac
claimed. Assume + 10 acc trxs in SWNE -- SWNE not
decreed in either 63-271 or 63-272

AFTER EXAM THE FILE SHOULD CONTAIN:

- NAC**
- ☒ Completed claim checklist
 - ☐ Photographs of POD's and POU
 - ☐ GPS readings
 - ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

9-19-06

FIELD EXAMINER: _____

Wesley Vmsic

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-271A

WATER RIGHT NUMBER: 63-271A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD B TREDWAY 27695 WAMSTAD RD PARMA, ID 83660
Current Owner	M TERESSA TREDWAY 27751 WAMSTAD RD PARMA, ID 83660 (208)722-5714
Original Owner	BERT L TREDWAY PARMA, ID 83660
Original Owner	GUS A BARTH PARMA, ID 83660

Priority Date: 05/01/1889 ✓

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	3/15 to 11/15	0.800 CFS	
<u>Total Diversion:</u>		0.800 CFS	

Location of Point(s) of DiversionBOISE RIVER
CANYON County

NW1/4NE1/4SW1/4

Sec. 22, Twp 05N, Rge 05W, B.M.

Place of Use

IRRIGATION Within CANYON County

T05N R05W S17 NWNE 40.0

T05N R05W S17

SWNE 20.0

T05N R05W S17 SENE 30.0

T05N R05W S17

NENW 30.0

Total Acres: 120

Conditions of Approval:

- FROM O'DONNELL DITCH TO PARMA DITCH. CHANGE IN P/D ONLY.
TFR #257. THERE ARE TWO POINTS OF RE-DIVERSION USED FROM THE PARMA IRRIG.
CANAL TO SERVICE THIS RT.

Remarks:

SDU
 Stopped down
 acc. in PDU
 delivered by Parma Ditch Co.

decreed
 63-272

40

10 acc. in PDU
 30

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-271A

Comments:

1. mcase 7/20/2004 POD

Comment: Correlated PODID 201568 from SpatialDataID 342527 to SpatialDataID 4950

2. mcase 7/20/2004 POD

Comment: Correlated PODID 201568 from SpatialDataID 342527 to SpatialDataID 4950

Water Supply Bank:

MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NOS. 63-5129B, D, E AND 63-5130B,D,E
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN REGION
SUBJECT: CLAIM ANALYSIS - BASIS OF DISALLOWAL
DATE: 8/9/2006
CC:

Statutory claims 63-5129 [source: Boise R] and 63-5130 [source: wastewater] were filed in 1983 by the Parma Irrigation District for irrigation of 623 acres from the Boise R. via a ditch system. I found information on the Parma Ditch Co, Inc on the IDSOS site. Sam Smyser is the registered agent for the Ditch Co. and he filed the statutory claims. It is still a viable non-profit privately owned corporation.

The statutory claims claim an 1878 [year only is claimed] priority date and the SRBA claims claim a priority date of 4/1/1878. The split claims A and C portions have been withdrawn.

The Boise River decree included rights delivered through the Parma Ditch Co. It did not decree the rights to the ditch company but to the individual property owners. The Boise River decree map does not include the Parma Ditch co. ditch system but does indicate that these claims are not in other irrigation district service area. Here is information regarding the decreed rights through the Parma Ditch Co.

SRBA #	BOISE R DECREE #	POD/POU LEGAL	# ACRES	Q	DECREED NAME	P DATE
63-203*	71	**SE 16/E/2 NW 16, NENE 17, S/2 SE 8, SESW 8, NESE 8	220	4.4 CFS/220"	STOCKTON	6-1-1878
63-209#	74	**SE 16/ SENW 8, NESW 8, NWSE 8, SWNE 8	88	1.76CFS/ 88"	STOCKTON	6-1-1880
63-204+	125	** SE 16/ E/2 NW 16, NENE 17, S/2 SE 8, SESW 8, NESE 8	88	1.76 CFS/ 88"	STOCKTON	6-1-1894
63-272	77A	SESE 16/ SENE, NWNE 17	80	1.6 CFS/ 80"	BARTH	6-1-1881
63-273	77D	SESE 16/ NESW 16	65	1.3 CFS/65"	JURRIES	6-1-1881
63-274	77B	SESE 16/ SWSE 9	17	.34 CFS/17"	FINLAY	6-1-1881
63-275	77C	SESE 16/NWNW 16.	40	.8 CFS/40"	SHIPPY	6-1-1881
63-271%	114B	SENW 17/NENW 17	40	.8 CFS/40"	BARTH	5-1-1889

