

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: A63-00161AN
Date Received: 9/ 8/1989
Receipt No: C011305
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDITH MARTIN 208-939-2105
Address: 3790 EAST CHINDEN BLVD
MERIDIAN ID 83642
OR
Name: ALBERT SCHOOP 208-939-2283
Address: 3800 EAST CHINDEN BLVD
MERIDIAN ID 83642
OR
Name: DAVID KEECH 208-939-7293
Address: 6450 GRANADA LANE
MERIDIAN ID 83642

2. Date of Priority: MAY 1, 1866

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
03N	02E	9	NW	NW			ADA

5. Description of diverting works:
CONCRETE DAM AND EARTHEN LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.025		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	21	SE	SW		IRR	5.0
Section Acres							5.0
Total Acres							5.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
63-230, 63-231, 63-5262, 63-3618, 63-3614

14. Remarks:
TRANS. 918.
P/U KNOWN AS H.P. KIRBY TRACT IN S21, T4N, R1E.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.
Decree Plaintiff

RIVERSIDE IRR. DIST.
vs 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: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
_____ foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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
TWIN FALLS RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

9-08-89C011305

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

Please type or print clearly

1. Name of Claimant (s) See Exhibit D Phone () _____
Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) May 1, 1866

3. Source of water supply (a) Boise River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 3N Range 2E Section 9,
_____ 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Ada

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Reinforced concrete diversion
dam in river to earthen canal, to earthen lateral ditch system.

MICROFILMED

SEP 27 1996

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount .025 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .025 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 17.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1E	21	SEE EXHIBIT C																5

Total number of acres irrigated 5

11. In which county (ies) are lands listed above as place of use located? _____

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Water Right Nos. 63-0230, 63-0231, 63-05262, 63-03618 and 63-03614 or None ()

14. Remarks: A power of attorney (Exhibit A) provides written authorization for the Chairman of Settlers Irrigation District to file this claim.
This water right is evidenced by transfer no. 918 (Exhibit C).

