

05/05/2005

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

RIGHT NUMBER: 63-121

NAME AND ADDRESS: FAIRVIEW ACRES WATER USERS ASSOC INC
PO BOX 6377
BOISE ID 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 13.400 CFS

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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1886

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	13.400 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 Reservoir 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:

402 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 402 ACRES WITHIN THE
BOUNDARY OF FAIRVIEW ACRES WATER USERS ASSOCIATION

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 DESIGNATED AS NO 94 IN THE STEWART DECREE AND THE
BOISE RIVER WATER MASTERS RECORDS

WATER IS DELIVERED THROUGH THE SETTLERS CANAL AND FAIRVIEW
ACRES IRRIGATION DITCHES.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-120H, 63-122, 63-161AJ, 63-169A,
63-169C, 63-16532, 63-230L, 63-230M, 63-231D.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

HOFSTETTER LAW OFFICE

608 West Franklin Street

Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter

Attorney at Law

Telephone: (208) 424-7800

Facsimile: (208) 424-8774

June 24, 2005

RECEIVED

JUN 24 2005

WATER RESOURCES
WESTERN REGION

Mel Schulte
Jan Shurte
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: SRBA - Fairview Acres Water Users Association, Inc.

Dear Mr. Schulte and Ms. Shurte:

On behalf of Red Lion Inns Operating LP, I request amendment of the place of use description for the Fairview Acres Water Users Association, Inc to include the DoubleTree Hotel Boise Riverside ("Hotel") property. Mr. Schulte previously left me a voice mail message requesting the number of acres of the Hotel property to be added to the place of use description for the Fairview Acres Water Users Association, Inc.'s water rights. Mr. Schulte also indicated that a meeting likely would not be necessary for the purpose of revising the Fairview Acres Water Users place of use map to add this acreage.

The Hotel property is Ada County Tax Parcel No. R2734541983, which, according to County records, is composed of 14.390 acres. I enclose information from the Ada County Assessor's Office concerning this tax parcel, including a map of parcel boundaries. Richard Pendergrass, President of the Fairview Acres Water Users Association, has confirmed that the Hotel is being assessed for approximately 14 acres. Accordingly, the entire Hotel parcel should be included within the Fairview Acres Water Users Association's place of use. Mr. Pendergrass's telephone phone number is 850-7020, if you would like to discuss this matter with him further.

OK - done
6-27-05

Please let me know if you need any further information to address this matter.
Please also forward me a copy of the updated Fairview Acres Water Users Association's

Mel Schulte
Jan Shurte
June 24, 2005
Page 2

done 6-27-05

SRBA boundary and place of use map as soon as it is available. Thank you for your assistance with this matter.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

Enclosures

cc: Richard Pendergrass w/enclosures
4028.1/6535

05/09/2005

NOTICE OF ERROR
REPLY

RECEIVED

AUG 04 2005

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 24, 2005

Water right number: 63-121

FAIRVIEW ACRES WATER USERS ASSOC INC

PO BOX 6377

BOISE ID 83707

Telephone Number: (208)658-1263

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 7-13-05

SIGNATURE:

Peggy V Clements

Please print your name:

Peggy V Clements

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190



Property Master			
05/18/2004			
Year 2004	Parcel # R2734541983	Status Active	Property Type Real
Property Code Area 06		State Parcel # G0635036000A	

Physical Location	
Address	2900 W CHINDEN BLVD BOISE ID 83714-0000
Group Type	SUB
Group #	273454
Description	FAIRVIEW ACRES SUB NO 05
Zoning	C-1
Township/Range/Section	3N 2E 05

Contact Information	
Name	RED LION INNS OPERATING L P
Mailing Address	JOHN E SPEAR GUILDHALL BLDG SUITE 1500 45 W PROSPECT AVE CLEVELAND OH 44115-1027

Description

PAR #1983 OF BLKS 36-38-41 INC
VAC PT OF STS & ALLEY
FAIRVIEW ACRES SUB 5 #1550-60
-80-1930-50-70-2222-2460-70-C
#8721888

Additional Contacts

Status	State Category Code	Acres	Assessed Value	Assessment Roll	Property Occupancy	Valuation Method
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Active	210	14.390	4,826,600	Primary	Non-Occupancy	MARKET
Active	420		16,999,900	Primary	Non-Occupancy	INCOME
			21,826,500			

Less Homeowners Exemption

21,826,500

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-121 V1

WATER RIGHT NUMBER: 63-121 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FAIRVIEW ACRES WATER USERS ASSOC INC PO BOX 6377 BOISE, ID 83707 (208)658-1263
Original Owner	THOMAS DAVIS BOISE, ID

Priority Date: 06/01/1886

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	13.400 CFS	
<u>Total Diversion:</u>		13.400 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 UseConditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 155 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
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 63-121 V1

5. 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 Reservoir 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.

Remarks:

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 94 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS
2. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE.
3. Explanatory WATER IS DELIVERED THROUGH THE SETTLERS CANAL AND FAIRVIEW ACRES IRRIGATION DITCHES.
4. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-120H, 63-122, 63-161AJ, 63-169A, 63-169C, 63-16532, 63-230L, 63-230M, 63-231D.
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 402 ACRES WITHIN THE BOUNDARY OF FAIRVIEW ACRES WATER USERS ASSOCIATION

Comments:

1. mcase 7/21/2004 POD
Comment: Correlated PODID 619981 from SpatialDataID 342579 to SpatialDataID 306185
2. mcase 7/21/2004 POD
Comment: Correlated PODID 619981 from SpatialDataID 342579 to SpatialDataID 306185

Water Supply Bank:

**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) 63-121

Owner: Sanview Acres Water Users Phone No. 376-4694 = Randy Goehring
 Current Address: PO Box 6377, Boise 83707 VP + ditch user

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

Accompanied by:

Randy Goehring (President is Richard Pondegrast)**PRIORITY DATE**

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

Priority date, per claimant, is: 6-1-1886 ~ same as decree

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

Source:

Boise River

Tributary to

Snake River

- ☒ 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 in claim describes the redirection from Settlers Canal and possibly the legal POD in the decree

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
	7		SW	NE	9	3N	2E	Ada	USGS topo map

Description of diverting works

Dam in Boise River and concrete structure with
headgates divert to the Settlers Canal. (See Remarks below)

OVERLAP REVIEWOther water rights with the same point of diversion: Settlers Irrigation rights

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

No.**WATER USES**☒ No change☐ Different Uses

Use Irrigation From 3-1 To 11-15 Amount 13.40 CFS _____ AFA _____
Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____
Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

TOTAL VOLUME – Groundwater only NA

- ☐ Incomplete on claim, the total is, 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:

Limited to Place of Use			acres within the boundary of Fairview Acres. 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: 63-122

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

No - Fairview Acres has two decreed rights 63-121 & 122.

Delivery System Narrative:

Fairview Acres water diverts at the Settlers Canal P.O. and flows for about 1/2 mile to a redirection structure in the canal. Fairview Acres ditch flows open for about 204 miles and then into a concrete pipe under the Main Street / Fairview Ave connectors. When it leaves the concrete culvert it flows into a series of smaller laterals and ditches that flow Northwest through the eastern part of Garden City as far as just as 48th Street. Users pump or divert from the small ditches.

