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: **A63-00275**
Date Received: 3/22/1990
Receipt No: CO15877
Received By: RWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORM E. RUDOLPH 208-722-6749
   Address: 27998 WAMSTAD RD.
   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	Lot	County
05N	05W	16		SE	SE		CANYON
		22	NW	NE	SW		CANYON

5. Description of diverting works:
   DIVERSION & HEADGATE W/GRAVITY DITCHS & LATERALS TO P/U

6. Water is used for the following purposes:

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

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

8. Total consumptive use is 140.0 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	16	NW	NW		IRR	40.0
					Section Acres		40.0

MICROFILMED
AUG 17 1992

10. Place of Use: Continued

Total Acres 40.0

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:
A63-05130E, A6305129E

14. Remarks:

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

FARMERS CO-OP DITCH CO.
Decree Plaintiff

vs

RIVERSIDE IRR. DIST.
Decree Defendant

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

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: 3/22/90

_____ Date: _____

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 22nd day of March 19 90

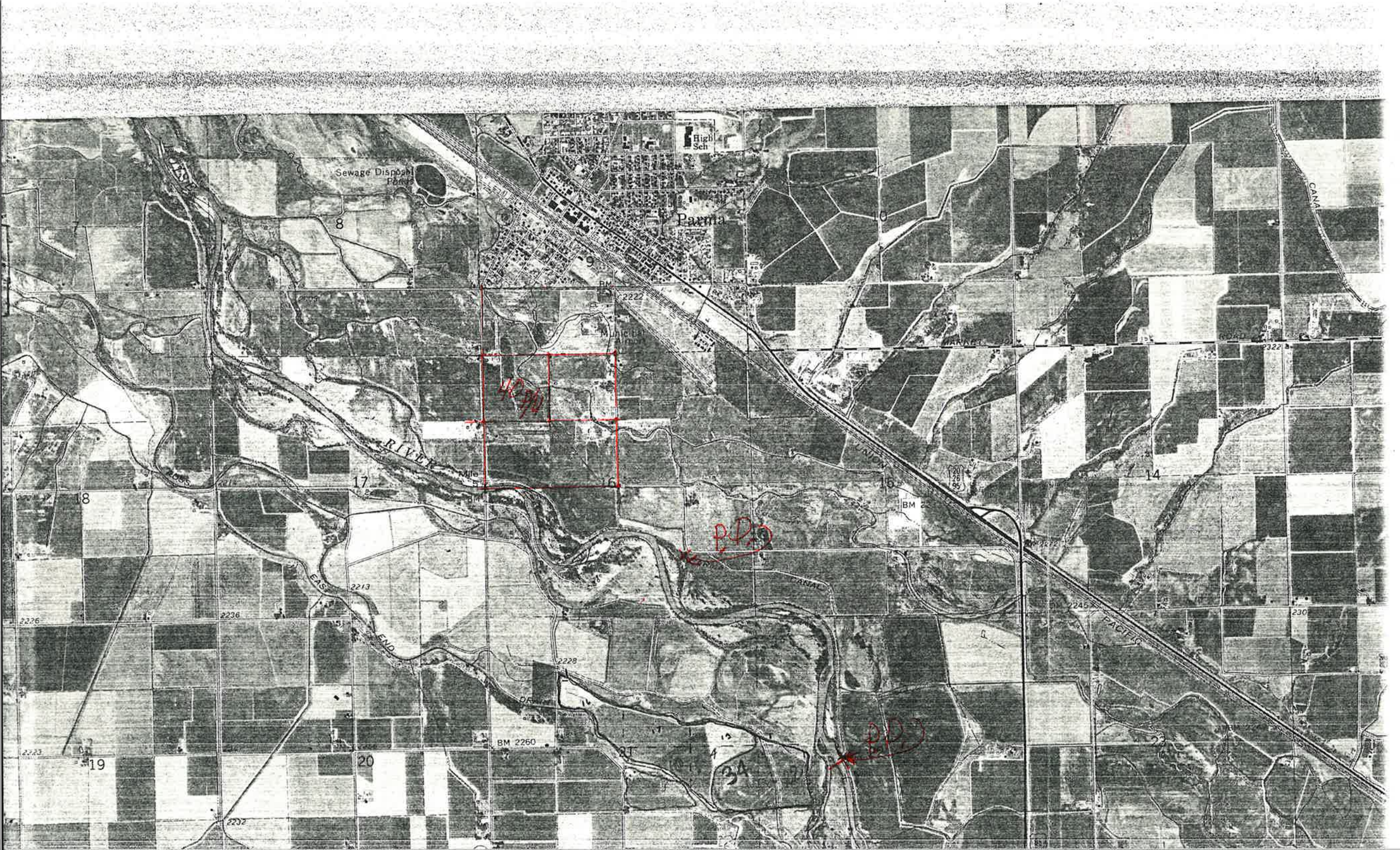
Sally Frazee
Notary Public

