

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: A63-00272
Date Received: 3/20/1990
Receipt No: 5015777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: M. TRESSA TREDWAY
Address: 27751 WAMSTAD ROAD
PARMA, ID 83660 208-722-5714

OR

Name: DONALD B. TREDWAY
Address: 27695 WAMSTAD ROAD
PARMA, ID 83660

2. Date of Priority: JUN 01, 1881

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:
THIS RIGHT IS TAKEN THROUGH THE PARMA IRRIG.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	1.600		

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

8. Total consumptive use is 420.0 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:
A6305129D,A63-05130D,A63-00271A

14. Remarks:
THIS WATER RIGHT IS PRESENTLY CARRIED THROUGH THE PARMA IRRIG.
DISTRICT CANAL, THIS WAS ACCOMPLISHED BY TFR. #103. THERE ARE
TWO POINTS OF RE-DIVERSION FROM THE CANAL TO SERVICE THE RIGHT.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

FARMERS CO-OP DITCH CO.
Decree Plaintiff

vs RIVERSIDE IRR. DIST.
Decree Defendant

63 0272

T-P.D. 103

and the said 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 modifications, from June 1st, 1881, 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

63 0273

T-P.D. 103

the intervenor, Lester J. Shippy, 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 June 1st, 1881, 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:

MICROFILMED

AUG 17 1982

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): Ms. Tressa Tredway Date: 3-20-90
Ronald B. Tredway Date: 3/20/90

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of MARCH 19 90
Harriet C. Luthy
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
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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: 63-272

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: 1.600 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: 06/01/1881

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	1.600 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	NWNE	40.00	T05N R05W S17	SWNE	5.50
T05N R05W S17	SENE	34.50			

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

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

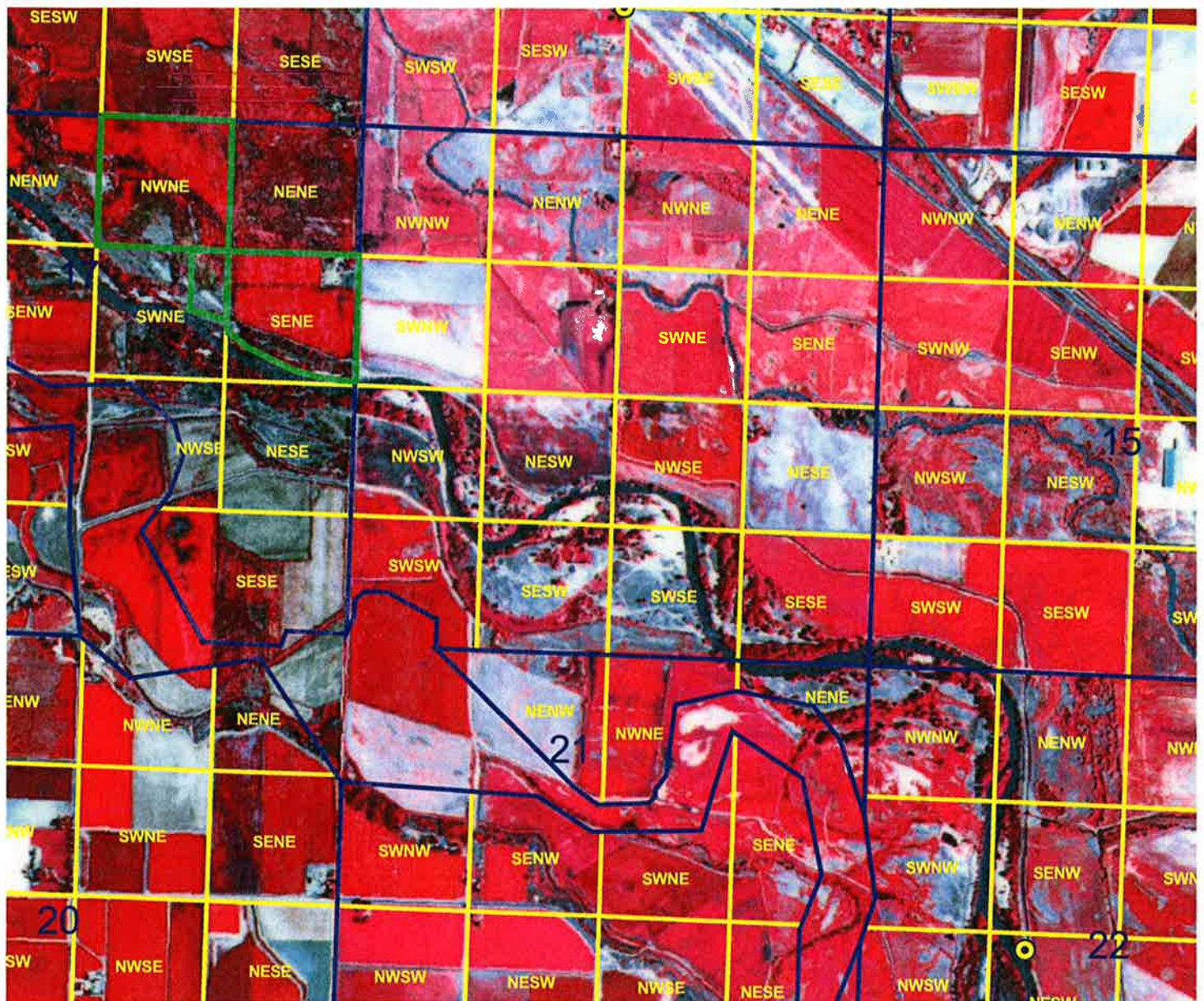
This right is also designated as Right No. 77A in the Boise River Stewart Decree and Boise River Water Distribution Report.