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

The place of use for Fairview Acres is comprised mostly of small lawns and gardens or small pastures. The exact number of irrigated acres cannot be determined but the company claims to have 642 shareholders and assessed based on the size of county recorded parcels.

The Stewart decree map indicates there might have been about 436 irrigated acres in 1906 but the total water decreed is 697 inches. The place of use

the decree describes 3 quarter sections which total only 480 acres (3x160). In order to justify 697 inches of water for 480 acres or less we have to assume the decree was allowing for land along the river that was rocky, sandy, porous soil ~~at~~ the claimed POA totals 407 acres which we have to assume came from the companies records and will be the limitation in the recommendation until better information is available.
The total diversion rate for 63-121 + 63-122 = 13.94 cfs (.0348/acre) which is not justified but must be recommended based on the Greer Decree and Idaho Code.

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

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Mel Schulte

63-121

(6)

I.

That the defendant THOMAS DAVIS be and is hereby awarded the use of the waters of Boise River, diverted from a point on the north bank of said river about one mile east of the east line of the original townsite of Boise City, Idaho, through what is commonly known as the Jacobs Canal, for use upon lands lying in Secs. 10 and 11, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0120 110 inches, from June 1, 1864; and hereby designated as Right No. 1
 512, 513, 530, 595

That the defendant Thomas Davis be and is hereby awarded the use of said waters diverted from a point on the south side of said river in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 9, T. 3 N. R. 2 E. B.M., through what is known as the Davis Canal, for use upon lands in Secs. 5, 6, 31 and 32, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0121 670 inches, from June 1, 1886, and hereby designated as Right No. 94.

That the defendant Thomas Davis be and is hereby awarded the use of said waters diverted from said river at a point in NW $\frac{1}{4}$ of Sec. 9, T. 3 N. R. 2 E. B.M., through what is known as the Davis private ditch, for use upon SE $\frac{1}{4}$ of Sec. 5 and SE $\frac{1}{4}$ of Secs 8 and 9, all in T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0122 27 inches, from June 1, 1891; And hereby designated as Right No. 119
 P.D. 3a And adjudged to pay \$56.49 costs, in addition to the costs incurred by him.

II.

JACOBS CANAL COMPANY, Limited, a corporation.

That the defendant the Jacobs Canal Company, Limited, be and it is hereby awarded the use of the waters of Boise River, diverted from a point on the north side of said river about one mile east of the east boundary line of the original townsite of Boise City, Idaho, through what is commonly known as the Jacobs Canal, for use upon the town lots and lands lying under said canal in Secs. 4, 9, 10, 11, 13, 14, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0123 1000 inches, from June 1, 1864; and hereby designated as Right No. 2
 542, 136 And adjudged to pay \$70.00 costs, in addition to the costs incurred by it.

JUN 21 1996

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-121

WATER RIGHT NUMBER: 63-121

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS DAVIS 4555 WEST GREEN KUNA, ID 83634

Priority Date: 06/01/1886

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	13.400 CFS	
	<u>Total Diversion:</u>	13.400 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NW1/4NW1/4	Sec. 9,	Twp 03N,	Rge 02E, B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T03N R02E S05	T03N R02E S06
T03N R02E S31	T03N R02E S32

Conditions of Approval:

Remarks:

1. General P/U INCOMPLETE IN DECREE.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-121

WATER RIGHT NUMBER: 63-121

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FAIRVIEW ACRES WATER USERS ASSOC INC PO BOX 6377 BOISE, ID 83707 (208)658-1263
Original Owner	THOMAS DAVIS BOISE, ID

Priority Date: 06/01/1886

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	5/01 to 9/30	13.400 CFS	
<u>Total Diversion:</u>		13.400 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NW1/4NW1/4	Sec. 9, Twp 03N, Rge 02E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T03N R02E S05	NWNE	20.0	T03N R02E S05	SWNE	18.0
T03N R02E S05	SENE	1.0	T03N R02E S05	NENW	40.0
T03N R02E S05	NWNW	29.0	T03N R02E S05	SWNW	25.0
T03N R02E S05	SENE	30.0	T03N R02E S05	NESW	21.0
T03N R02E S05	NWSW	1.0	T03N R02E S06	NENE	12.0
T03N R02E S06	SENE	2.0	T04N R02E S31	SENE	9.0
T04N R02E S31	NESE	30.0	T04N R02E S31	NWSE	3.0
T04N R02E S31	SESE	23.0	T04N R02E S32	SWNW	5.0
T04N R02E S32	NESW	18.0	T04N R02E S32	NWSW	37.0
T04N R02E S32	SWSW	40.0	T04N R02E S32	SESW	36.0
T04N R02E S32	SWSE	2.0			

Total Acres: 402

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-121

Remarks:

1. General P/U INCOMPLETE IN DECREE.
2/16/89-THE POU HAVE BEEN INCLUDED ON THIS CLAIM. ALSO, THE ACREAGES IN SEC. 31,32 ARE ACTUALLY IN T.04N,R02E RATHER THAN IN 3N,2E. 3N,2E IS IN THE VICINITY OF THE BOISE AIRPORT WHICH IS INCORRECT. BELIEVE THIS MAY HAVE BEEN A TYPO WHEN THESE WATER RIGHTS WERE ENTERED IN THE COMPUTER. ASSOCIATION REPRESENTS PROPERTY OWNERS.

Comments:

63-121

STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY NO.	DATE	AMOUNT DECREED			TOTAL SEC. FT.
					STEWART DECREE	INTERVENORS STEWART DECREE	BRYAN DECREE	
CALDWELL HIGH LINE			34	6-1-1866	15.40			770
			46	6-1-1869	37.20			1860
			77	10-29-1880	27.60			1380
	29*		46	6-1-1869	1.00*			50*
								79.20
CAMPBELL (CANYON DITCH CO.)			132	5-17-1900	10.00			500
			134	10-25-1901	5.54			277
		38	96	10-1-1887	12.10			605
		105	9	6-1-1865	.50			25
								28.14
CANYON COUNTY			35	6-1-1867	75.80			3790
			35-A	6-1-1867		1.76		88
	29		46	6-1-1869	1.00			50
	36*		35	6-1-1867	.38*			19*
	54*		35	6-1-1867	1.11*			55.5*
	59		31	6-1-1866	2.60			130
	75		35	6-1-1867	.50			25
	147		35	6-1-1867	.20			10
CONWAY & HAMMING			48	6-1-1870	2.60			130
			64	6-1-1877	.90			45
			118	6-1-1891	2.20			110
DAVIS (LITTLE DAVIS)			94	6-1-1886	13.40	- 63-121		670
			119	6-1-1891	.54	- 63-122		27
(Zanivier Cross ditch)								
EUREKA NO. 1			13	6-1-1865	33.32			1666
								33.32

STATE OF IDAHO,

County of Ada

ss.