* split into 63-23270 & 62-32371
split into 63-32372 & 63-32373
+ split into A,B,C,D
** trx 103 in POD
% trx 257

The statutory claims were split in the SRBA as follows:

SRBA #	POD/POU LEGAL	# ACRES	Q	CLAIMANT NAME	P DATE
63-5129A - withdrawn					
63-5129B	same as 273, 5130B		1.39 CFS	MCNALL	4-1-1878
63-5129C - withdrawn					
63-5129D	same as 271A, 272, 5130D		5.2 CFS	TREDWAY	4-1-1878
63-5129E	same as 275, 5130E		2.28 CFS	RUDOLPH	4-1-1878
63-5129F			.87 CFS	SIMPLOT	4-1-1878

SRBA #	POD/POU LEGAL	# ACRES	Q	CLAIMANT NAME	P DATE
63-5130A - withdrawn					
63-5130B	same as 273, 5129B		.83 CFS	MCNALL	4-1-1877
63-5130C - withdrawn					
63-5130D*	same as 271A, 272, 5129D		3.08 CFS	TREDWAY	4-1-1877
63-5130E*	same as 275, 5129E		1.71 CFS	RUDOLPH	4-1-1877
63-5130F			.51 CFS	SIMPLOT	4-1-1877

* claimed Boise R as source

The claimed places of use are not in any irrigation district or canal company service areas. There was no response to requests for evidence of priority sent to the all 63-5129 and 63-5130 claimants. None of the mailed requests were returned as undeliverable.

I am disallowing all of the 63-5129 and 63-5130 claims because all of the claims date back into the Boise River decree which decreed all claims to water delivered through the Parma Ditch Co. If I hear from them and the claimants provide additional information regarding these claims, I will suggest the following:
 1 – advance the priority date to 2/15/1929, which is the day after the decree, if they can provide evidence of priority, or to 3/1/1939. the 1939 aerial clearly shows the Parma Ditch Co. ditches. Additionally, I have the IDSOS that states the ditch company was incorporated in 1915.

2 – Analyze the acres and quantity. Advise that all rights combined will not exceed .02 cfs/acre so that if the decreed Q is for .02 cfs / acre, then all rights combined are not to exceed .02 cfs/acre.

Note re 63-5129D and 63-5130D: Claimant is Tredway. Total claims from the 4 claims, the statutory plus 63-271A and 63-272, is 9.88 cfs for 120 acres. $120 \times .02 \text{ cfs} = 2.4 \text{ cfs}$

VLM

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-271A

09/19/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-5129	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	
63-5129B	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	KENNETH H MC NALL
63-5129F	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	JOHNSON RESEARCH LLC
63-203A	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	SAM H SMYSER
63-203B	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	VIVIAN PORTENIER
63-203C	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	DONNA WESTON
63-203D	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	JOHN R LE FAVE
63-204A	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	SAM H SMYSER
63-204B	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	VIVIAN PORTENIER
63-204C	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	DONNA WESTON
63-204D	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	JOHN R LE FAVE
63-209	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	DONNA WESTON
63-271A	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	DONALD B TREDWAY
63-272	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	DONALD B TREDWAY
63-275	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	NORM E RUDOLPH
63-5129A	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	DONNA WESTON
63-5129D	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	DONALD B TREDWAY
63-5129E	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	NORM E RUDOLPH
63-5130D	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	M TERESSA TREDWAY
63-5130E	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	NORM E RUDOLPH
63-21605	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	VIVIAN PORTENIER
63-32370	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	SAM H SMYSER
63-32371	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	MARGARET R. FARMER
63-32372	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	SAM H SMYSER
63-32373	Claim	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	MARGARET R. FARMER
63-5129	Water Right	05N	05W	22	NE	SW		BOISE RIVER SNAKE RIVER	PARMA IRRIGATION DIST

