

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: A63-00273
Date Received: 3/01/1990
Receipt No: W010084
Received By: 242

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH H. MCNALL 208-454-0479
Address: 509 W. HAZEL ST.
CALDWELL, ID 83605

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	16	NW	SE			CANYON

5. Description of diverting works:
GRAVITY FLOW DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.300		

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

8. Total consumptive use is 227.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	05W	16	SW	NW		IRR	36.0
			NE	SW		IRR	2.0
			NW	SW		IRR	27.0

Section Acres 65.0

A63-00273

Page 1

Date: 03/01/90

MICROFILMED

AUG 17 1992

10. Place of Use: Continued

Total Acres 65.0

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:
A63-05129A, A63-05130A

14. Remarks:
CLAIMANT HAS CERTIFICATE FOR 65 SHARES FROM THE PARMA DITCH CO.
SHARE #15.
FIELD EXAM NECESSARY TO DETERMINE POINT OF DIVERSION FROM THE
RIVER. DIVERSION LISTED IS REDIVERSION FROM THE DITCH TO THE
CLAIMANT'S PROPERTY.

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

FARMERS CO-OP DITCH CO.
Decree Plaintiff

vs

RIVERSIDE IRR. DIST.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

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): Kenneth H McNell Date: March 1 1990

Date: _____

State of Idaho)
County of Adair) SS.

Subscribed and sworn (or affirmed) before me this 1 day
of March 19 90 Linda Werner
Notary Public

Seal

Residing at LINDA WERNER
RESIDING AT EAGLE, IDAHO
My Commission Expires MY COMMISSION EXPIRES DEC. 8, 1994

Water Right Number - 63-00273

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***
SHIPPY

LESTER

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1881 14 D - DECREED+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
BOISE RIVER SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

05N 05W 16 SE SE (27) CANYON

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

01 - IRRIGATION

1.300

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.300+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

05N	05W	16	SW NW	36		01	IRRIGATION	(27) CANYON
05N	05W	16	NE SW	2		01	IRRIGATION	(27) CANYON
05N	05W	16	NW SW	27		01	IRRIGATION	(27) CANYON

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - +
FARMERS CO-OP DITCH CO.+ - - - - Decree Defendant - - - +
RIVERSIDE IRR. DIST.+ - Decree Date - +
01/18/1906

AUG 17 1992

MICROFILMED

Water right number - 63-00273

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 02/11/86

05/01/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 63
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 01/18/1906				

AUG 17 1992

MICROFILMED

Receipt Details for ID W010084

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/1/1990 2:23:25 PM	3/1/1990	Western	\$215.00	Check
Payer		MCNALL, KENNETH H.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
4480			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$215.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

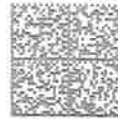
Basin Number	Sequence Number	Split Suffix	Amount	Type
63	273		\$115.00	Claim
63	5129	B	\$50.00	Claim
63	5130	B	\$50.00	Claim

Print Report

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE
02 1A \$01.11⁰
0004389393 FEB 02 2007
MAILED FROM ZIP CODE 83702

RECEIVED
FEB 07 2007
WATER RESOURCES
WESTERN REGION

KENNETH L. TALL
509 W HAZEL ST
COLDWELL ID 83405

63-273
63-5129B
63-5130B

RETURN TO SENDER

09/23/2006

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

RIGHT NUMBER: 63-273

NAME AND ADDRESS: KENNETH H MC NALL
509 W HAZEL ST
CALDWELL ID 83605

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.300 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 S16 SESE 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	1.300 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 S16	SWNW	38.30	T05N R05W S16	NESW	1.10
T05N R05W S16	NWSW	25.60			