Last Name Martin, etc. Ident No. _____

MICROFILMED
Copies: White-State, Yellow-Claimant
SEP 27 1996

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

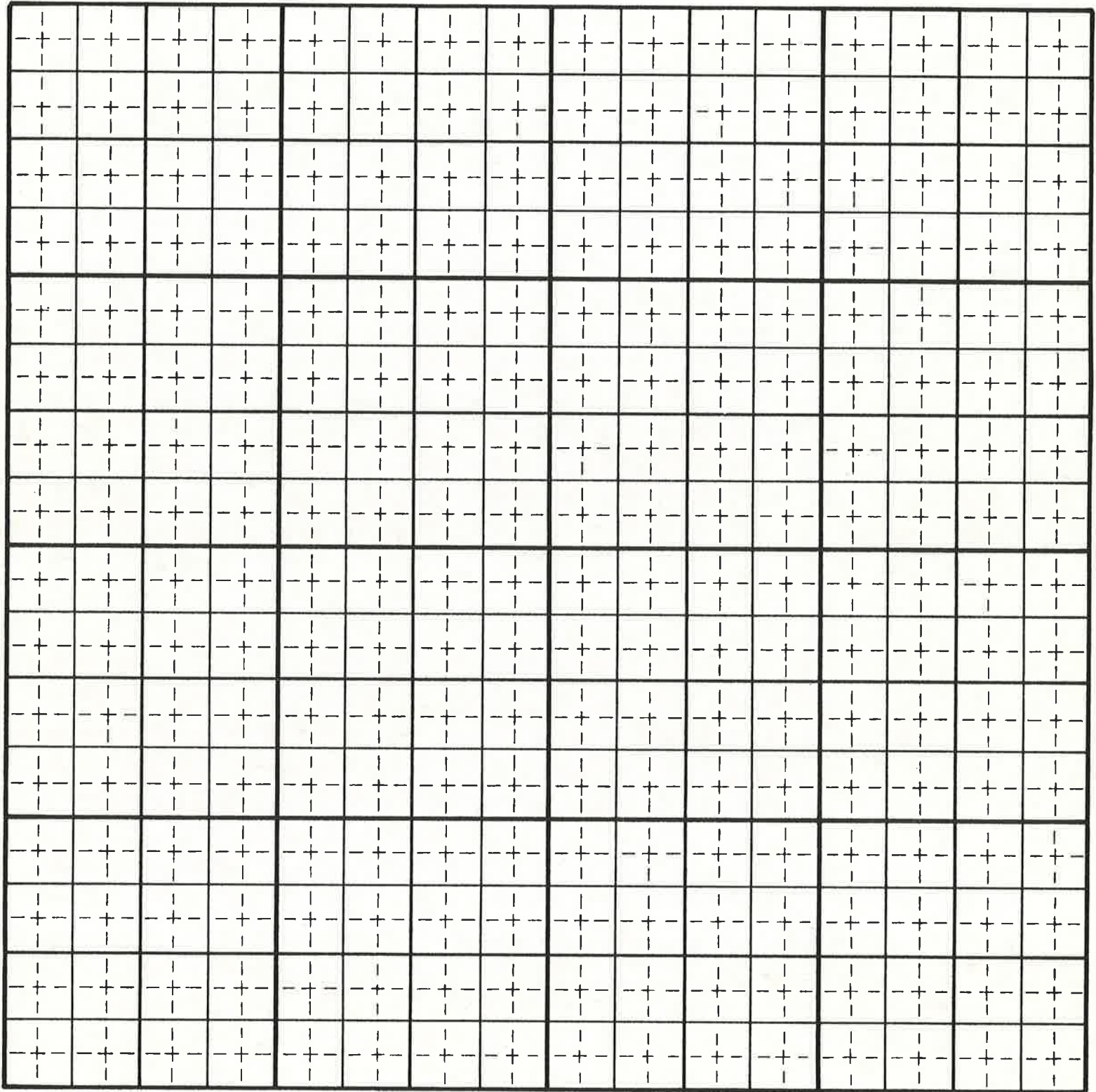
If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

SEE EXHIBIT B



Last Name Martin, etc.

Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED

SEP 27 1996

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 63-0161
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 4

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Chairman Title _____
of Settlers Irrigation District Organization _____, that I have signed the foregoing
document in the space below as Chairman Title _____ of Settlers Irrigation District Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Don Smith
Title and Organization Chairman / President Date 9/5/89

State of Idaho/or _____)
County of Cada) SS.

Subscribed and sworn (or affirmed) before me this 5th day of Sept 19 89

SEAL

Notary Public Zoe Ann M. Bicaudi

Residing at Bozeman, MT

My Commission Expires 8-1-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____ 5701

Date _____

Last Name Martin, etc. Ident. Number _____

MICROFILMED
SEP 27 1989
Copies White-State, Yellow-Claimant

#918

LIMITED POWER OF ATTORNEY

I/We do hereby authorize and appoint Settlers Irrigation District and its duly elected and authorized officers and their agents to take all actions necessary or appropriate to prepare or cause to be prepared Notice of Water Right Claims and to execute and file the same on our behalf with the Idaho Department of Water Resources.

This authorization is limited to those Notice of Water Right Claims which describe and refer to water rights which allow the diversion and delivery of surface water from the Boise River through the Settlers Irrigation District water diversion and delivery system.

8-4-89
Date

Edith S. Martin
Signature

Edith S. Martin
(Please print full name)

8-10-89
Date

William F. Martin
Signature

William F. Martin
(Please print full name)

MICROFILMED
SEP 27 1996
EXHIBIT A

718

LIMITED POWER OF ATTORNEY

I/We do hereby authorize and appoint Settlers Irrigation District and its duly elected and authorized officers and their agents to take all actions necessary or appropriate to prepare or cause to be prepared Notice of Water Right Claims and to execute and file the same on our behalf with the Idaho Department of Water Resources.