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-271A

09/19/2006

1

Right #	Type	Tw	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
271A	Claim	05N	05W	17	NW	NE		IRRIGATION	40/120	DONALD B TREDWAY
-272	Claim	05N	05W	17	NW	NE		IRRIGATION	40/120	DONALD B TREDWAY
i129D	Claim	05N	05W	17	NW	NE		IRRIGATION	40/120	DONALD B TREDWAY
i130D	Claim	05N	05W	17	NW	NE		IRRIGATION	40/120	M TERESSA TREDWAY
-272	Water Right	05N	05W	17	NW	NE		IRRIGATION		GUS A BARTH
5129	Water Right	05N	05W	17	NW	NE		IRRIGATION	40/623	PARMA IRRIGATION DIST
5130	Water Right	05N	05W	17	NW	NE		IRRIGATION	40/623	PARMA IRRIGATION DIST
172B	Claim	05N	05W	17	SW	NE		IRRIGATION	7/632	HAAS DITCH CO
202B	Claim	05N	05W	17	SW	NE		IRRIGATION	7/632	HAAS DITCH CO
271A	Claim	05N	05W	17	SW	NE		IRRIGATION	20/120	DONALD B TREDWAY
-272	Claim	05N	05W	17	SW	NE		IRRIGATION	20/120	DONALD B TREDWAY
i129D	Claim	05N	05W	17	SW	NE		IRRIGATION	20/120	DONALD B TREDWAY
i130D	Claim	05N	05W	17	SW	NE		IRRIGATION	20/120	M TERESSA TREDWAY
5129	Water Right	05N	05W	17	SW	NE		IRRIGATION	20/623	PARMA IRRIGATION DIST
5130	Water Right	05N	05W	17	SW	NE		IRRIGATION	20/623	PARMA IRRIGATION DIST
271A	Claim	05N	05W	17	SE	NE		IRRIGATION	30/120	DONALD B TREDWAY
-272	Claim	05N	05W	17	SE	NE		IRRIGATION	30/120	DONALD B TREDWAY
i129D	Claim	05N	05W	17	SE	NE		IRRIGATION	30/120	DONALD B TREDWAY
i130D	Claim	05N	05W	17	SE	NE		IRRIGATION	30/120	M TERESSA TREDWAY
-272	Water Right	05N	05W	17	SE	NE		IRRIGATION		GUS A BARTH
5129	Water Right	05N	05W	17	SE	NE		IRRIGATION	30/623	PARMA IRRIGATION DIST
5130	Water Right	05N	05W	17	SE	NE		IRRIGATION	30/623	PARMA IRRIGATION DIST
1678	Water Right	05N	05W	17	SE	NE		STOCKWATER		DONALD B TREDWAY
1678	Water Right	05N	05W	17	SE	NE		DOMESTIC		DONALD B TREDWAY
271A	Claim	05N	05W	17	NE	NW		IRRIGATION	30/120	DONALD B TREDWAY
-272	Claim	05N	05W	17	NE	NW		IRRIGATION	30/120	DONALD B TREDWAY
i129D	Claim	05N	05W	17	NE	NW		IRRIGATION	30/120	DONALD B TREDWAY
i130D	Claim	05N	05W	17	NE	NW		IRRIGATION	30/120	M TERESSA TREDWAY

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-271A

09/19/2006

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
-271	Water Right	05N	05W	17	NE	NW		IRRIGATION		BERT L TREDWAY
271A	Water Right	05N	05W	17	NE	NW		IRRIGATION		BERT L TREDWAY
5129	Water Right	05N	05W	17	NE	NW		IRRIGATION	30/623	PARMA IRRIGATION DIST
5130	Water Right	05N	05W	17	NE	NW		IRRIGATION	30/623	PARMA IRRIGATION DIST

http://wenet/apps/appsWorkflow/Framebuild.asp - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Search Favorites

Address http://wenet/apps/appsWorkflow/Framebuild.asp Go Links

References

[Remedy](#)

[Launch ArcView](#)

[Administrative Rules](#)

[Query Tools](#)

[Data Entry](#)

[Standards](#)

Show Help

Screen ID 424

Process:

Information Search

Step: Search Information

Information Search (WR/AJ)