Seal

Residing at SALLY FRAZEE, Notary Public Residing at Boise, Idaho

My Commission Expires My Commission Expires November 14, 1992

MICROFILMED
AUG 17 1992


Parma
High Sch
Sewage Disposal Ponds
Municipal Airport
RIVER
Mile
EAST
END
DRAIN
UNION
PACIFIC
BM 2222
BM 2260
BM 2
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40.90
P.O.B.
P.O.B.

Receipt Details for ID C015877

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/22/1990 4:27:31 PM	3/22/1990	State	$50.00	Check
Payer	RUDOLPH LIVESTOCK SUPPTY			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
7828			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
$50.00	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	275		$50.00	Claim

Print Report

09/18/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-275

NAME AND ADDRESS: NORM E RUDOLPH
27998 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: 06/01/1881

POINT OF DIVERSION:

T05N R05W S16 SESE Within CANYON County

T05N R05W S22 NESW Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
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 S16 NWNW 40.00

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.

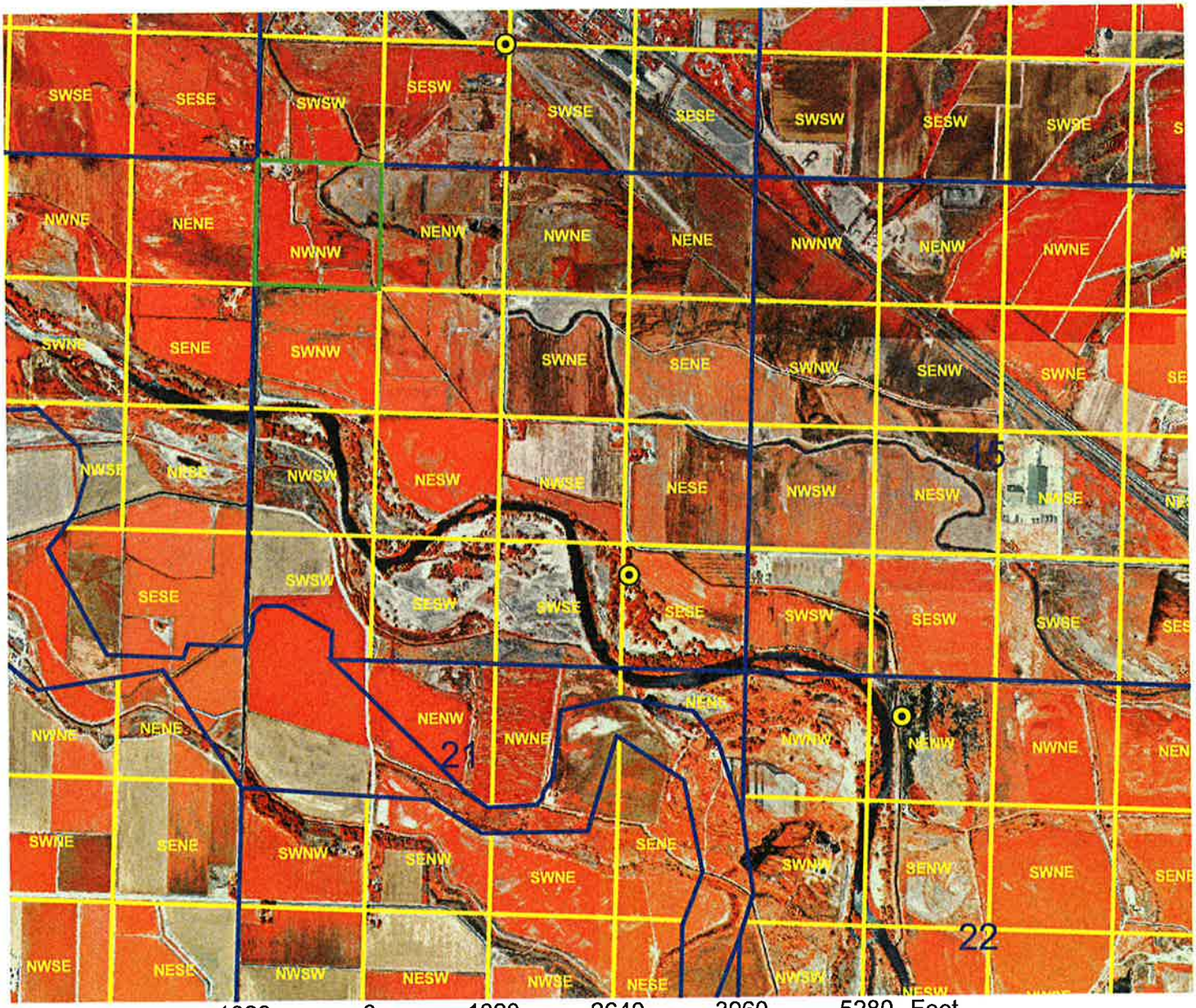
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is diverted at the Parma Ditch Co. headgate and delivered by the Parma Ditch Co.