Ed. Davis, President of the Davis Estate Incorporated, a corporation, being first duly sworn, upon his oath deposes and says:

That he is the owner of a decreed water right appurtenant to the following described land to-wit:

SE 1/4 of Sec. 5 & SE 1/4 Sec. 8 9 9 T 3 N R 2 E B 1

as evidenced by the decrees dated

24

day of

April 1905

in the cause entitled Pamers Cooperative Ditch Co. Plaintiff,

vs. Riverside Irrigation Dist. Ltd. Defendant, brought

in the District Court of the 7th Judicial District of the State of Idaho; or,

and corporation
That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. _____

That it intends to change the point of diversion, as described in said decree or permit, to the following described point:

NW 1/4 NW 1/4 Sec. 9 T 3 N R 2 E B 1 change
what is known as the Davis Canal.

That such change will be made for the following reasons, to-wit: Both the ditches
are owned and controlled by said Davis
Estate and smaller ditch will be
abandoned because difficulty of getting
water thru a flume and pipe line

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent swears not.

Subscribed and sworn to before me this

26

day of

Ed Davis

Thomas H. Smith

My commission expires

July 15 1919

(Over)

CEASED
Notary Public
Idaho

EFFECTIVE APRIL 15 1911

STATE ENGINEER'S OFFICE

Regulations as to Change of Point of Diversion.

Section 3247 of the Revised Codes provides that a person entitled to the use of water, may change the place of diversion if others are not injured by such change. The Board of Irrigation has adopted the following regulations as to procedure under said section:

The person desiring to change point of diversion must file with the State Engineer an affidavit describing his water right, setting forth his intent to change point of diversion and the reasons for such change, together with an averment that no one will be injured thereby and that deponent will make such change at his own risk.

The point to which it is desired to change the place of diversion must be described as follows:

When the amount claimed does not exceed 25 cubic feet per second and point of diversion will be on surveyed land, locate same by giving the legal description of the 40 acre tract in which it will be situated. If upon unsurveyed land, give approximate distance to mouth of stream from which water is claimed or to the mouth of some creek flowing into said stream. Where there is more than one point of diversion, describe each separately and specify the amount claimed from each.

Where the water claimed exceeds 25 cubic feet per second, locate the point to which it is desired to change the place of diversion as follows:

If upon or near surveyed land, the point of diversion by course and distance to section or quarter section corner. If said point will be more than two miles from the corner of a public survey, the tie may be made to the mouth of the stream from which the water is claimed or to the mouth of some creek flowing into said stream.

The affidavit must be accompanied by maps in duplicate, showing the following details:

1. If for irrigation and domestic use:
 - (a) Name of applicant
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches, including laterals delivering water within one mile of each 160 acre tract of the land to be irrigated.
 - (f) Lands to be shown by cross-hatching, outlining, or coloring.
2. If for other than irrigation and domestic purposes:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches.
 - (f) Point or points of use.
 - (g) Point or points of return to stream after use.

If application is for more than 25 cubic feet per second, the maps must be prepared from actual survey and must be certified to by the engineer in charge of survey, in the following form:

I hereby certify that this map was prepared from an actual survey made by me _____ 191 _____ and correctly shows position of points indicated thereon.

Engineer.

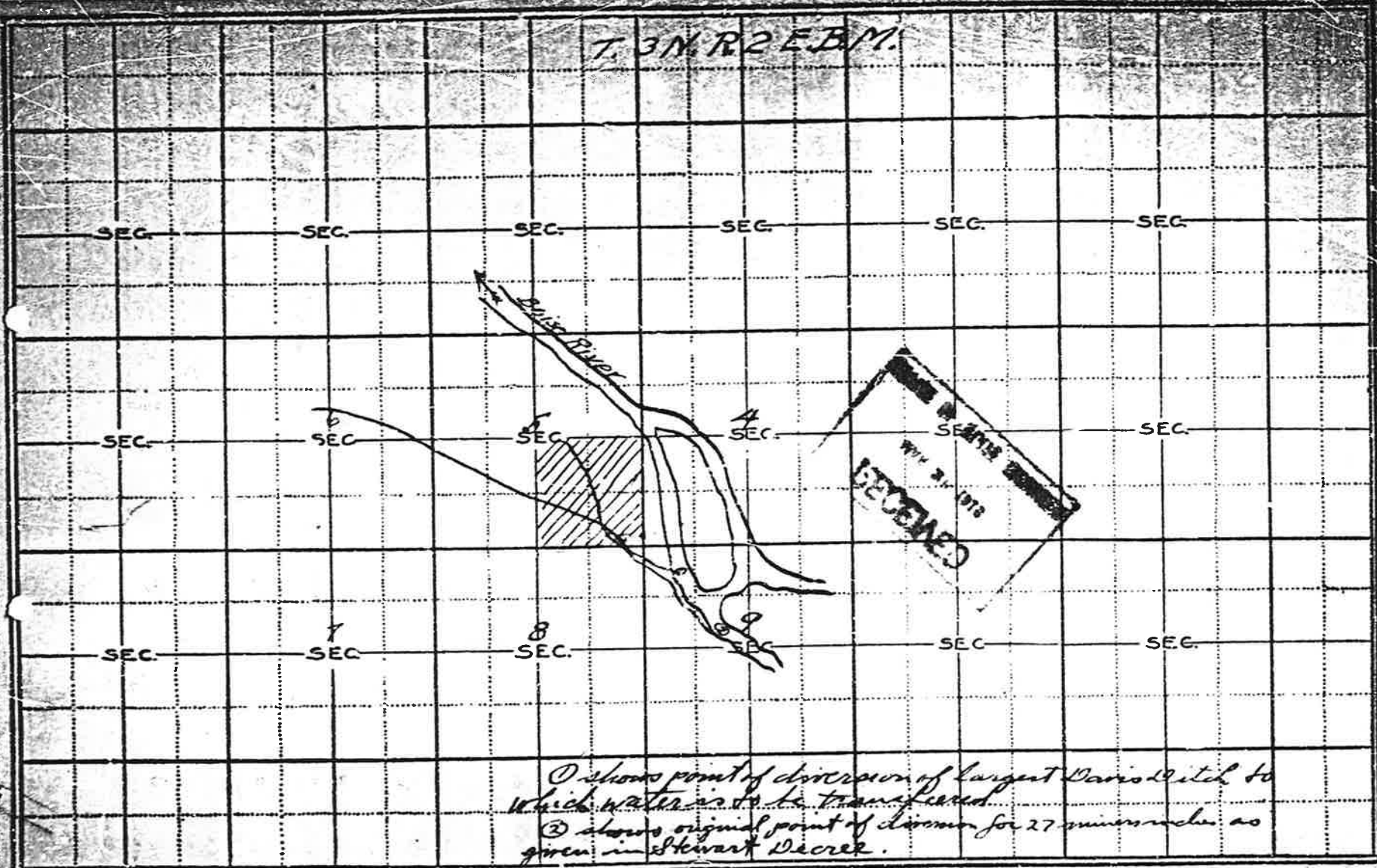
P. O. _____

191 _____

(Over)