B...	Seq...	Suffix	V...	Source Table	Basis	Status	Priority Date	Div...	Source List	Water Use ...	Owner List	Water
63	172			waAdjudication...	Decreed	See Rem...	1868-06-01	8.54	BOISE RIVER	IRRIGATION		
63	271	A		waAdjudication...	Decreed	Active	1889-05-01	0.80	BOISE RIVER	IRRIGATION	TREDWAY, DONALD B (Current)...	
63	272			waAdjudication...	Decreed	Active	1881-06-01	1.60	BOISE RIVER	IRRIGATION	TREDWAY, DONALD B (Current)...	
63	5129			waAdjudication...		See Rem...	1878-04-01	27...	BOISE RIVER	IRRIGATION		
63	5129	D		waAdjudication...	Beneficial...	Active	1878-04-01	5.20	BOISE RIVER	IRRIGATION	TREDWAY, DONALD B (Current)...	
63	5130			waAdjudication...		See Rem...	1877-04-01	16...	WASTE WATER	IRRIGATION		
63	5130	D		waAdjudication...	Beneficial...	Active	1877-04-01	3.08	BOISE RIVER	IRRIGATION	TREDWAY, DONALD B (Current)...	
63	271	A	1	waAdjudication...		Active	1889-05-01	0.80	BOISE RIVER	IRRIGATION	TREDWAY, DONALD B (Current)...	
63	272		1	waAdjudication...		Active	1881-06-01	1.60	BOISE RIVER	IRRIGATION	TREDWAY, DONALD B (Current)...	
63	5129	D	1	waAdjudication...		Active	1878-04-01	5.20	BOISE RIVER	IRRIGATION	TREDWAY, DONALD B (Current)...	
63	5130	D	1	waAdjudication...		Active	1877-04-01	3.08	BOISE RIVER	IRRIGATION	TREDWAY, DONALD B (Current)...	
63	172			waWaterRight	Decreed	Active	1868-06-01	8.54	BOISE RIVER	IRRIGATION	ALLEN, C H (Current); DILLEY, E...	
63	271			waWaterRight	Decreed	Active	1889-05-01	0.80	BOISE RIVER	IRRIGATION	TREDWAY, BERT L (Current)	
63	271	A		waWaterRight	Decreed	Active	1889-05-01	0.80	BOISE RIVER	IRRIGATION	TREDWAY, BERT L (Current)	
63	5129			waWaterRight	Statutory...	Active	1878-04-01	27...	BOISE RIVER	IRRIGATION	PARMA IRRIGATION DIST (Cur...	
63	5130			waWaterRight	Statutory...	Active	1877-04-01	16...	WASTE WATER	IRRIGATION	PARMA IRRIGATION DIST (Cur...	
63	32221			waWaterPermit		Active	2005-10-07	4.00	GROUND WATE...	MUNICIPAL	CITY OF PARMA (Current)	

The number of records is 17

View Documents Print Proof Report Print Transfer Part 2 Update Arcview

Parameters Results

Hide References Next Step Return to Home Previous Steps: Screen ID 424

Done Local Intranet

SRBA claim -
same POU

NO 13-271B

same POU's
271A, 272, 5129D, 5130D
2715, 5129E, 5130E

T5N R5W S17 NENW OVERLAP SEARCH

http://wenet/apps/appsWorkflow/Framebuild.asp - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Print Mail Address http://wenet/apps/appsWorkflow/Framebuild.asp Go Links

Information Search (WR/AJ)

Basin	Seq...	S...	V...	Source Table	Basis	Status	Priority Date	Di...	Source List	Water Use List	Owner List	Water Sup
63	204			wAdjudication...		See Rem...	1894-06-01	1.76	BOISE RIVER	IRRIGATION		
63	204	A		wAdjudication...	Decreed	Parent	1894-06-01	0.75	BOISE RIVER	IRRIGATION	SMYSER, SAM H (Current)	
63	204	B		wAdjudication...	Decreed	Active	1894-06-01	0.20	BOISE RIVER	IRRIGATION	MARTIN, MONA I (Current...	
63	204	C		wAdjudication...	Decreed	Active	1894-06-01	0.25	BOISE RIVER	IRRIGATION	WESTON, DONNA (Current)	
63	204	D		wAdjudication...	Decreed	Active	1894-06-01	0.50	BOISE RIVER	IRRIGATION, ...	LE FAVE, JOHN R (Current...	
63	204			wWaterRight	Decreed	Active	1894-06-01	1.76	BOISE RIVER	IRRIGATION	STOCKTON, R H (Current)	