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: 63-272



1320 0 1320 2640 3960 5280 Feet

TOTAL IRRIGATED ACRES = 80



-  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 63-272 V1

WATER RIGHT NUMBER: 63-272 V1

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

Priority Date: 06/01/1881

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	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

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

Place of UseIRRIGATION Within CANYON County

T05N R05W S17	NWNE	40.0	T05N R05W S17	SWNE	5.5
T05N R05W S17	SENE	34.5			
Total Acres: 80					

Conditions of Approval:

1. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-272 V1

2. 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.
3. 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.
4. F01 Right is diverted at the Parma Ditch Company headgate and delivered by the Parma Ditch Company.
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
6. This right is also designated as Right No. 77A in the Boise River Stewart Decree and Boise River Water Distribution Report.
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 OF STAR BRIDGE. ACC TRANSFER IN POD TO PARMA DITCH CO HEADGATE IN SECTION 22 BEFORE 1987. POSSIBLY IN THE 1960S WHEN THE PARMA DITCH CO WAS REINSTATED BY THE IDAHO SEC OF STATE.

2. vmusic 9/19/2006 POU

Comment: ACC TRANSFER IN POU EVIDENT IN THE 1939 AERIAL. NOT POSSIBLE TO IRRIGATE 40 ACRES IN THE NENE DUE TO THE RIVER. ACC TRANSFER IN ABOUT 5 ACRES IN TH ESWNE.

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 3:38:39 PM	vmusic			Active
Priority Date	9/19/2006 3:40:03 PM	vmusic			Active
POD	9/19/2006 3:43:45 PM	vmusic			Active
Source	9/19/2006 3:44:44 PM	vmusic			Active
POU	9/19/2006 3:45:37 PM	vmusic			Active
Use	9/19/2006 4:03:04 PM	vmusic			Active
Season	9/19/2006 4:03:26 PM	vmusic			Active
Quantity	9/19/2006 4:03:54 PM	vmusic			Active
Summary			09/19/2006	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/19/2006 3:44:21 PM	vmusic	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-272 V1

General	9/19/2006 3:40:03 PM	vmusic	(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 3:43:45 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 3:44:44 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 3:45:38 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 - EVIDENT IN1939 AERIAL - POSSIBLE CHANGE IN RIVER Description for Question 13 - AERIALS
Use	9/19/2006 4:03:04 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-272 V1

Season	9/19/2006 4:03:26 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? (Yes) 18. Is a Period of Use remark and/or condition required?
Contacts	9/19/2006 3:38:39 PM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
POU	9/19/2006 4:00:55 PM	vmusic	Updated shape for Active POU
Quantity	9/19/2006 4:03:54 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? (Yes) 12. Is a Quantity remark or condition required?
Summary	9/19/2006 4:11:21 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?
Summary	5/15/2006 2:38:35 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?