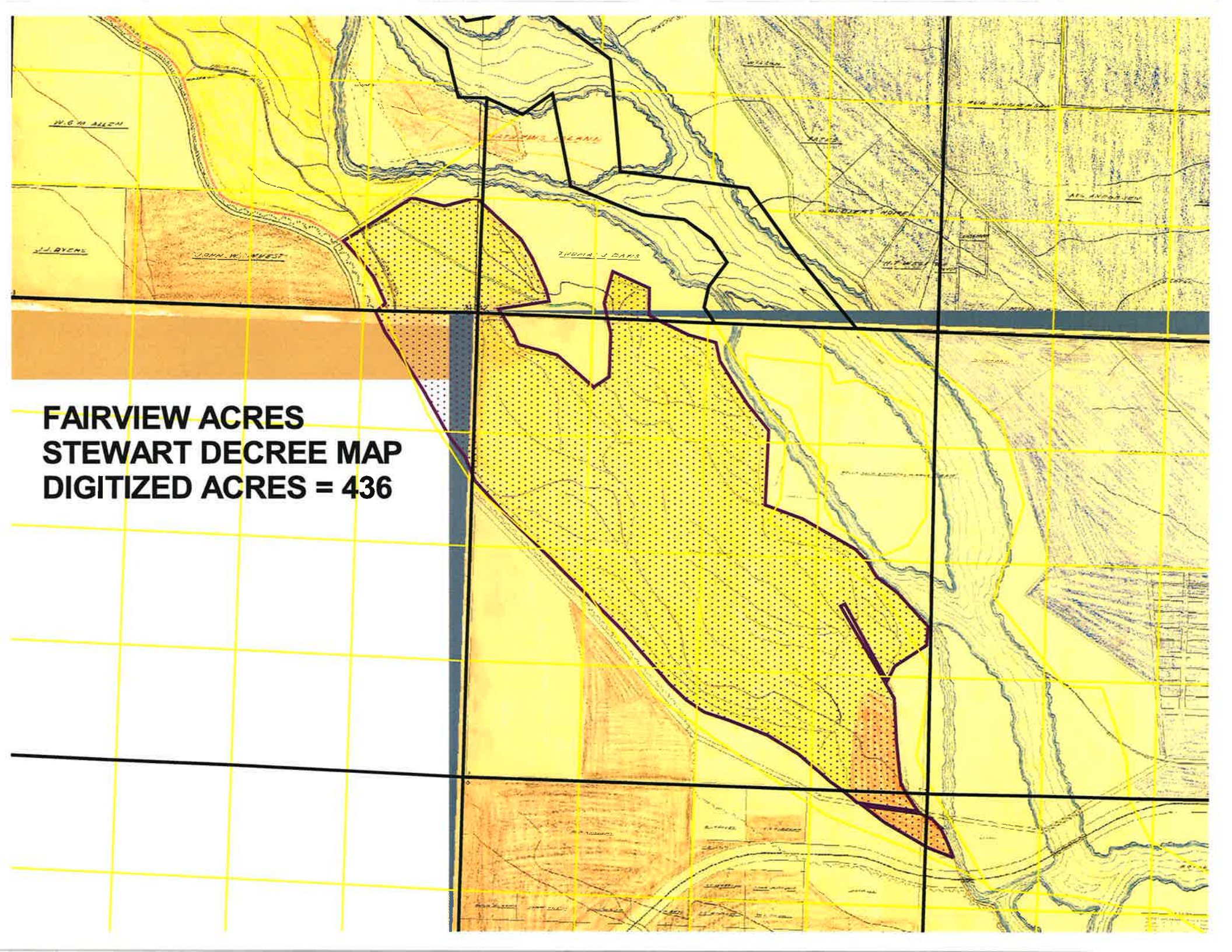


T. 3N. R. 2E. B.M.



① shows point of diversion of largest Davis ditch to which water is to be transferred.
 ② shows original point of diversion for 27 minutes as given in Stewart Decree.

RECEIVED JUL 21 1978



**FAIRVIEW ACRES
STEWART DECREE MAP
DIGITIZED ACRES = 436**

ESTIMATING CONVEYANCE LOSS

FIELD EXAMINER:

Mel

FIELD EXAM DATE:

10-20-03

FOR CLAIM(S)

Garview Acres.

From headgate in Settlers canal to culvert

FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile

W = The top width of the high water mark in feet

i = The loss rate in feet per day (see table)

0.0667 is a factor used to convert to CFS per mile

TABLE:

Type of Soil	Loss Rate i (Ft/Day)
Medium clay loam.....	0.5 to 1.5
Impervious clay.....	0.5
Medium soils.....	1.0
Somewhat pervious soils.....	1.5 to 2.0
Gravel.....	2.5 to 5.0

WORK SHEET

$W = (\underline{17'} \text{ FT}) i = (\underline{3.5} \text{ FT/DAY})(0.0667)$

$S = \underline{3.96} \text{ CFS/MILE}$

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES).

CONVEYANCE LOSS = $(\underline{3.96} \text{ CFS/MILE})(\underline{.04} \text{ MILE})$

CONVEYANCE LOSS =

.16

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = 17'

Length in Inches = _____ = A

Section 2 = 17'

Map Scale: _____ In. = 1 Mile = B

Section 3 = _____

Total.... = _____

$A/X: B/5,280 = \text{Ft./5,280} = \text{Mile}$

/2or 3... = _____ = W

Data/forms/Conv.loss.doc

Delivery loss portion between Settlers Sr.
and Fairview Acres Sr. from the POD to
the Fairview Acres diversion.

$$\text{Estimated loss} = 5.02 \text{ cfs}$$

$$\begin{aligned}\text{Fairview Acres diversion rate} &= 13.94 \text{ cfs} = 7.5\% \\ \text{Settlers Sr. diversion rate} &= \frac{170.81 \text{ cfs}}{184.75 \text{ cfs}} = 92.5\% \\ &= 100\%\end{aligned}$$

$$\begin{aligned}\text{Fairview Acres portion} &= 5.02 \times .075 = .38 \text{ cfs} \\ \text{Settlers Sr. portion} &= 5.02 \times .925 = 4.64 \text{ cfs} \\ &= 5.02 \text{ cfs}\end{aligned}$$

1/5/95

ESTIMATING CONVEYANCE LOSS



FIELD EXAMINER: Me

FIELD EXAM DATE: 3-9-04

FOR CLAIM(S)

Settlers Irrigation Canal
from POD to Laramie Acres diversion

FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile
W = The top width of the high water mark in feet
i = The loss rate in feet per day (see table)
0.0667 is a factor used to convert to CFS per mile

TABLE:	Type of Soil	Loss Rate i (Ft/Day)
	Medium clay loam.....	0.5 to 1.5
	Impervious clay.....	0.5
	Medium soils.....	1.0
	Somewhat pervious soils....	1.5 to 2.0
	Gravel.....	2.5 to 5.0

Rock e sand = 4.0

WORK SHEET

W = (33 FT) i = (4.0 FT/DAY) (0.0667)

S = 8.8 CFS/MILE

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (8.8 CFS/MILE) (.57 MILE)

CONVEYANCE LOSS = 5.02 CFS

TOP OF DITCH = W

Section 1 = 25

Section 2 = 37

Section 3 = 37

Total.... = 99

/2or 3... = 33 = W

.38 cfs to Laramie Acres
4.64 cfs to Settlers Dr.