This authorization is limited to those Notice of Water Right Claims which describe and refer to water rights which allow the diversion and delivery of surface water from the Boise River through the Settlers Irrigation District water diversion and delivery system.

8-30-89
Date


Signature
Albert Schoop
(Please print full name)

Date

Signature

(Please print full name)

MICROFILMED
SEP 27 1996

EXHIBIT A

#908

LIMITED POWER OF ATTORNEY

I/We do hereby authorize and appoint Settlers Irrigation District and its duly elected and authorized officers and their agents to take all actions necessary or appropriate to prepare or cause to be prepared Notice of Water Right Claims and to execute and file the same on our behalf with the Idaho Department of Water Resources.

This authorization is limited to those Notice of Water Right Claims which describe and refer to water rights which allow the diversion and delivery of surface water from the Boise River through the Settlers Irrigation District water diversion and delivery system.

Date 8/3/89

David Keck
Signature

DAVID KECK
(Please print full name)

Date 8-5-1989

Marilyn Petrie Keck
Signature

Marilyn Petrie Keck
(Please print full name)

MICROFILMED

SEP 27 1989

EXHIBIT A

IRRIGATION WATER SOURCES

Data based on 1975 agricultural season



Private groundwater diversions



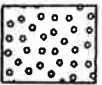
Combined small district and private Boise River diversions



Boise - Kuna Irrigation District (Boise River diversion)



Eagle Island Water Users (Boise River diversion)



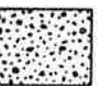
Farmers Union Ditch Co. (Boise River diversion)



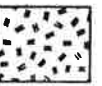
Little Pioneer Ditch Co. (Boise River diversion)



Nampa - Meridian Irrigation District (Boise River diversion)



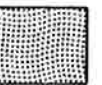
New York Irrigation District (Boise River diversion)



Pioneer Irrigation District (Boise River diversion)



Settlers Irrigation District (Boise River diversion)



Private Boise River tributary diversions



District surface water and supplemental private groundwater diversion

MICROFILMED
SEP 27 1996

Shawburg No. 6110

EXHIBIT

B

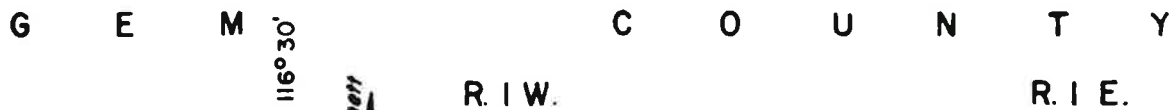


EXHIBIT D

The claimants to this Notice of Claim to a Water Right (Water Right No. 63-0161/Water Right Transfer No. 918) are:

Names and Addresses

1. Edith Martin
3790 East Chinden Blvd.
Meridian, Idaho 83642
Telephone: (208) 939-2105
2. Albert Schoop
3800 East Chinden Blvd.
Meridian, Idaho 83642
Telephone: (208) 939-2283
3. ✓ David Keech
6450 Granada Lane
Meridian, Idaho 83642
Telephone: (208) 939-7293

MICROFILMED
SEP 27 1996

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



UNITED STATES POSTAGE
FIRST-CLASS BOWLES
02 1A \$ 00.83⁰⁰
0004310839 DEC 16 2005
MAILED FROM ZIP CODE 83702

RECEIVED

DEC 22 2005
DEPARTMENT OF
WATER RESOURCES

nsnet

RECEIVED

DEC 23 2005

WATER RESOURCES
WESTERN REGION

63-161AN

EDITH MARTIN
3790 E CHINDEN BLVD
MERIDIAN ID 83642



Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

RECEIVED
DEC 22 2005
DEPARTMENT OF
WATER RESOURCES

FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1A
0004310839 DEC 16 2005
MAILED FROM ZIP CODE 83707
\$ 00.830