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

State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTIONS 16 and 22
Water Right: 63-275



TOTAL IRRIGATED ACRES = 40

N

- 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 63-275 V1

WATER RIGHT NUMBER: 63-275 V1

Owner Type	Name and Address
Original Owner	JAMES FINLAY , ID
Current Owner	NORM E RUDOLPH 27998 WAMSTAD RD PARMA, ID 83660 (208)722-6749

Priority Date: 06/01/1881

Basis: Decreed

Status: Active

Source	Tributary
BOISE RIVER	SNAKE RIVER

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

Location of Point(s) of Diversion

BOISE RIVER CANYON County	SE1/4SE1/4	Sec. 16,	Twp 05N,	Rge 05W, B.M.
BOISE RIVER CANYON County	NE1/4SW1/4	Sec. 22,	Twp 05N,	Rge 05W, B.M.

Place of Use

IRRIGATION Within CANYON County

T05N R05W S16 NWNW 40.0

Total Acres: 40

Conditions of Approval:

1. F01 Water is diverted at the Parma Ditch Co. headgate and delivered by the Parma Ditch Co.
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. This right is also designated as Right No. 77C in the Boise River Stewart Decree and Boise River Water Distribution Report.
4. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-275 V1

5. 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.

Remarks:

Comments:

1. vmusic 9/18/2006 PODs
Comment: CLAIMED DECREED POD AND ADDED A SECOND POD WHICH IS THE PARMA DITCH CO POD IN SEC 22. POD IS DOWNSTREAM FROM STAR BRIDGE

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Summary			05/15/2006	scurtis	Active
Contacts	9/18/2006 11:58:32 AM	vmusic			Active
Priority Date	9/18/2006 11:58:49 AM	vmusic			Active
POD	9/18/2006 12:00:12 PM	vmusic			Active
Source	9/18/2006 12:03:02 PM	vmusic			Active
POU	9/18/2006 12:04:23 PM	vmusic			Active
Use	9/18/2006 12:04:39 PM	vmusic			Active
Season	9/18/2006 12:05:02 PM	vmusic			Active
Quantity	9/18/2006 12:05:29 PM	vmusic			Active
Summary			09/18/2006	vmusic	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
Source	9/18/2006 12:03:02 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-275 V1

POU	9/18/2006 12:04:24 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	9/18/2006 12:04:39 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?
Contacts	9/18/2006 11:58:32 AM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
General	9/18/2006 11:58:50 AM	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	9/18/2006 12:00:57 PM	vmusic	Updated shape
POD	9/18/2006 12:02:18 PM	vmusic	Updated shape
Season	9/18/2006 12:05:02 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 administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-275 V1

Quantity	9/18/2006 12:05:30 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?
POD	9/18/2006 12:00:13 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?
Summary	9/18/2006 12:58:36 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 2:39:10 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:

Field Exam Date

Desktop review /rm

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) NA
- ☐ 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 NA