65 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

09/23/2006

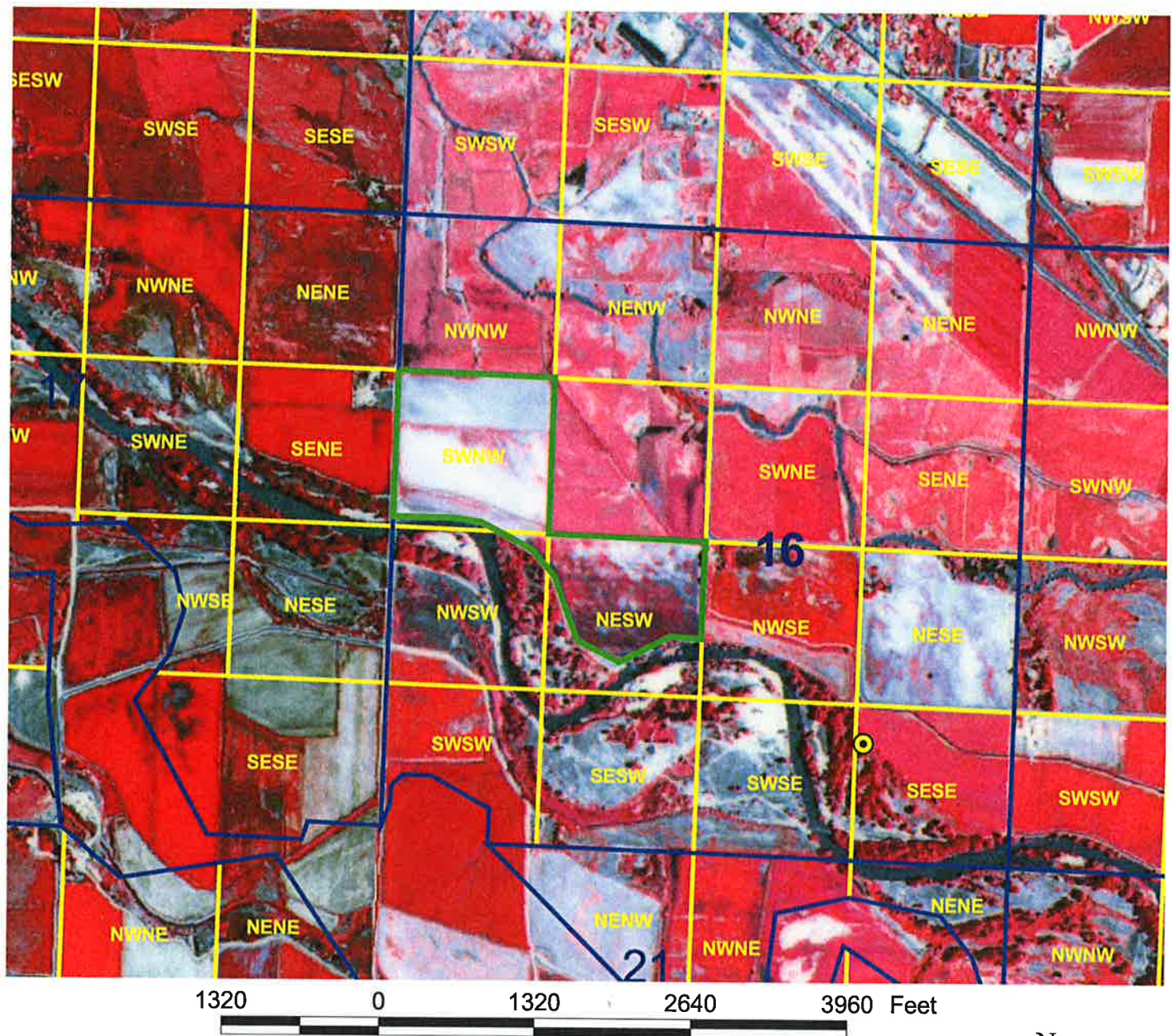
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTION 16
Water Right: 63-273



TOTAL ACRES IRRIGATED = 65

- 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 63-273 V1

WATER RIGHT NUMBER: 63-273 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENNETH H MC NALL 509 W HAZEL ST CALDWELL, ID 83605 (208)454-0479
Original Owner	LESTER SHIPPY

, ZZ

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	1.300 CFS	
	<u>Total Diversion:</u>	1.300 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 S16	SWNW	38.3	T05N R05W S16	NESW	1.1
T05N R05W S16	NWSW	25.6			
Total Acres: 65					

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. 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 63-273 V1

3. 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.
4. This right is also designated as Right No. 77D in the Boise River Stewart Decree and Boise River Water Distribution Report.

Remarks:Comments:

1. vmusic 9/23/2006 OWNERSHIP

Comment: CANYON CO TAXLOT INFO LISTS CURENT OWNER AS PIERCY DALE. NO CHANGE OF OWNERSHIP FILED.