RECEIVED

DEC 23 2005

WATER RESOURCES
WESTERN REGION

63-161AN

ALBERT SCHOOP
3800 E CHINDEN BLVD
MERIDIAN ID 83642

NO SUCH
NUMBER

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



UNITED STATES POSTAGE
02 1A \$ 00.830
0004310839 DEC 16 2005
MAILED FROM ZIP CODE 83702

RECEIVED

DEC 21 2005

WATER RESOURCES
WESTERN REGION

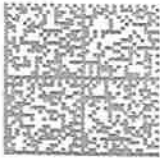
DAVID KEECH
6450 GRANADA LN
MERIDIAN ID 83642

63-161AN

NO SUCH
STREET

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

FIRST CLASS



UNITED STATES POSTAGE
02 1A \$ 00.
0004389393 NOV 04
MAILED FROM ZIP CODE

ALBERT SCHOOP
3800 E CHINDEN BLVD
MERIDIAN ID 83642

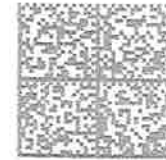
NO SUCH
NUMBER

63-161AN

RECEIVED
NOV 14 2005
WATER RESOURCES
WESTERN REGION

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

FIRST CLASS



UNITED STATES POSTAGE
02 1A \$0
0004389393 NOV
MAILED FROM ZIP CODE

EDITH MARTIN
3790 E CHINDEN BLVD
MERIDIAN ID 83642

63-161AN

NO SUCH
NUMBER

RECEIVED
NOV 14 2005
WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 8, 2005

THOMAS SCHNEIDER SR.
6450 N GRANADA LN
EAGLE ID 83616

RE: Snake River Basin Adjudication (SRBA)
Water Right No. 63-161AN

Dear Mr. Schneider:

We have been advised you may be the new owner of the property with the water right referenced above (see enclosed report).

Before we can modify our records to reflect your ownership for a portion of this water right, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please follow the instructions included with this form and return to our office with all of the required information.

If you have any questions regarding this letter, please feel free to contact our office.

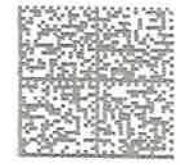
Sincerely,

Adjudication Section
Western Region

LH:1
Enclosures

DEPT. OF
WATER RESOURCES
WESTERN REGIONAL OFFICE
5 AIRPORT WAY
BOISE, IDAHO 83705

FIRST CLASS



UNITED STATES POSTAGE
METRE BY
02 1A
0004389393 NOV 04
MAILED FROM ZIP CODE 8

NO SUCH STREET

DAVID KEECH
6450 GRANADA LN
MERIDIAN ID 83642

63-161 AN

Thomas Schneider Sr
6450 N Granada Ln
Eagle 83616

RECEIVED
NOV 07 2005
WATER RESOURCES
WESTERN REGION

Resent 11-8-05

ADDRESS SERVICE
REQUESTED

10/23/2005

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

RIGHT NUMBER: 63-161AN

NAME AND ADDRESS: DAVID KEECH
6450 GRANADA LN
MERIDIAN ID 83642

EDITH MARTIN
3790 E CHINDEN BLVD
MERIDIAN ID 83642

ALBERT SCHOOP
3800 E CHINDEN BLVD
MERIDIAN ID 83642

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.025 CFS

PRIORITY DATE: 05/01/1866

POINT OF DIVERSION:

T03N R02E S9 SWNE Lot 7 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.025 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; 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 ADA County

T04N R01E S21 SESW 5.0

5 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

This right is delivered via the Settlers Irrigation District Canal.

This right is also designated as Right No. 30 in the Boise River Stewart Decree and Boise River Water Distribution Report.