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-215

Owner: _____ Phone No. _____

Current Address: _____

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

Accompanied by: _____

PRIORITY DATE

- ☑ No change – Complete evidence submitted or not necessary – Boise R decree
- ☐ 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 Decreed SESE 16, Claimed decreed POD plus the Parma Ditch Co. POD in NESW § 22

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

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
Sec claim

OVERLAP REVIEW
Other water rights with the same point of diversion: POD is Parma Ditch Co POD

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

WATER USES

- ☑ No change
- ☐ Different Uses

Use Irr From 3/1 To 11/15 Amount .8 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: Decreed NWNW 516 - claimed POU as decreed

- ☑ 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	

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

SW SDU
183 stepdown
RP aka MC in BOISE R devel
POI RP - RT is delivered thru by the Parma Ditch Co.

(1) POD is downstream from Star Bridge
(2) 2nd POD is Parma Ditch CO. POD, Acc Prx ≈ to add POD

AFTER EXAM THE FILE SHOULD CONTAIN:

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

NAC

DATE EXAM CONDUCTED: 9-19-06

FIELD EXAMINER: Wes Wolf

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-275 V1

WATER RIGHT NUMBER: 63-275 V1

Owner Type	Name and Address
Original Owner	JAMES FINLAY , ID
Current Owner	NORM E RUDOLPH 27998 WAMSTAD RD PARMA, ID 83660 (208)722-6749

Priority Date: 06/01/1881

Basis: decree

Status: Active

Source	Tributary
BOISE RIVER	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	3/15	11/15	0.800 CFS	
		Total Diversion:	0.800 CFS	

Location of Point(s) of Diversion

BOISE RIVER CANYON County	SE1/4SE1/4	Sec. 16, Twp 05N, Rge 05W, B.M.	Dec
BOISE RIVER CANYON County	NW1/4NE1/4SW1/4	Sec. 22, Twp 05N, Rge 05W, B.M.	acc dx?

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 05W 16						40.0											40.0

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.

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:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
Mitigation Plan: False

Combined Use Limits:

SOU
stepdown
dec chec #
delivered by Parma Ditch

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:

63-275 is overlap of 5129E, 5130E

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

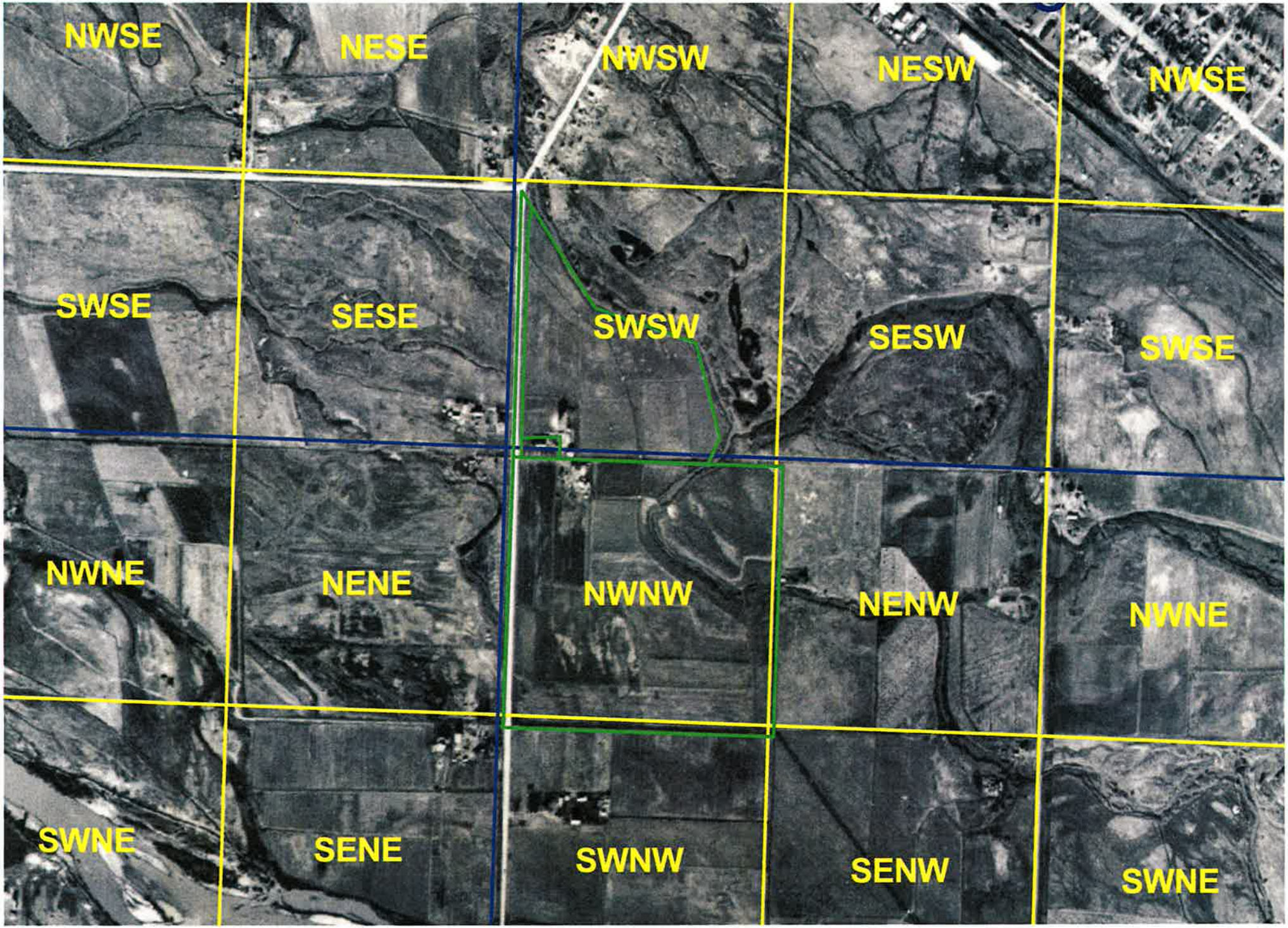
* claimed Boise R as source

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.

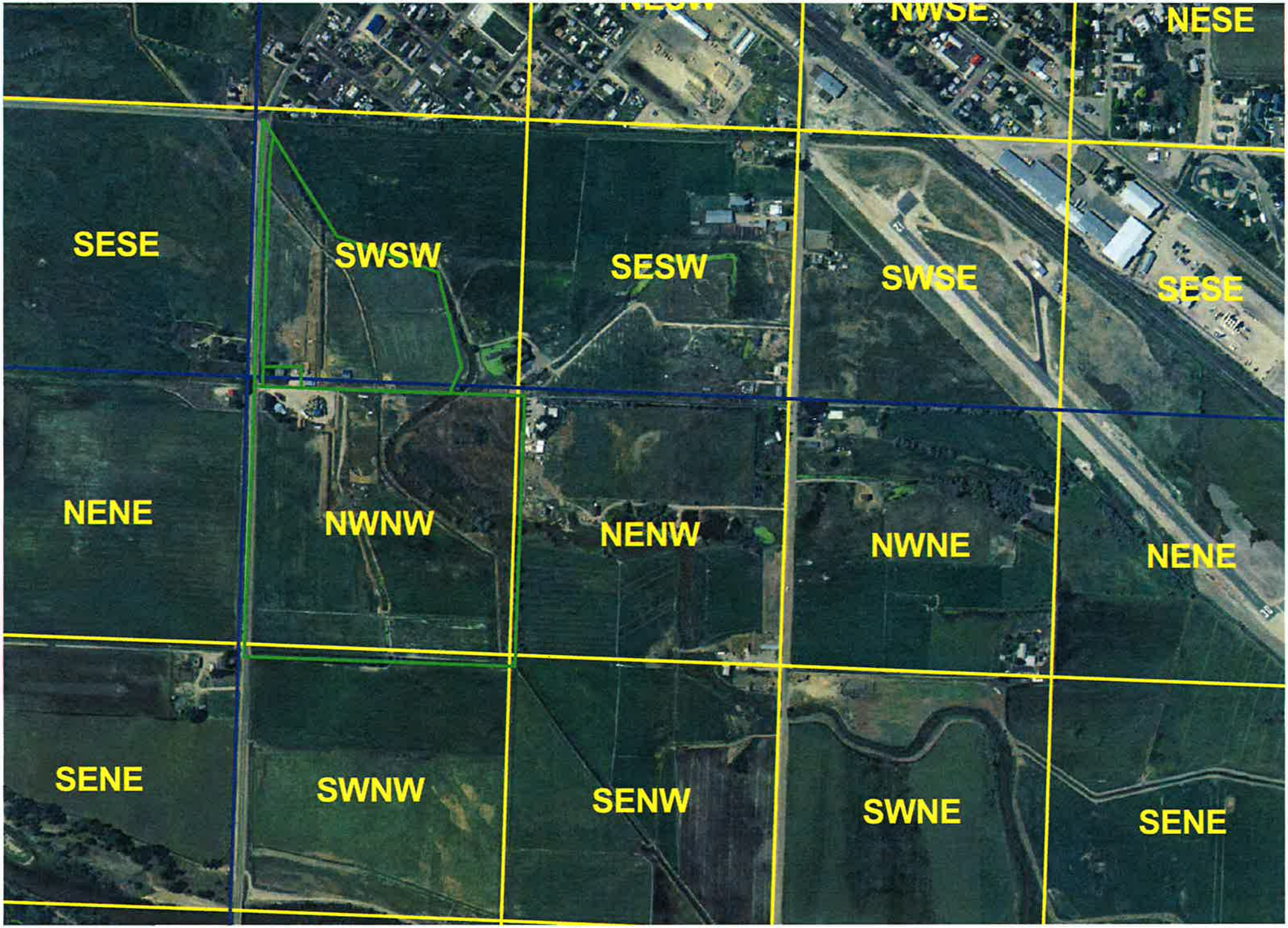
I am disallowing all of the 63-5129 and 63-5130 claims because all of the claims date back into the Boise River decree which decreed all claims to water delivered through the Parma Ditch Co. If I hear from them and the claimants provide additional information regarding these claims, I will suggest the 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 63-5129E and 63-5130E: Claimant is Rudolph. Total claims from the 3 claims, the statutory plus 63-275 is 5.29 cfs for 57 acres. 57 x .02 cfs = 1.14 cfs. However, they only have a valid water right for the 40 acres under 63-275.