The number of records is 6

[View Documents](#) [Print Proof Report](#) [Print Transfer Part 2](#) [Update Arcview](#)

Parameters Results

[Show References](#) [Next Step](#) [Return to Home](#) Previous Steps: Screen ID:424

Done Local Intranet

start Calendar - Microsoft ... http://wenet/apps/a... memo to claim file 63-... Document3 - Microsof... ArcView GIS 3.2a 2:00 PM

Information Search (WR/AJ)

Basin	Seq...	S...	V...	Source Table	Basis	Status	Priority Date	Di...	Source List	Water Use List	Owner List	Water Sug
63	204			wAdjudication...		See Rem...	1894-06-01	1.76	BOISE RIVER	IRRIGATION		
63	204	A		wAdjudication...	Decreed	Parent	1894-06-01	0.75	BOISE RIVER	IRRIGATION	SMYSER, SAM H (Current)	
63	204	B		wAdjudication...	Decreed	Active	1894-06-01	0.20	BOISE RIVER	IRRIGATION	MARTIN, MONA I (Current...	
63	204	C		wAdjudication...	Decreed	Active	1894-06-01	0.25	BOISE RIVER	IRRIGATION	WESTON, DONNA (Current...	
63	204	D		wAdjudication...	Decreed	Active	1894-06-01	0.50	BOISE RIVER	IRRIGATION, ...	LE FAVE, JOHN R (Curren...	
63	204			wWaterRight	Decreed	Active	1894-06-01	1.76	BOISE RIVER	IRRIGATION	STOCKTON, R H (Current)	

The number of records is 6

[View Documents](#)

[Print Proof Report](#)

[Print Transfer Part 2](#)

[Update Arcview](#)

Parameters

Results

[Show References](#)

[Next Step](#)

[Return to Home](#)

Previous Steps:

Screen ID 424

River and its tributaries in the amount claimed in their Complaint in Intervention, and that the intervenors have priority of right to the use of the water of the Boise River and its tributaries and the Court being fully advised in the premises,

IT IS ORDERED, ADJUDGED AND DECREED, That the quantity of water required for the successful cultivation and irrigation of said lands, measured at the point where said ditches take water from the said Boise River, is one (1) inch per acre; that said one (1) inch per acre is understood to be in the same status as the one (1) inch per acre in the judgment entered in the above entitled action on January 19, 1906 and is subject to such modifications and temporary orders as this Court may make for the above entitled cause.

0271 IT IS FURTHER ORDERED, ADJUDGED AND DECREED That the intervenor, [REDACTED] be and he is hereby awarded the use of the water of the Boise River and the tributaries thereof, subject to the above modifications from [REDACTED] to be carried through a ditch taking water from the Boise River One Hundred Fifty (150) feet down the River from the point where [REDACTED] formerly took water from said River in the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section Seventeen (17), Township Five (5) North of Range Five (5) West of the Boise Meridian, in Canyon County, Idaho, in the quantity of forty (40) inches of water, measured under a four (4) inch pressure, said forty (40) inches and the whole thereof to be appurtenant to and to be used upon the following described property, situated in Canyon County, Idaho, to-wit:

the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$), Section Seventeen (17), Township Five (5) North of Range Five (5) West of the Boise Meridian,

POW
SENE 17

40"

POW
NE NW 17

10
467
63-7
63-271
thru
63-275

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

FARMERS CO-OPERATIVE DITCH COMPANY. }

Plaintiff, }

-vs- }

RIVERSIDE IRRIGATION DISTRICT, Ltd., }

A Corporation, }

Defendant. }

GUS A. BARTH, LESTER J. SHIPPY, }

CHARLES JURRIES and JAMES FINLAY, }

Intervenors. }

D E C R E E

ENTERED AND

FILED

5:15 P.M.

MAR 3 - 1928

MYRTLE BERNARD, Clerk

Rose Edwards, Deputy.

- 0 -

This matter coming on regularly to be heard on the 27th day of February, 1928, upon the Complaint in Intervention of the intervenors, Guss A. Barth, Lester J. Shippy, Charles Jurries and James Finlay, the default of all the other parties to this action, after due and legal service of the Complaint in Intervention having been duly and regularly entered, and the Court having filed its Findings of Fact and Conclusions of Law from which it appears that all the material facts stated in said Complaint in Intervention are true and sustained by competent evidence, and that the matters so alleged and proved are sufficient in law to entitle the intervenors, Guss A. Barth, Lester J. Shippy, Charles Jurries and James Finlay, and each of them, to the relief prayed for in said Complaint in Intervention.