Water Right 63-161AN

1

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-161AN V1

WATER RIGHT NUMBER: 63-161AN V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RICHARD Z JOHNSON
	BOISE, ID
Original Owner	CONSUMERS WATER CORP
	BOISE, ID
Current Owner	DAVID KEECH 6450 GRANADA LN MERIDIAN, ID 83642 (208)939-7293
Original Owner	JOSEPH PERRAULT
	BOISE, ID
Current Owner	EDITH MARTIN 3790 E CHINDEN BLVD MERIDIAN, ID 83642 (208)939-2105
Current Owner	ALBERT SCHOOP 3800 E CHINDEN BLVD MERIDIAN, ID 83642 (208)939-2283

Priority Date: 05/01/1866

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.025 CFS	
	<u>Total Diversion:</u>	0.025 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L7 (SW1/4NE1/4)	Sec. 9, Twp 03N, Rge 02E, B.M.
ADA County		

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	
04N	01E	21												5.0					5.0

Total Acres: 5

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-161AN V1

Conditions of Approval:

1. This right is delivered via the Settlers Irrigation District Canal.
2. This right is also designated as Right No. 30 in the Boise River Stewart Decree and Boise River Water Distribution Report.
3. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; 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. 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.

Remarks:Comments: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: OR
 Water District Number: 63
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits: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>
Contacts	10/23/2005 1:29:01 PM	jshurte			Active
Priority Date	10/23/2005 1:29:38 PM	jshurte			Active
POD	10/23/2005 1:30:38 PM	jshurte			Active
Source	10/23/2005 1:31:33 PM	jshurte			Active
POU	10/23/2005 1:48:08 PM	jshurte			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-161AN V1

Use	10/23/2005 1:52:56 PM	jshurte	Active
Season	10/23/2005 1:53:36 PM	jshurte	Active
Quantity	10/23/2005 2:00:53 PM	jshurte	Active
Summary	10/23/2005	jshurte	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	10/23/2005 1:29:02 PM	jshurte	(No) 1. Do you want to schedule an appointment?
General	10/23/2005 1:29:39 PM	jshurte	Comment for 1: In office verification (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	10/23/2005 1:30:38 PM	jshurte	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	10/23/2005 1:30:55 PM	jshurte	Updated shape
Source	10/23/2005 1:31:33 PM	jshurte	(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	10/23/2005 1:42:14 PM	jshurte	Updated shape for Active POU
POU	10/23/2005 1:44:00 PM	jshurte	Updated shape for Active POU
Use	10/23/2005 1:52:57 PM	jshurte	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-161AN V1

POU	10/23/2005 1:48:08 PM	jshurte	(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?
Season	10/23/2005 1:53:37 PM	jshurte	(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? (No) 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	10/23/2005 2:00:54 PM	jshurte	(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?
Summary	10/23/2005 2:01:36 PM	jshurte	(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? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right?

Water Supply Bank:

IDAHO DEPT OF WATER RESOURCES

Claim No. 63-161AN

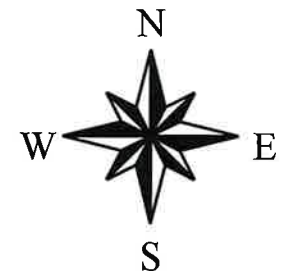
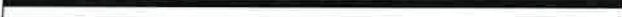
Twp.4N, Rge. 1E
Sec. 21



-  **Place of Use**
-  **1/41/4 Lines**
-  **Section Lines**
-  **Pt. of Diversio**

Prepared by: Jan Shurt
10-22-2005

0 1000 Feet



**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-161AN**

11/15/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-161AN	Claim	04N	01E	21	SE	SW		IRRIGATION	5/5	DAVID KEECH
63-2387	Claim	04N	01E	21	SE	SW		IRRIGATION	14/1229	DRAINAGE DISTRICT NUMBER FOUR OF ADA COUNTY
63-19084	Claim	04N	01E	21	SE	SW		IRRIGATION	14/938	THURMAN MILL DITCH CO LTD
63-214B	~~Water Right~~	04N	01E	21	SE	SW		IRRIGATION		SONORA JOPLIN
63-2387	~~Water Right~~	04N	01E	21	SE	SW		IRRIGATION	14/1229	DRAINAGE DIST NO 4
63-4701	~~Water Right~~	04N	01E	21	SE	SW		IRRIGATION	40/240	LEONARD C MACE
63-9832	~~Water Right~~	04N	01E	21	SE	SW		IRRIGATION	2/2	RONALD R JENSEN
~~63-3614B~~	Claim	04N	01E	21	SE	SW		IRRIGATION FROM STORAGE	12.8/10964.2	SETTLERS IRRIGATION DISTRICT
~~63-3618B~~	Claim	04N	01E	21	SE	SW		IRRIGATION FROM STORAGE	12.8/10964.2	SETTLERS IRRIGATION DISTRICT
~~63-5262B~~	Claim	04N	01E	21	SE	SW		IRRIGATION FROM STORAGE	12.8/10964.2	SETTLERS IRRIGATION DISTRICT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 123-161AN