Desktop NWHW

**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) 63-212

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Per Canyon CC tax lot info on Archival, current
owner: Michael Thiry, 5804 Emerald, Boise, 83704

Accompanied by: _____

PRIORITY DATE

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

-declared

Priority date, per claimant, is: _____

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

Source: _____ Tributary to _____

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

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

declared POD S&SE 417 - acc by 1st POD to
Parma Ditch Co. POD in sec 22

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:

several -- 63-211-A same owner

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

WATER USES☒ No change☐ Different UsesUse *irrig* From *3/1* To *11/15* Amount *1.6* 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☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

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

*80 maximum acres decreed in GENE & NUNE 17.
 all max from GENE (not possible to
 irrigate 40 ac -- some change in river) to GENE -
 evident in 1939 aerial.*

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	17		40	5	35													80

Overlap with other water rights: 63-271A

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

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 ✓ stepdown
 002 ✓ Boise R decree # 17A
 001 ✓ diverted/delivered by Parma Ditch CO.
 003 ✓ Acc for PDD
 005 ✓ Acc for PDU

- (1) POD - downstream of Star Bridge
- (2) all trx in POD to Parma Ditch CO. headgate in section 22
- (3) all trx in POD - due to change in river? to SWNE 17
seen in the 1939 Aerial.
- (4)

AFTER EXAM THE FILE SHOULD CONTAIN:

- NA C
- ☒ 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

9-12-06

FIELD EXAMINER:

Wiley L. M. C.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-272

WATER RIGHT NUMBER: 63-272

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

Priority Date: 06/01/1881 ✓

Basis: Decreed

Status: Active

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

311
6

From To
3/15 to 11/15

Diversion Rate

1.600 CFS ✓

Annual VolumeTotal Diversion: 1.600 CFSLocation of Point(s) of DiversionBOISE RIVER
CANYON County

NW1/4NE1/4SW1/4

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

Place of UseIRRIGATION 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:

1. THIS WATER RIGHT IS PRESENTLY CARRIED THROUGH THE PARMA IRRIG. DISTRICT CANAL, THIS WAS ACCOMPLISHED BY TFR. #103. THERE ARE TWO POINTS OF RE-DIVERSION FROM THE CANAL TO SERVICE THE RIGHT.

Remarks:

504
stepdown
parma Ditch
all brx pon, pond
717

5
decided 63, 271

80
35

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-272

Comments:

1. mcase 7/20/2004 POD

Comment: Correlated PODID 201569 from SpatialDataID 342527 to SpatialDataID 4950

2. mcase 7/20/2004 POD

Comment: Correlated PODID 201569 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: 8/8/2006
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., all with priority dates of 6-1-1881. It did not decree the rights to the ditch company but to the individuals. The Boise River decree map does not include the Parma Ditch Co ditch system. Here is information regarding the decreed rights through the Parma Ditch.

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	1.76 CFS/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	.34 CFS/ 17"	JURRIES	6-1-1881
63-274	77B	SESE 16/ SWSW 9	17	.8 CFS/ 40 "	FINLAY	6-1-1881
63-275	77C	SESE 16/ NWNW 16	40	1.3 CFS/ 65"	SHIPPY	6-1-1881
63-271%	114B	SENE 17/NENW 17	40	.8 CFS/40"	BARTH	5-1-1889

* split into 63-32370 & 63-37371
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 POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-272

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
i1678	Water Right	05N	05W	17	SE	NE		STOCKWATER		DONALD B TREDWAY
i1678	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: 63-272

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

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-272

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

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		17	
			77-C	6-1-1881		.80		40	
			77-D	6-1-1881		1.30		65	
	257		114-B	5-1-1889		.80		40	12.76
PENITENTIARY	46		50	6-1-1870	2.24			112	2.24
PHYLISS			90	6-1-1884	53.10			2655	
			117	9-1-1890	200.00			10000	
			135	4-1-1904	56.34			2817	
				4-1-1905			306.56	15328	
				4-1-1908			54.50	2725	
		1038	30	5-1-1866	21.715			1086	692.215

*SUBTRACT

63-5130 - WW diversion ?