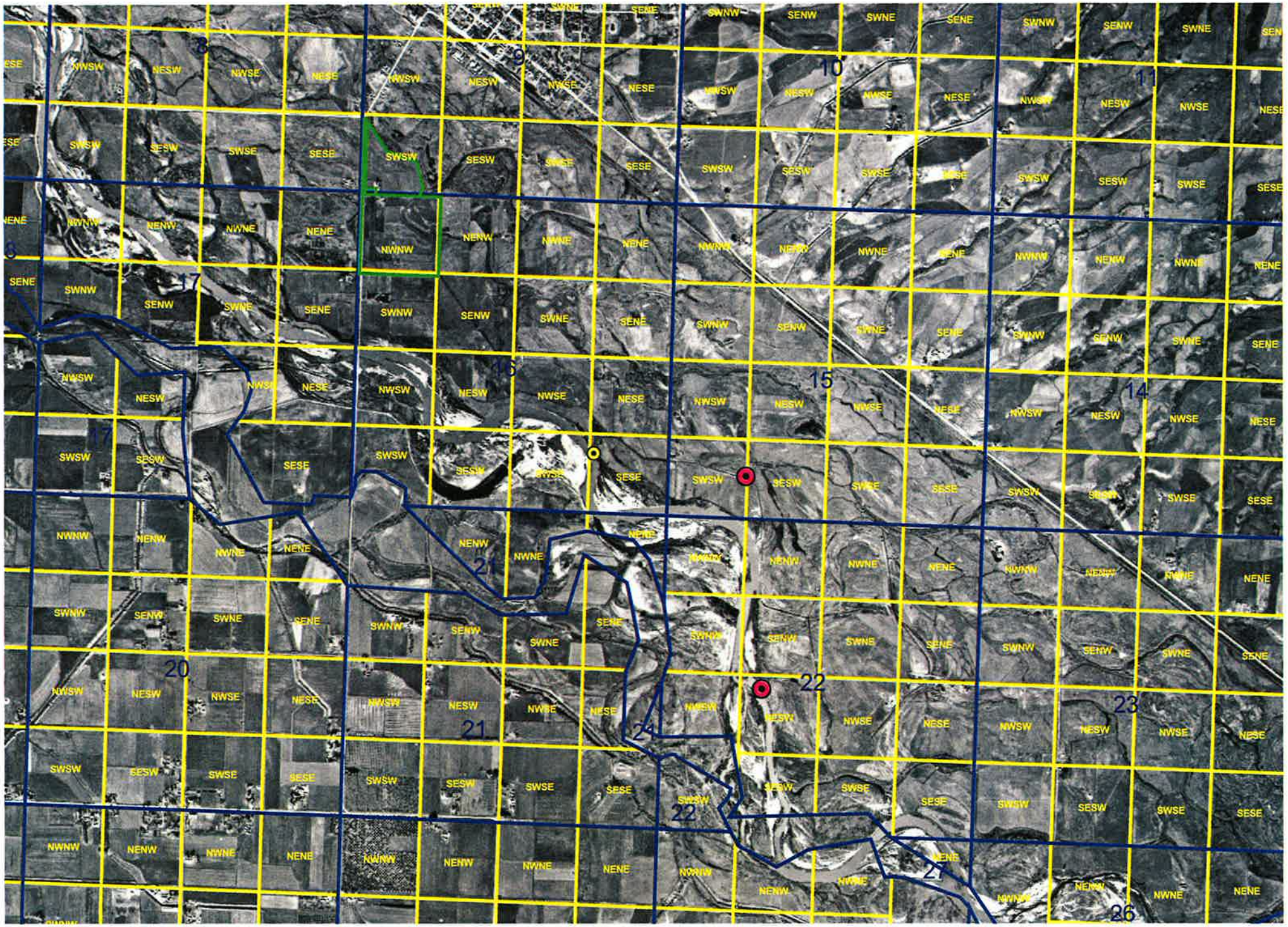
VLM



63-275, 63-5129E AND 63-5130E - 1939 AERIAL. POD IS IN SEC 22, NESW. PARMA DITCH CLEARLY SEEN



63-275, 63-5129E AND 63-5130E - 2004 AERIAL. POD IS IN SEC 22, NESW. PARMA DITCH CLEARLY SEEN



63-275, 63-5129E AND 63-5130E - 1939 AERIAL. THE 40 ACRES IN THE NWNW S16 , WAS DECREED IN THE BOISE R DECREE, DECREED POD IS SENW S 16

IDAHO DEPARTMENT OF WATER RESOURCES 09/18/2006

ADJUDICATION CLAIM POU REVIEW REPORT

ADJUDICATION CLAIM NUMBER: 63-275 1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
-275	Claim	05N	05W	16	NW	NW		IRRIGATION	40/40	NORM E RUDOLPH
5129E	Claim	05N	05W	16	NW	NW		IRRIGATION	40/57	NORM E RUDOLPH
5130E	Claim	05N	05W	16	NW	NW		IRRIGATION	40/57	NORM E RUDOLPH
-275	Water Right	05N	05W	16	NW	NW		IRRIGATION		JAMES FINLAY
5129	Water Right	05N	05W	16	NW	NW		IRRIGATION	40/623	PARMA IRRIGATION DIST
5130	Water Right	05N	05W	16	NW	NW		IRRIGATION	40/623	PARMA IRRIGATION DIST
28606	Water Right	05N	05W	16	NW	NW		STOCKWATER		NORM E RUDOLPH
28606	Water Right	05N	05W	16	NW	NW		DOMESTIC		NORM E RUDOLPH

The Northeast Quarter (NE¼) of the Southwest Quarter (SW¼), 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 (SE¼), 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 (SE¼), Section Sixteen (16), Township Five (5) North of Range Five (5) West of the Boise Meridian, in Canyon County,

POD SESE 16

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:

40 ll. POU NWNW 16

The Northwest Quarter (NW¼) of the Northwest Quarter (NW¼), 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 ammended 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 Jensen Deputy.

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.

- O -

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.

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 (SE¼) of the Northeast Quarter (NE¼), 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 (NE¼) of the Northwest Quarter (NW¼), 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 [redacted] taking water from Boise River at a point near the Southeast corner of the Southeast Quarter (SE¼), 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:

83 0272

The Southeast Quarter (SE¼) of the Northeast Quarter (NE¼), and the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼), 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 [redacted] taking water from Boise River at a point near the Southeast corner of the Southeast Quarter (SE¼), 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:

83 0273

The Northeast Quarter (NE¼) of the Southwest Quarter (SW¼), 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.

68 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 (SE¼), 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.

68 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 (SE¼), 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 (NW¼) of the Northwest Quarter (NW¼), 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 ammended 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 Jensen Deputy.