MAP MEASUREMENT

Length in Inches = _____ = A

Map Scale: _____ In. = 1 Mile = B

A/X : B/5,280 = Ft./5,280 = Mile

3019'/5280 = .57 miles

Based on the View measurement

POD - 3N, 2E, S9, SWNE, L+7

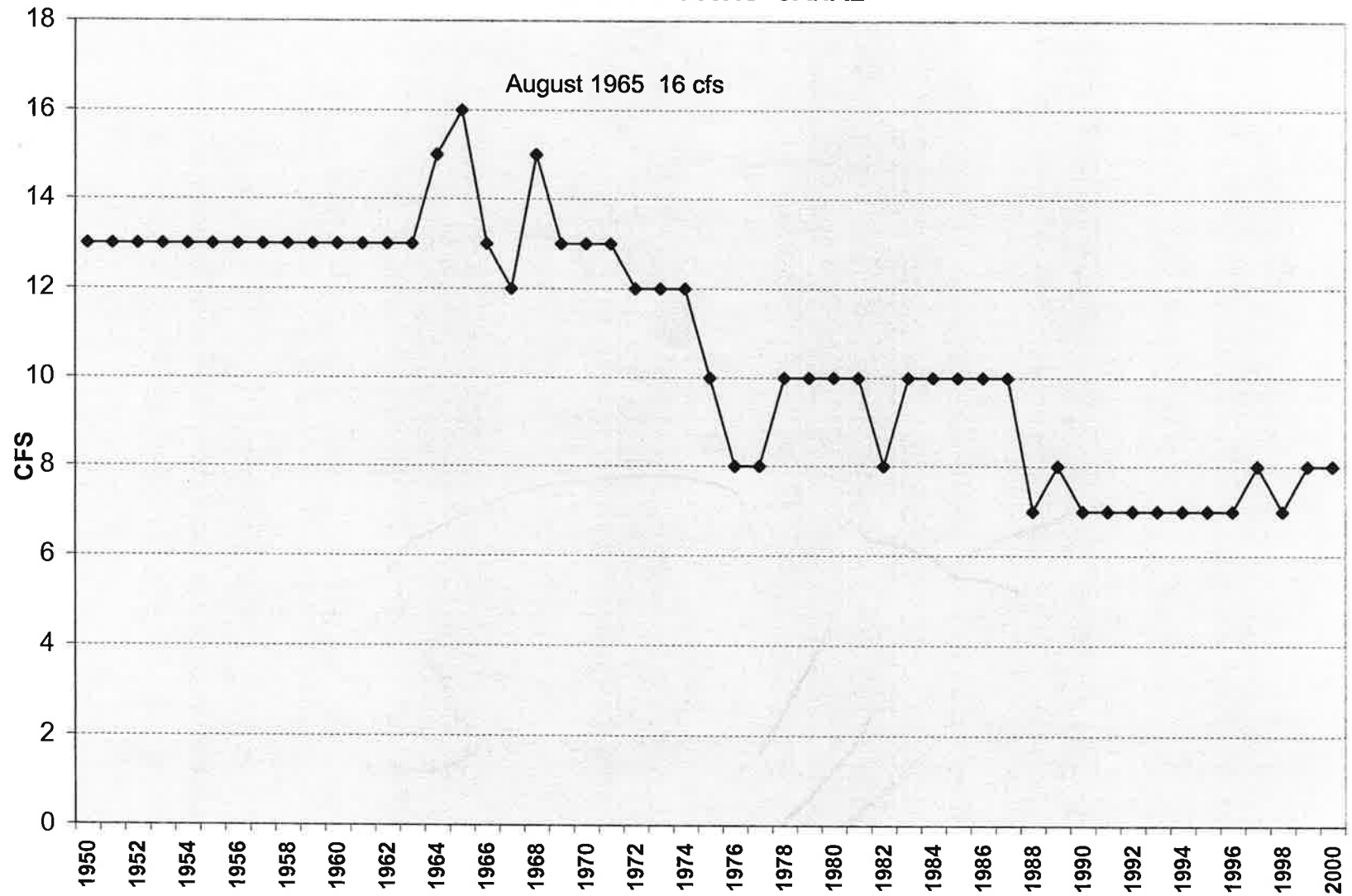
Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Source	Water Use(s)	Source Table	Source Table	App ID
63	120	H	Decreed	1864-06-01	0.2	BOISE RIVER	IRRIGATION	WHITE, FAY M (Current)	wrAdjudicationRecommendation	
63	121		Decreed	1886-06-01	13.4	BOISE RIVER	IRRIGATION	FAIRVIEW ACRES WATER USERS ASSOC INC (Current)	wrAdjudicationRecommendation	
63	122		Decreed	1891-06-01	0.54	BOISE RIVER	IRRIGATION	FAIRVIEW ACRES WATER USERS ASSOC INC (Current)	wrAdjudicationRecommendation	
63	161	AJ	Decreed	1866-05-01	0.1	BOISE RIVER	IRRIGATION	WHITE, FAY M (Current)	wrAdjudicationRecommendation	
63	169	A	Decreed	1868-06-01	0.29	BOISE RIVER	IRRIGATION	EGGERS, JO ANN (Current)	wrAdjudicationRecommendation	
63	169	C	Decreed	1868-06-01	0.22	BOISE RIVER	IRRIGATION	EGGERS, JO ANN (Current)	wrAdjudicationRecommendation	
63	230	L	Decreed	1884-10-17	97.37	BOISE RIVER	IRRIGATION	SETTLERS IRRIGATION DISTRICT (Current)	wrAdjudicationRecommendation	
63	230	M	Decreed	1884-10-17	0.78	BOISE RIVER	AESTHETIC, AESTHETIC STORAGE, DIVERSION TO STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE	SETTLERS IRRIGATION DISTRICT (Current)	wrAdjudicationRecommendation	
63	231	D	Decreed	1891-06-01	73.06	BOISE RIVER	IRRIGATION	SETTLERS IRRIGATION DISTRICT (Current)	wrAdjudicationRecommendation	
63	3147		License	1/26/1959	2.45	GROUND WATER	MUNICIPAL	CITY OF BOISE (Current)	wrAdjudicationRecommendation	
63	10041		License	5/18/1983	0.02	GROUND WATER	COMMERCIAL	BENCH SEWER DIST (Current)	wrAdjudicationRecommendation	
63	16532			6/1/1959	0.2	BOISE RIVER	IRRIGATION	MILLS, ADA (Current)	wrAdjudicationRecommendation	

An aerial photograph of a suburban area with a grid of streets. A large, irregularly shaped area in the center-left is outlined with a thick blue line. Within this blue-outlined area, there are several smaller, irregularly shaped regions outlined with yellow lines. These yellow-outlined regions are filled with a pattern of small, colored dots (red, green, and blue). To the right of the blue-outlined area, there is a large, dark, irregularly shaped area that appears to be a body of water or a large park. The surrounding area is a dense grid of streets and buildings, typical of a suburban neighborhood.