That said intervenors are the owners of the respective pieces of land described in the Complaint in Intervention and hereinafter described; that said intervenors, and each of them, are entitled to the use of the water of the Boise

Decree # XIV

River and its tributaries in the amount claimed in their Complaint in Intervention, and that the intervenors have priority of right to the use of the water of the Boise River and its tributaries and the Court being fully advised in the premises,

IT IS ORDERED, ADJUDGED AND DECREED, That the quantity of water required for the successful cultivation and irrigation of said lands, measured at the point where said ditches take water from the said Boise River, is one (1) inch per acre; that said one (1) inch per acre is understood to be in the same status as the one (1) inch per acre in the judgment entered in the above entitled action on January 19, 1906 and is subject to such modifications and temporary orders as this Court may make for the above entitled cause.

89 0271 IT IS FURTHER ORDERED, ADJUDGED AND DECREED That the intervenor, [REDACTED] be and he is hereby awarded the use of the water of the Boise River and the tributaries thereof, subject to the above modifications from [REDACTED] to be carried through a ditch taking water from the Boise River One Hundred Fifty (150) feet down the River from the point where [REDACTED] formerly took water from said River in the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section Seventeen (17), Township Five (5) North of Range Five (5) West of the Boise Meridian, in Canyon County, Idaho, in the quantity of forty (40) inches of water, measured under a four (4) inch pressure, said forty (40) inches and the whole thereof to be appurtenant to and to be used upon the following described property, situated in Canyon County, Idaho, to-wit:

the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$), Section Seventeen (17), Township Five (5) North of Range Five (5) West of the Boise Meridian,

and the said intervenor, [REDACTED], be and he is hereby awarded the use of the water of the Boise River and the tributaries thereof, subject to the modifications, from [REDACTED], to be carried through a ditch taking water from Boise River at a point near the Southeast corner of the Southeast Quarter (SE $\frac{1}{4}$), Section Sixteen (16), Township Five (5) North of Range Five (5) West of the Boise Meridian, in Canyon County, Idaho, in the quantity of eighty (80) inches, measured under a four (4) inch pressure, said eighty (80) inches and the whole thereof to be appurtenant to and to be used upon the following described property situated in Canyon County, Idaho, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), and the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section Seventeen (17), Township Five (5) North of Range Five (5) West of the Boise Meridian.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That

the intervenor, [REDACTED], be and he is hereby awarded the use of the water of the Boise River and the tributaries thereof, subject to the above modifications, from [REDACTED], to be carried through a ditch taking water from Boise River at a point near the Southeast corner of the Southeast Quarter (SE $\frac{1}{4}$), Section Sixteen (16), Township Five (5) North of Range Five (5) West of the Boise Meridian, in Canyon County, Idaho, in the quantity of Sixty-five (65) inches, measured under a four (4) inch pressure, said Sixty-five (65) inches and the whole thereof to be appurtenant to and to be used upon the following described property situated in Canyon County, Idaho, to-wit:

The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section Sixteen (16), Township Five (5) North of Range Five (5) West of the Boise Meridian, and beginning at a point 80 rods South of the Northwest corner of said Section 16, Township and Range aforesaid; thence South 118 rods; thence Southeasterly to the Northeast corner of the Southwest forty of said Section 16 to a point intersecting the Boise River; thence North 160 rods; thence West 80 rods to the point of beginning.

63 0274 IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the intervenor, [REDACTED], be and he is hereby awarded the use of the water of the Boise River and the tributaries thereof, subject to the above modifications, from [REDACTED] [REDACTED], to be carried through [REDACTED] taking water from Boise River at a point near the Southeast corner of the Southeast Quarter (SE $\frac{1}{4}$), Section Sixteen (16), Township Five (5) North of Range Five (5) West of the Boise Meridian, in Canyon County, Idaho, in the quantity of seventeen (17) inches, measured under a four (4) inch pressure, said seventeen (17) inches and the whole thereof to be appurtenant to and to be used upon the following described property situated in Canyon County, Idaho, to-wit:

Beginning at the Southwest corner of Section Nine (9), Township Five (5) North of Range Five (5) West of the Boise Meridian; thence North on the section line 1320 feet; thence South 33° 20' East 680 feet; thence South 68° 35' East 522 feet; thence South 18° 04' East 480 feet; thence South 22° 26' West 145 feet to the South line of said Section 9; thence West 955 feet to the point of beginning, containing seventeen (17) acres, more or less.