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS
☐ NEW ADDRESS: _____

2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: 5-1-1866 #30 B.R. RT.
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION
☒ Point of diversion is different than the claim and/or new P/D's: SETTLER'S CANAL

Township 3N Range 3E Section 9 1/4 _____ 1/4 SW 1/4 NE LOT 7
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

Settler's diversion canal

6. ☒ No Change - WATER USES *JWS Period of Use = Cond.*
☐ Different uses, (list uses found):
Use _____ From 3-1 To 11-15 Amount _____ CFS _____ AFA *per map (not decreed)*
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

7. ☒ No Change - TOTAL VOLUME *N/A*
☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

Rt. #30 + Via Settlers Canal.
No other overlapping rights (Settlers).

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☒ CHECK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 10-22-05

FIELD EXAMINER:

JAN SHURTLE
Print Name

Jan Shurtle
Signature

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 918

THIS IS TO CERTIFY, That Consumers' Water Corporation, through Francis H. Neitzel, Manager, 410 N. 11th, Boise, Idaho, is the owner of and using a certain water right for 16 1/2 miners inches of water of the Boise River with priority of May 1, 1866, decreed to Joseph Ferrault and Richard Z. Johnson, by Judge George H. Stewart of the District Court of the Seventh Judicial District of the State of Idaho, in and for the county of Ada and Canyon, in the case of,

FARMERS' CO-OPERATIVE DITCH COMPANY
A Corporation,

Plaintiff,

-VS-

RIVERSIDE IRRIGATION DISTRICT, Ltd.,
A Corporation, et al,

Defendants,

said decree bearing date of January 18, 1906 and being appurtenant to the following described lands, to-wit:

Town lots and agricultural lands lying under the Consumers' Canal in Sections 11, 12, 13, and 14, Township 3 North, Range 2 East, B. M., and Sections 28, 29, 32, 33 and 34, Township 4 North, Range 2 East, B. M., in and adjacent to Boise.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Volume No. 5 of Decrees, beginning at Page 104 thereof.

That the said Consumers' Water Corporation has become the owner of said water right through mesne conveyance.

And that now, upon the application of the Consumers' Water Corporation, through Francis H. Neitzel, Manager, of Boise, Idaho, for a certificate of transfer of water right made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of 1.25 miners inches of the waters of Boise River upon the above described lands is hereby confirmed and the lands to be irrigated under such right, and to which the water right hereby confirmed, shall become appurtenant by this certificate for irrigation and domestic purposes are described as follows, to-wit:

RECORDED

EXHIBIT C

Tax 18, Section 21, Township 4 North, Range
1 East, B. M., known as the H. P. Irby Tract.

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

1.25 Miners inches, with priority
of May 1, 1866.

That the water right hereby transferred has heretofore been conducted to the first above described lands through what is known as the Consumers' Canal and the Walling Ditch, with point of diversion in Section 24, Township 3 North, Range 2 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the Settlers' Canal with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, Township 3 North, Range 2 East, B. M.

That the right to the use of the water aforesaid, hereby confirmed is restricted to the lands or place of use last above described as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 15th day of December, 1958.