**FAIRVIEW ACRES WATER USERS
BOUNDARY AND PLACE OF USE MAP**

MAXIMUM MONTHLY DIVERSION 1950-2000

13205517 DAVIS CANAL



13205517 EST(1928-63) AND HISTORIC DIVERSION OF DAVIS CANAL	(CFS)												
W-YR	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ANN
1950	5	0	0	0	0	0	0	5	13	13	13	13	72
1951	3	0	0	0	0	0	0	8	13	13	13	10	74
1952	3	0	0	0	0	0	0	3	13	13	13	10	69
1953	3	0	0	0	0	0	0	8	13	13	13	12	76
1954	5	0	0	0	0	0	0	7	13	10	13	12	72
1955	5	0	0	0	0	0	0	0	13	13	13	10	63
1956	3	0	0	0	0	0	0	10	13	13	13	10	76
1957	3	0	0	0	0	0	0	5	13	13	13	12	73
1958	5	0	0	0	0	0	0	8	13	13	13	12	78
1959	5	0	0	0	0	0	0	12	13	13	13	10	79
1960	3	0	0	0	0	0	0	8	13	13	13	12	76
1961	5	0	0	0	0	0	0	8	13	13	13	12	78
1962	5	0	0	0	0	0	0	7	13	13	13	12	76
1963	5	0	0	0	0	0	0	2	13	13	13	12	71
1964	5	0	0	0	0	0	0	5	13	12	15	15	79
1965	8	0	0	0	0	0	0	3	13	12	11	16	79
1966	5	0	0	0	0	0	0	8	13	12	13	11	73
1967	5	0	0	0	0	0	0	7	10	12	11	7	63
1968	5	0	0	0	0	0	0	8	15	15	15	11	79
1969	5	0	0	0	0	0	0	5	11	12	11	13	69
1970	3	0	0	0	0	0	0	3	11	10	11	13	64
1971	5	0	0	0	0	0	0	2	8	12	13	13	63
1972	2	0	0	0	0	0	0	5	11	12	11	11	63
1973	3	0	0	0	0	0	0	3	10	12	11	11	61
1974	2	0	0	0	0	0	0	2	11	12	11	11	59
1975	3	0	0	0	0	0	0	0	5	7	10	8	41
1976	5	0	0	0	0	0	0	2	8	8	8	8	48
1977	2	0	0	0	0	0	0	5	8	8	8	8	45
1978	0	0	0	0	0	0	0	0	10	8	10	8	39
1979	3	0	0	0	0	0	0	2	10	10	10	10	53
1980	2	0	0	0	0	0	0	2	7	7	10	10	44
1981	0	0	0	0	0	0	0	0	8	10	8	10	46
1982	2	0	0	0	0	0	0	0	8	8	8	8	43
1983	2	0	0	0	0	0	0	0	3	10	8	8	40
1984	2	0	0	0	0	0	0	2	8	8	10	10	48
1985	2	0	0	0	0	0	0	3	8	8	10	8	48
1986	0	0	0	0	0	0	0	2	10	8	8	8	43
1987	0	0	0	0	0	0	0	3	10	8	8	8	45
1988	0	0	0	0	0	0	0	2	7	5	7	7	26
1989	0	0	0	0	0	0	0	2	8	8	7	7	35
1990	0	0	0	0	0	0	0	2	5	5	7	7	31
1991	2	0	0	0	0	0	0	0	5	7	7	7	33
1992	0	0	0	0	0	0	0	3	7	7	7	7	30
1993	0	0	0	0	0	0	0	0	5	5	7	7	30
1994	3	0	0	0	0	0	0	5	7	7	7	7	40
1995	0	0	0	0	0	0	0	2	7	7	7	7	35
1996	3	0	0	0	0	0	0	0	5	7	7	7	35
1997	3	0	0	0	0	0	0	3	7	7	8	7	41
1998	2	0	0	0	0	0	0	3	7	7	7	7	38
1999	2	0	0	0	0	0	0	3	7	7	7	8	40
2000	3	0	0	0	0	0	0	5	8	8	7	5	36
AVERAGE: 1950-2000	3	0	0	0	0	0	0	4	10	10	10	10	55

FAIRVIEW ACRES WATER USERS

ADDITIONAL INFORMATION

DATE: AUGUST 16, 2004

BY: MEL SCHULTE

During the initial review Wayne Sobiech, President, and Randy Goehring, VP & ditch rider, (376-4694) were the primary contacts. Wayne Sobiech has moved from the area and Richard Pendegast is now the President (850-7020). Randy Goehring is the most knowledgeable about the delivery system and the operation of the company. Richard and Randy indicated they were going to retain Ringert & Clark as counsel for the company but we have not received any formal notification from them.

The major concern in the recommendation for Fairview Acres is proving beneficial use for all their water. The total of their two decreed rights equals 697 inches. They claimed 402 acres, the digitized place of use equals 416 acres, the Stewart decree map indicates 436 acres and the area within their boundary totals 637 acres.

The Fairview Acres place of use is the area that is now the easterly part of Garden City that is mostly small domestic and commercial parcels. Randy and Richard indicated that to their knowledge they had 642 shareholders but they failed several requests to provide proof of their shareholder number. The character of the place of use does not lend itself to any excessive flow analysis and ditch system only allows for a limited delivery loss estimate.

Fairview Acres shares a POD and approximately one/half mile of canal with Settlers Irrigation District. When water diverts from the Settlers canal into the Fairview Acres ditch it flows about 200 feet in an open ditch and then into a culvert under the Fairview Avenue/Main Street connectors. After it leaves the culvert it diverts into a small system of ditches to the places of use. Only the Settlers canal and the first 200 feet of ditch provide for delivery loss and the total applicable to Fairview Acres is only .54 cfs.

I recommended the rights be limited to 402 acres, the amount claimed. At an inch to the acre plus 27 inches for delivery loss, only 429 inches of the 697 inches is covered. If the company does in fact have 642 shareholders and one inch per share can be allocated as we have done in other situations then most of their water is covered.

MTS

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 63-121
Date Received: 8/7/1989
Receipt No: W004118
Received By:

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

1. Name of Claimant(s)

FAIRVIEW ACRES WATER USERS ASSOC INC Phone: (208)658-1263
PO BOX 6377
BOISE ID USA 83707

2. Date of Priority: 06/01/1886

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	Type
03N	02E	9	NW NW	ADA	

5. Description of diverting works:

HEADGATE, CANAL, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	9/30	13.4	

7. Total Quantity Appropriated is:
13.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03N	02E	5	NE SW	IRRIGATION	21
			NW SW	IRRIGATION	1
			SW NW	IRRIGATION	25

			SE	NW	IRRIGATION	30
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	29
			NW	NE	IRRIGATION	20
			SW	NE	IRRIGATION	18
			SE	NE	IRRIGATION	1
					Section Acres	185
03N	02E	6	NE	NE	IRRIGATION	12
			SE	NE	IRRIGATION	2
					Section Acres	14
04N	02E	31	NW	SE	IRRIGATION	3
			NE	SE	IRRIGATION	30
			SE	SE	IRRIGATION	23
			SE	NE	IRRIGATION	9
					Section Acres	65
04N	02E	32	SW	NW	IRRIGATION	5
			NW	SW	IRRIGATION	37
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	36
			NE	SW	IRRIGATION	18
			SW	SE	IRRIGATION	2
					Section Acres	138
					Total Acres	402

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

P/U INCOMPLETE IN DECREE.