63-5129 Boise R 1878 prior

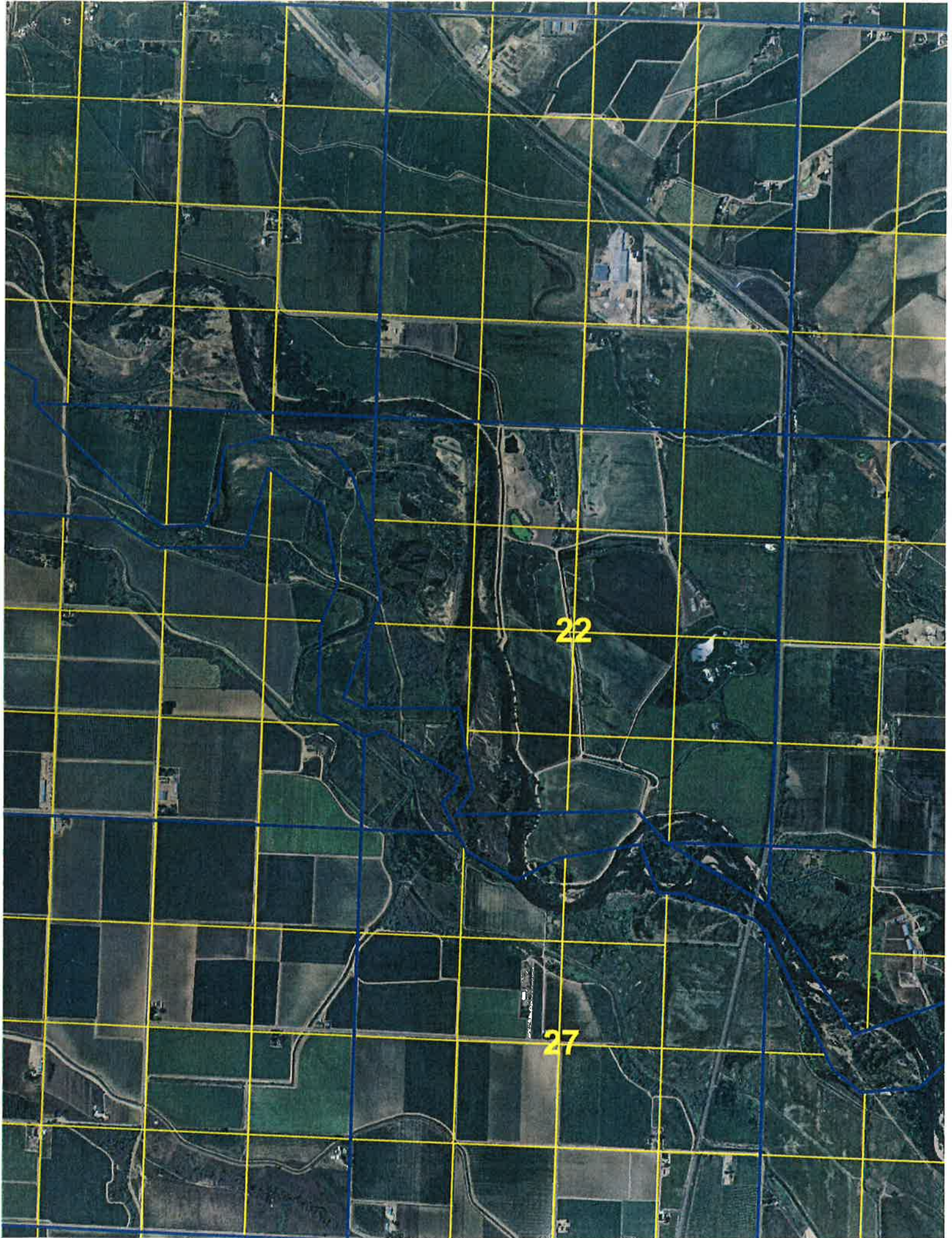
- all area " " rts existing
by 2/14/1929 were recognized
in Bryan Decree

- 63-5129 pre-dates decree - not
included in 1929

- Canal did not exist in 1939
photo

22

27



22

27

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), Town-
ship 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 appur-
tenant to and to be used upon the following described pro-
perty 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 Seven-
teen (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 modifi-
cations, from [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 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:

POD
SE 16

80"

POU
SENE 17
NWNE

3 0272

63 0273

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-272

WATER RIGHT NUMBER: 63-272

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GUS A BARTH
	PARMA, ID 83660

Priority Date: 06/01/1881

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

BOISE RIVER	SE1/4SE1/4	Sec. 16, Twp 05N, Rge 05W, B.M.
CANYON County		

Place of Use

IRRIGATION Within CANYON County

T05N R05W S17	NWNE	T05N R05W S17	SENE
---------------	------	---------------	------

Conditions of Approval:

Remarks:

Comments:

Water Supply Bank:

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

63-7

63-271

4hr4

63-275

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,

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), Town-
ship 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 appur-
tenant to and to be used upon the following described pro-
perty 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 Seven-
teen (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 modifi-
cations, 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], 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], 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, } ss.
County of Canyon, }

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. Janssen Deputy.