2. vmusic 9/23/2006 POD

Comment: DOWNSTREAM OF STAR BRIDGE. NO MAP OF WHERE POD IS ACTUALLY LOCATED. RECOMMENDED THE DECREED POD IN THE SESE 16 AND NOT THE CLAIMED POD WHICH IS THE POD OF REDIVERSION ONTO CLAIMANTS PROPERTY

3. vmusic 9/23/2006 AMBIGUITY IN DECREE

Comment: THIS RIGHT IS DECREED IN THE SENW 16 FOR 65 INCHES. UNCLEAR IF THE DECREE MEANT FOR AN INCH PER ACRE OR WHAT. THE 65 ACRES CURRENTLY IRRIGATED HAVE BEEN IRRIGATED THIS WAY SINCE AS LEAST 1939 PER THE AERIAL. CANNOT REALLY ASUME AN ENLARGEMENT SO WILL ASSUME IT IS AN AMBIGUITY IN THE DECREE

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	9/23/2006 2:04:58 PM	vmusic			Active
Priority Date	9/23/2006 2:05:35 PM	vmusic			Active
POD	9/23/2006 2:06:27 PM	vmusic			Active
Source	9/23/2006 2:07:30 PM	vmusic			Active
POU	9/23/2006 2:09:42 PM	vmusic			Active
Use	9/23/2006 2:11:02 PM	vmusic			Active
Season	9/23/2006 2:11:27 PM	vmusic			Active
Quantity	9/23/2006 2:11:49 PM	vmusic			Active
Summary			09/23/2006	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-273 V1

Summary	9/23/2006 2:14:31 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?
POD	9/23/2006 2:06:57 PM	vmusic	Updated shape
POU	9/23/2006 2:09:42 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? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	9/23/2006 2:11:03 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? (Yes) 13. Is a Purpose of Use remark and/or condition required?
Contacts	9/23/2006 2:04:58 PM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
General	9/23/2006 2:05:36 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	9/23/2006 2:06:27 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-273 V1

Source	9/23/2006 2:07:31 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	9/23/2006 2:10:33 PM	vmusic	Updated shape for Active POU
Season	9/23/2006 2:11:27 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?
Quantity	9/23/2006 2:11:50 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	5/15/2006 2:37:01 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/llm

**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) 63-273

Owner: _____ Phone No. _____

Current Address: _____

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

Per Canyon Co. tax lot info/Arcview, owner:
Barry Dale, 31361 Hwy 95, Parma 83660

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary *Boise R. dispute*
- ☐ 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
- ☐ POD found is different than claimed: _____
- ☒ If different, when did POD change? *POD claimed is ~~POD~~ POD/diversion to claimant's property. Will recommend deleted POD.*

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: none owned by claimant

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

/**WATER USES**☒ No change☐ Different UsesUse irv From 3/1 To 11/15 Amount 1.3 CFS / AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, NA Amount _____ 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:

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	
5 N	5W	10							38.3		1.1	25.6							65
																			65

Overlap with other water rights: none

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
193 ✓ stepdown
71D in BOK R. deval

- (1) diversion downstream from Star Bridge -
- (2) Decided 65" in NESW 1/4. Claimed 65 acres/will recommend 65 acres based on guidance to recommend 1" AC.
- (3) Claimed portions of 63-5129, 5130 - disallowed.
- (4) no map of POD - assumed same as 62-275
- (5) involvement to 65 acres? no change in POD from 1939-2003

AFTER EXAM THE FILE SHOULD CONTAIN:

- NA (
- ☐ 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:

9-23-06

FIELD EXAMINER:

Wesley M. M. C.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-273 V1

WATER RIGHT NUMBER: 63-273 V1

Owner Type Name and Address
 Current Owner KENNETH H MC NALL
 509 W HAZEL ST
 CALDWELL, ID 83605
 (208)454-0479
 Original Owner LESTER SHIPPY

Priority Date: 06/01/1881

Basis:

Status: Active

Source Tributary
 BOISE RIVER SNAKE RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 3/15 to 11/15 1.300 CFS —

Total Diversion: 1.300 CFS

Location of Point(s) of Diversion

BOISE RIVER

CANYON County

NW1/4SE1/4

Sec. 16, Twp 05N, Rge 05W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	05W	16			36.0	2.0	65.0