2/16/89-THE POU HAVE BEEN INCLUDED ON THIS CLAIM. ALSO, THE ACREAGES IN SEC. 31,32 ARE ACTUALLY IN T.04N,R02E RATHER THAN IN 3N,2E. 3N,2E IS IN THE VICINITY OF THE BOISE AIRPORT WHICH IS INCORRECT. BELIEVE THIS MAY HAVE BEEN A TYPO WHEN THESE WATER RIGHTS WERE ENTERED IN THE COMPUTER.

ASSOCIATION REPRESENTS PROPERTY OWNERS.

15. Basis of Claim: Decreed

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): A63-121
A63-122

[] Old Mailing Address: _____

[] New Mailing Address: _____

PO Box 6377
Boise, ID 83707

New Telephone Number: (

) 462-3581

376-4694

[] Signature of Claimant: _____

Wayne [signature] Randy

Date: _____

10-14-03

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____

By: _____

Further Action Needed:

Further Action Taken

Date: _____

By: _____

Final Review and Data-Entry

Date: _____

By: _____

Changed on system
10-14-03

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: A63-00121
Date Received: 8/07/1989
Receipt No: W004118
Received By: DE JAL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FAIRVIEW ACRES WATER USERS ASSOC., INC. 208-384-5442
Address: C/O LLOYD JOHNSTON
PO BOX 732
BOISE, ID 83707

2. Date of Priority: JUN 01, 1886

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
03N	02E	9	NW	NW	NW		ADA

5. Description of diverting works:
HEADGATE, CANAL, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.
IRRIGATION	05/01	09/30	13.400

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	02E	5	NW	NE		IRR	20.0
			SW	NE		IRR	18.0
			SE	NE		IRR	1.0

A63-00121

Page 1

Date: 08/08/89

MICROFILMED

AUG 14 1992

R4. #94
Chart 1-
Stewart
Decree

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres		
03N	02E	5	NE	NW		IRR	40.0		
			NW	NW		IRR	29.0		
			SW	NW		IRR	25.0		
			SE	NW		IRR	30.0		
			NE	SW		IRR	21.0		
			NW	SW		IRR	1.0		
Section Acres							185.0		
04N	02E	6	NE	NE		IRR	12.0		
			SE	NE		IRR	2.0		
		Section Acres							14.0
		31	SE	NE		IRR	9.0		
			NE	SE		IRR	30.0		
			NW	SE		IRR	3.0		
SE	SE			IRR	23.0				
Section Acres							65.0		
		32	SW	NW		IRR	5.0		
			NE	SW		IRR	18.0		
			NW	SW		IRR	37.0		
			SW	SW		IRR	40.0		
			SE	SW		IRR	36.0		
			SW	SE		IRR	2.0		
Section Acres							138.0		
Total Acres							402.0		

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A63-00122

14. Remarks:

P/U INCOMPLETE IN DECREE.
2/16/89-THE POU HAVE BEEN INCLUDED ON THIS CLAIM. ALSO, THE
ACREAGES IN SEC. 31,32 ARE ACTUALLY IN T.04N,R02E RATHER THAN
IN 3N,2E. 3N,2E IS IN THE VICINITY OF THE BOISE AIRPORT WHICH
IS INCORRECT. BELIEVE THIS MAY HAVE BEEN A TYPO WHEN THESE

14. Remarks: Continued

WATER RIGHTS WERE ENTERED IN THE COMPUTER.
ASSOCIATION REPRESENTS PROPERTY OWNERS.

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 X do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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: _____
_____ 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
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00121

Date Received: 8-7-89

Receipt No: 10004118

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FAIRVIEW ACRES WATER USERS ASSOC., INC. 208-384-5442
Address: C/O LLOYD JOHNSTON
PO BOX 732
BOISE, ID 83707
2. Date of Priority: JUN 01, 1886
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 |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 03N | 02E | 9 | NW | NW | NW | | ADA |
5. Description of diverting works:
HEADGATE, CANAL, PIPELINE
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 05/01 | 09/30 | 13.400 | | |
7. Total Quantity Appropriated is:
13.400 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	02E	5	NW	NE		IRR	20.0
			SW	NE		IRR	18.0
			SE	NE		IRR	1.0

A63-00121

Page 1

Date: 02/16/89

MICROFILMED

AUG 14 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres		
03N	02E	5	NE	NW		IRR	40.0		
			NW	NW		IRR	29.0		
			SW	NW		IRR	25.0		
			SE	NW		IRR	30.0		
			NE	SW		IRR	21.0		
			NW	SW		IRR	1.0		
					Section Acres		185.0		
		6	NE	NE		IRR	12.0		
			SE	NE		IRR	2.0		
					Section Acres		14.0		
		04N	02E	31	SE	NE		IRR	9.0
					NE	SE		IRR	30.0
					NW	SE		IRR	3.0
					SE	SE		IRR	23.0
					Section Acres		65.0		
32	SW			NW		IRR	5.0		
	NE			SW		IRR	18.0		
	NW			SW		IRR	37.0		
	SW			SW		IRR	40.0		
	SE			SW		IRR	36.0		
	SW			SE		IRR	2.0		
					Section Acres		138.0		
					Total Acres		402.0		

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? ~~YES~~ *No. L.G.*

13. Other Water Rights Used:
A63-00122

14. Remarks:

P/U INCOMPLETE IN DECREE.
2/16/89-THE POU HAVE BEEN INCLUDED ON THIS CLAIM. ALSO, THE
ACREAGES IN SEC. 31,32 ARE ACTUALLY IN T.04N,R02E RATHER THAN
IN 3N,2E. 3N,2E IS IN THE VICINITY OF THE BOISE AIRPORT WHICH
IS INCORRECT. BELIEVE THIS MAY HAVE BEEN A TYPO WHEN THESE

ASSN. Represents Property Owners.

A63-00121

Page 2

Date: 02/16/89

MICROFILMED

AUG 14 1992

WATER RIGHTS WERE ENTERED IN THE COMPUTER.

Case Number:

Court :

Decree date:

Decree Plaintiff

VS

Decree Defendant

(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: _____

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

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

I do solemnly swear or affirm that I am President of the United States of America

that I have signed the foregoing

document in the space below as President of 5201

F A W A. and that the statements contained in the
Organization
foregoing document are true and correct. Lloyd Johnston

Signature of Authorized Agent

Title and Organization

Date _____

MICROFILMED

AUG 14 1992

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 7 day
of August 19 89

Lori Harkin
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 12-8-94

50 + 402 = 8452.00

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: A63-00121
Date Received: 2/16/1989
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THOMAS DAVIS
Address:

2. Date of Priority: JUN 01, 1886

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:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			13.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use
03N	02E	5			IRR
		6	NE, NE - 12 A; SE, NE - 2		IRR
4N	2E	31			IRR
		32			IRR

Acres
MICROFILMED
AUG 14 1992

A63-00121

Page 1

Date: 02/16/89

Sec. 5 NE, SW 21
NW, SW 1
SW, NW 25
SE, NW 30
NE, NW 40
NW, NW 29
NW, NE 20
SW, NE 18
SE, NE 1
199

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? ~~YES~~ *NO. 29.*

13. Other Water Rights Used:

14. Remarks:

P/U INCOMPLETE IN DECREE. *ASSN. Represents property owners.*

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

FARMERS CO-OP DITCH CO.