GEO. N. CARTER
GEO. N. CARTER
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED

JUN - 4 2002

Department of Water Resources



NO SUCH
STREET

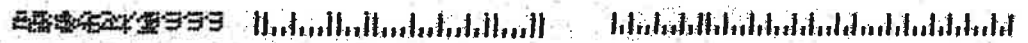
DAVID KEECH
6450 GRANADA LANE
MERIDIAN ID 83642

PRESORTED
FIRST CLASS



63-1161 AN

⊕ found



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

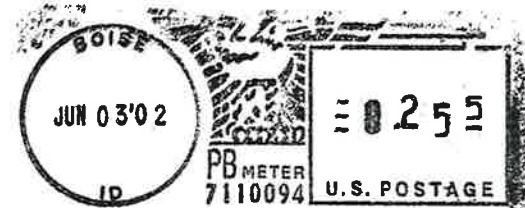
Return Service Requested

63-1161 AN 4N1E

found

ALBERT SCHOOP
3800 EAST CHINDEN BLVD
MERIDIAN ID 83642

PRESORTED
FIRST CLASS



NO SUCH
NUMBER

RECEIVED

JUN 11 2002

WATER RESOURCES
WESTERN REGION

83720-0098



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

63-161AN

found

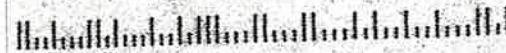

**NO SUCH
NUMBER**
EDITH MARTIN
3790 E CHINDEN BLVD
MERIDIAN ID 83642

PRESORTED
FIRST CLASS



RECEIVED
JUN 07 2002
WATER RESOURCES
WESTERN REGION

83720-0098



MEMORANDUM

June 22, 1995

TO: SRBA Claims Submitted by Settler's Irrigation District

FROM: KAY WALKER *Kay*

RE: Correspondence prior to June 22, 1995

See File A63-00230F for all *additional* correspondence concerning
Settler's claims and claims they submitted for private individuals.

RECEIVED
JUN 22 1995

*Should be
right - per visit
w/ letters
8/19/94 kw*

AJ5809NP
No. A63-00161AN

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/18/94
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EDITH MARTIN 3790 EAST CHINDEN BLVD MERIDIAN ID 83642 (208) 939-2105	05/01/1866	IRRIGATION	03-15 11-15	0.02 CFS	
C	ALBERT SCHOOP 3800 EAST CHINDEN BLVD MERIDIAN ID 83642 (208) 939-2283					
C	DAVID KEECH 6450 GRANADA LANE MERIDIAN ID 83642 (208) 939-7293					
				TOTAL DIVERSION: CONSUMPTIVE USE:	0.02 CFS	17.50 AFA

Water Source: BOISE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T03N R02E S09 NWNW

ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM			
04N	01E	21	:																	:				
																			05	:			:	5.0
																			TOTAL ACRES		:	5.0		

POU County: ADA

Non-Irrigation Uses: NA

Other Rights: 63-230, 63-231, 63-5262, 63-3618, 63-3614

Remarks: TRANS. 918.
P/U KNOWN AS H.P. KIRBY TRACT IN S21, T4N, R1E.

Dates: Exam Made Date: Verified Date: 06/18/1985

Misc: Water District Number: 63 Field Inspection Flag:
Presumption Flag:

SEP 27 1996

UNRECORDED



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 29, 1994

RE: Notice of SRBA Claims to Water Rights Submitted by Settlers
Irrigation District

Scott L. Campbell
ELAM & BURKE
P.O. Box 1539
Boise, ID 83701

Dear Mr. Campbell:

We have completed our initial review of the claims submitted by Settlers Irrigation District. During this review of the claims, we encountered several problems which must be clarified &/or addressed before we can process the information.