Total Acres: 65

Conditions of Approval:

- CLAIMANT HAS CERTIFICATE FOR 65 SHARES FROM THE PARMA DITCH CO. SHARE #15. FIELD EXAM NECESSARY TO DETERMINE POINT OF DIVERSION FROM THE RIVER. DIVERSION LISTED IS REDIVERSION FROM THE DITCH TO THE CLAIMANT'S PROPERTY.
- 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.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 63
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Mitigation Plan: False

Combined Use Limits:

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:

*63-213 overlaps with
63-5129 B & 63-5130B*

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	DECREED NAME	P DATE
63-5129A - withdrawn				
63-5129B	same as 273, 5130B	1.38 CFS	NCNALL	4-1-1878
63-5129C - withdrawn				
63-5129D	same as 271, 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	DECREED NAME	P DATE
63-5130A - withdrawn				
63-5130B	same as 273, 5129B	.83 CFS	NCNALL	4-1-1877
63-5130C - withdrawn				
63-5130D *	same as 271, 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 River as source

The claimed places of use of are not any other irrigation district or canal company service areas. There was no response to requests for evidence of priority sent to 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 the claimants and they provide additional information, 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 the 3/1/1939. The 1939 aerial clearly shows the Parma Ditch Co. ditch system. Additionally, I have the IDSOS information that states the ditch company was incorporated in 1915.

2 – Analyze the acres and quantity. Advise that all combined rights will not exceed .02 cfs/acre.

Note re 63-5129B and 63-5130B: The McNalls claimed a total of 65 acres under the statutory claim and decreed overlap 63-273. Total Q for the 65 acres is 2.56 cfs which is excessive. $65 \times .02 \text{ cfs} = 1.3 \text{ cfs}$.

VLM



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-273

09/23/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-273	Claim	05N	05W	16	NW	SE		BOISE RIVER SNAKE RIVER	KENNETH H MC NALL
63-5344	Claim	05N	05W	16	NW	SE		BOISE RIVER SNAKE RIVER	GERALDINE L SHETLER CAIN
63-27073	Claim	05N	05W	16	NW	SE		GROUND WATER	GERALDINE L SHETLER CAIN
63-271A	Water Right	05N	05W	16	NW	SE		BOISE RIVER SNAKE RIVER	BERT L TREDWAY
63-5344	Water Right	05N	05W	16	NW	SE		BOISE RIVER SNAKE RIVER	PHILIP R BRESHEARS
63-27073	Water Right	05N	05W	16	NW	SE		GROUND WATER	GERALDINE L SHETLER CAIN

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-273

09/23/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
-273	Claim	05N	05W	16	SW	NW		IRRIGATION	36/65	KENNETH H MC NALL
5129B	Claim	05N	05W	16	SW	NW		IRRIGATION	32/32	KENNETH H MC NALL
5130B	Claim	05N	05W	16	SW	NW		IRRIGATION	32/32	KENNETH H MC NALL
-273	Water Right	05N	05W	16	SW	NW		IRRIGATION		LESTER SHIPPY
5129	Water Right	05N	05W	16	SW	NW		IRRIGATION	32/623	PARMA IRRIGATION DIST
5130	Water Right	05N	05W	16	SW	NW		IRRIGATION	32/623	PARMA IRRIGATION DIST
-273	Claim	05N	05W	16	NE	SW		IRRIGATION	2/65	KENNETH H MC NALL
-273	Water Right	05N	05W	16	NE	SW		IRRIGATION		LESTER SHIPPY
172B	Claim	05N	05W	16	NW	SW		IRRIGATION	2/632	HAAS DITCH CO
202B	Claim	05N	05W	16	NW	SW		IRRIGATION	2/632	HAAS DITCH CO
-273	Claim	05N	05W	16	NW	SW		IRRIGATION	27/65	KENNETH H MC NALL
-273	Water Right	05N	05W	16	NW	SW		IRRIGATION		LESTER SHIPPY
4913	Water Right	05N	05W	16	NW	SW		IRRIGATION	27/78	DILLEY FARMS

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 SESE 16

65"

POU

NESEW 16

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

thru

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 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 [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, }
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. Jansen Deputy.