63 0275 IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the intervenor, [REDACTED], be and he is hereby awarded the use of the water of the Boise River and the tributaries thereof, subject to the above modifications, from [REDACTED] [REDACTED], to be carried through a [REDACTED] taking water from Boise River at a point near the Southeast corner of the Southeast Quarter (SE $\frac{1}{4}$), Section Sixteen (16), Township Five (5) North of Range Five (5) West of the Boise Meridian, in Canyon County,

Idaho, in the quantity of forty (40) inches, measured under a four (4) inch pressure, said forty (40) inches and the whole thereof to be appurtenant to and to be used upon the following described property situated in Canyon County, Idaho, to-wit:

The Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$), Section Sixteen (16), Township Five (5) North of Range Five (5) West of the Boise Meridian.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the complaint, cross-complaint and all pleadings filed in this case be and the same are hereby amended to conform to the facts as herein found by the Court.

Done in open Court this the 27th day of February, 1928.

Ed. L. Bryan,

District Judge.

STATE OF IDAHO, }
County of Canyon, } ss.

I, Myrtle Bernard, Clerk of the District Court and Ex-officio Recorder of the County of Canyon, State of Idaho, do hereby certify that the foregoing copy of Decree

has been compared by me with the original, and that it is a correct transcript therefrom, and of the whole of such original Decree

as the same appears on record in my office

In TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this 16th day of July, 1929.

Myrtle Bernard
Clerk of the District Court and Ex-officio Recorder.

By Anna J. J. J. Deputy.

RESOLUTION

WHEREAS, Bert Tredway has in the past been authorized to take 40 inches of water thru the O'Donnell Ditch for the hereinafter described land, and

WHEREAS, for the past several years immediately prior to this resolution Bert Tredway has actually had said 40 inches of water delivered to him thru the Parma Ditch, and

WHEREAS, there has been and is no detriment to other members of the Parma Ditch Company by virtue of said water being delivered to Bert Tredway thru the Parma Ditch,

NOW, THEREFORE, BE IT RESOLVED that Bert Tredway be and he hereby is authorized to have said 40 inches of water, originally delivered to his property thru the O'Donnell Ditch, delivered to him thru the Parma Ditch and that the Reclamation Department be officially notified by the President of the Parma Ditch Company of this action by the Directors of Parma Ditch Company in order to set a new point of diversion for said water for said Bert Tredway; that the land to which said water is to be delivered and on which said water is to be used is described as follows:

NE of the NW $\frac{1}{4}$ of Section 17, T 5, R 5,
B.M., Canyon County, Idaho.

Dated this _____ day of May, 1962.

Alvin H. Austin
President

WITNESSES:

John H. Guley
Secretary

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

63-0271

In the Matter of the Application of)

Bert L. Tredway
of
Parma, Idaho)

ORDER GRANTING CHANGE OF
POINT OF DIVERSION

For a Change of Point of Diversion
of Decreed Water Right, Water Dis-
trict No. 12-A, Canyon County, Idaho.)

NO. 257

WHEREAS, on the 5th day of October, 1962, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of the application of Bert L. Tredway for a change of point of diversion, 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, 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 10th day of October, 1962.

GEO. N. CARTER
State Reclamation Engineer
By

(SEAL)

s/ RALPH W. THOMAS

RALPH W. THOMAS, Deputy
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION
OF DECREED WATER RIGHT NO. 257

THIS IS TO CERTIFY, That Bert L. Tredway, of Parma, Idaho, is the owner of and using a certain water right for .80 cubic feet per second of the waters of Boise River, with priority of May 1, 1889, said water being decreed to Gus A. Barth by Judge Ed L. Bryan 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

vs.