The claims submitted on Rights A63-00161Q, A63-00161J, A63-00170A and A63-00169A refer to Water Right Transfers Nos. 737, 712, 736 and 871 respectively. We cannot data enter these claims until we receive further information in regard to the place of use for these rights, so we are returning the original claims to you with this letter. Although the transfers attached to the claims identify legal descriptions of the place of use, they are not specific enough. We must have the number of irrigated acres in each 40-acre tract identified on the claims. To aid you and your clients in completing this, I have attached an ortho-photo quad to each of these claims which I have marked the place of use identified on the transfer for your convenience. Please mark the number of acres in each 40-acre tract on the ortho-photo quads and return the claims and quads to me.

I found that Claim Nos. A63-00161AN, A63-00161A, A63-00161AC, A63-00161BA, A63-00161T, A63-00198A and A63-22227 have been data entered with information contained on the transfer attachments. In reviewing these claims I believe that we need to confirm that the place of use has been accurately described. Copies of these claims and corresponding ortho-photo quads with the place of use marked are enclosed for your review. If you find that the legal descriptions are not correct, amended claims will need to be submitted.

MICROFILMED
SEP 27 1996

Enclosed for your files are the yellow copies of Notice of Claims to Water Right Nos. A63-00230 (amended by Settler's Irrigation District on March 18, 1992 to include 200 additional acres; and then renumbered to A63-00230F pursuant to our water right records), and A63-00231. Also enclosed are data entered copies of these claims. I am wondering if Claim A63-00231 should also be amended to include the 200 acres added to A63-00230F. If so, please advise me and I will prepare an amended claim for your convenience.

In reviewing Claims A63-00230F and A63-00231, along with other claims submitted on the original rights, I have found that the claims are in excess of the original decreed amount. Right 63-00230 was decreed for 99.06 cfs and was then split into parts by transfers of portions of the right. Right 63-00231 was decreed for 73.44 cfs and was then split into parts. The claims will be scrutinized when we conduct our field review to avoid showing an expansion of the decreed amounts.

We have received a claim, which we numbered A63-22192 (evidenced by Transfer No. 50), which is a combination of Rights 63-00230C (priority of 10/17/1884) and 63-00231C (priority of 6/1/1891), and a claim which we numbered A63-27516 (evidenced by Transfer No. 45) which is a combination of Rights 63-00230B and 63-00231B. Be advised that since these rights have been combined on one claim form the priority date may be advanced to the priority of the latter of the two rights (6/1/1891).

Enclosed are Claim Nos. A63-03614, A63-03618, and A63-05262 which are for storage of water within federal facilities. The original water rights are in the name of the U.S. Dept. of Interior, Bureau of Reclamation. Claims for these rights have been submitted by the Bureau of Reclamation, resulting in duplicate filings. As you can see, these claims are not included in the breakdown of the fees previously submitted and will require filing fees if pursued.

I did not locate a SRBA claim on Right 63-00287 (old number 85-A) which is for 36" of water to be delivered through Settlers Canal. I have included a listing of the current water right record for your information. A claim should be submitted if Settlers delivers this 36" of water through their system.

Enclosed is a breakdown of the fees submitted under Receipt No. C011305 as shown in our records. Please note that we have not received the correct filing fees for Settler's claims. I have found that some of the claims submitted are for irrigation of lands that are not included under the land list on Claim A63-00230F. Based on review of the claims that I could complete an overlap review on, the filing fees due are \$294.00. There are several claims (as discussed in paragraph 2) that I could not determine if the lands were previously paid for or not. I have also enclosed a summary to show where the additional fees are required.

It would be very helpful for our review of these claims if Settlers would submit a map showing all of the lands currently receiving water

MICROFILMED
SEP 27 1996

from their system. We have found using ortho-photo quads for platting this information is helpful.

Please complete the above items, **initial and date any changes or additions** to the claim forms, and return them, with the requested fee, to our office. We will begin our field review of Basin 63 at the end of this summer and these claims need to be in our computer system by then. If you need help in completing the items identified or have any questions concerning this letter, please feel free to contact me. I would be happy to meet with you and/or board members from Settlers, if you would like to call and set up an appointment.

Sincerely,



KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:kw
Enclosures

cc: Settlers Irrigation District

ENCLOSURE
SEP 27 1996