RIVERSIDE IRRIGATION DISTRICT, Ltd.,

said decree bearing date of February 27, 1928, and being appurtenant to the following described lands, to-wit:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, Township 5 North,
Range 5 W. B. M.,

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, Page 395 thereof;

And that now, upon the application of Bert L. Tredway, 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 .80 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:

0.80 cubic feet per second of the waters of
Boise River, with priority of May 1, 1889;

That the water right hereby transferred has heretofore been conducted from Boise River, through the O'Donnell Ditch, with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 5 North, Range 5 W. B. M.,

That the water right hereby transferred will hereafter be conducted to said land through the Parma Ditch with point of diversion in the SE $\frac{1}{4}$, Section 16, Township 5 North, Range 5 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 10th day of
October, 1962.

GEO. N. CARTER
State Reclamation Engineer
By

(SEAL)

s/ RALPH W. THOMAS

RALPH W. THOMAS, Deputy
State Reclamation Engineer

Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO,

County of Ada

ss.

Bert Tredway, being first duly sworn, deposes and says: That his postoffice address is Parma, Idaho; That he is the owner of and using a certain water right, bearing date of priority of May 1, 1889, for 80 cubic feet per second of the waters of Boise River, County of Canyon, State of Idaho, decreed to Gus A. Barth, by decree of Judge Ed. L. Bryan, 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 vs. Riverside Irrigation District Ltd. said decree bearing date of February 14, 1928, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 12A, in the County of Canyon, and State of Idaho, to-wit: NE 1/4 of NW 1/4 of Section 17 T 5 N R 5 W of Boise Meridian

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: by Mesne Conveyance

That said waters are now diverted from said stream in the SE 1/4 NE 1/4 of Sec. 17, Twp. 5 N, Range 5 W, and conducted to the above described lands through the O'Donnell ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in 1/4 of SE 1/4, Sec. 16, Twp. 5, Range 5, and thereafter conduct same to the above described land through the Parma ditch, as per map above referred to:

That his reasons for desiring to make such change are as follows: The O'Donnell Ditch was completely destroyed by the 1943, flood and this water has been delivered through the Parma Ditch since that time.

That no one will be injured by such change and that such change will be made at affiant's own risk.

Subscribed and sworn to before me this

6

day of

August1962

Affiant.

Bert L. TredwayLarry Constantine
Notary Public

NOTE: If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

227 P.D.

RECORDED

W-544 8-5N-5W

12AS-5 PB changed to DENR 12-5N-5W

Vol 5 P 395

STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHAPT NO. 3

NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	NO.	PRIORITY DATE	AMOUNT DECREED			INCHES	TOTAL SEC. FT.	
					STEWART DECREE	INTERVENORS				
						STEWART DECREE	BRYAN DECREE			
NEW YORK			131	3-23-1900	219.10			10955		
				3-23-1900			58.86	2343		
				12-14-1903			1354.58	57729		
				6-16-1909			926.50	46325		
		(790-111)	8	9-1-1864	20.00			1000		
			45	6-1-1869	.34			17		
		(790-111)	96	10-1-1887	1.20			60		
		466	106	8-20-1888	8.90			445		
		701	30	5-1-1866	2.00			100		
		823	30	5-1-1866	6.00			300		
		976	30	5-1-1866	1.50			75		
		1007	30	5-1-1866	1.00			50		
		1010	30	5-1-1866	2.00			100		
		1017	30	5-1-1866	.60			30		
		1074	30	5-1-1866	2.00			100	2604.58	
	PARMA DITCH			71	6-1-1878	4.40			220	
			74	6-1-1880	1.76			88		
			125	6-1-1894	1.76			88		
			77-A	6-1-1881		1.60		80		
			77-E	6-1-1881		.34				
			77-C	6-1-1881		.80				
			77-D	6-1-1881						
257			114-B	5-1-1889					12.76	
PENITENTIARY		46		50	6-1-1870					.24
		PHYLISS		90	6-1-1884					
	117		9-1-1890	21						
	135		4-1-1904	5						
			4-1-1905							
			4-1-1908							
	1038		30	5-1-1866	21.7					

① the 257 changed from from decreed sec 17 to sec 16 SE. no info re change in

*SUBTRACT

① 257 changed PON
from decreed SEC 17
to SEC 16 SE.
② no info re change in
PON to SEC 22.
PON for 63-271A & 272 same