Decree Plaintiff

vs

RIVERSIDE IRR. DIST.

Decree Defendant

Sec. 31

NW, SE = 3

NE, SE = 30

SE, SE = 23

SE, NE = 9

Sec. 32

SW, NW = 5

NW, SW = 37

SW, SW = 40

SE, SW = 36

NE, SW = 18

SW, SE = 2

203

A63-00121

Page

2

Date: 02/16/89

MICROFILMED

AUG 14 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: _____

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: _____
_____ Date: _____

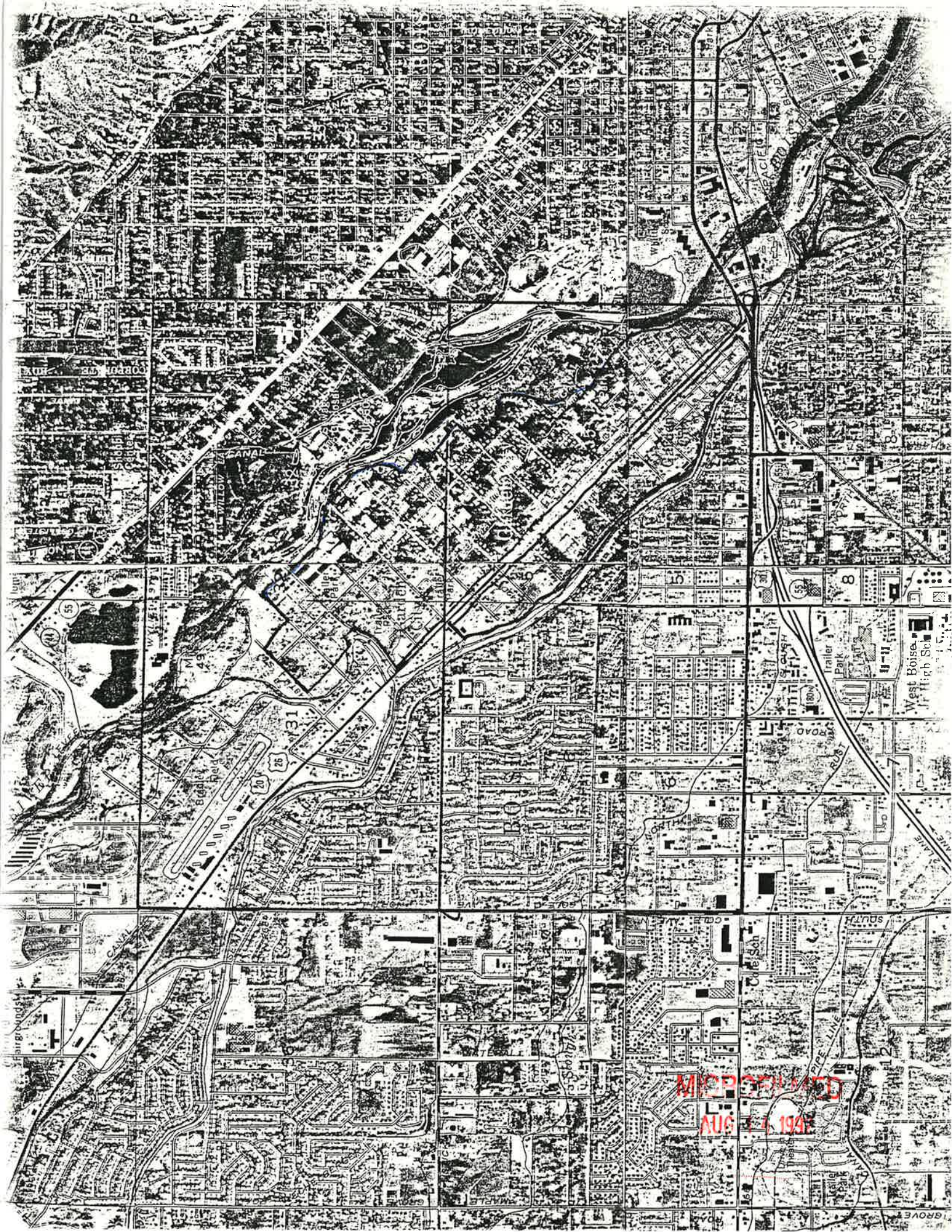
State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____





Department of State.

CERTIFICATE OF INCORPORATION

I, J. D. (CY) PRICE, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State of Idaho, do hereby certify that the original of the articles of incorporation of

FAIRVIEW ACRES LATERAL WATER USERS ASSOCIATION, INC.

was filed in the office of the Secretary of State on the twenty-seventh day of July A. D. One Thousand Nine Hundred forty-nine and is duly recorded on Film No. 22 of Record of Domestic Corporations, of the State of Idaho, and that the said articles contain the statement of facts required by Section 20-103 and Sections 20-1001 to 20-1005, inclusive, Idaho Code, Annotated.

I FURTHER CERTIFY, That the persons executing the articles and their associates and successors are hereby constituted a corporation, by the name hereinbefore stated, for perpetual existence from the date hereof, with its registered office in this State located at Boise in the County of Ada and as such are subject to the rights, privileges and limitations granted to Non-Profit Cooperative Associations, as provided in Chapter 10, Title 20, Idaho Code, Annotated.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise, the Capital of Idaho, this twenty-seventh day of July, in the year of our Lord one thousand nine hundred forty-nine, and of the Independence of the United States of America the One Hundred Seventy-fourth.

Secretary of State.

ARTICLES OF INCORPORATION OF
FAIRVIEW ACRES LATERAL WATER USERS ASSOCIATION, *INC.*

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, all of whom are of full legal age and bona fide residents and citizens of the United States, and of the State of Idaho, and who take water from the same canal known as the Davis Ditch have this day voluntarily associated ourselves together for the purpose of forming a ^{non-profit sharing cooperative} ~~Water Users Association~~, pursuant to Section 30-1001 Idaho Code of 1947, and we do hereby certify as follows; to-wit:

I

That the name of this association is the Water Users Association of Fairview Acres Lateral, *Inc.*

II

That the purpose for which and for any of which this association is formed are:

1. To buy, rent, sell or exchange water taken out of the Boise River and conveyed through a common ditch and lateral or laterals to the various property owners on what is known and designated as Fairview Acres in Ada County, Idaho.
2. To construct, maintain, build, repair such laterals and ditches as may be necessary for the proper conveyance of water from the same point of diversion, to the end that all users of such water may have an equitable distribution of such water.
3. To elect or appoint a lateral manager and fix his compensation and the election and compensation of all officers of said Association; to provide the levy of assessments necessary for the repair, maintenance, improvement and construction of laterals and distribution ditch or ditches; to

provide for the method of collection of such assessments and to do all and everything necessary for the proper operation of said Association pursuant to Chapter 13 of Title 42 of Idaho Code for 1947.

4. To do any and all things herein set forth and in addition such other acts and things that are necessary or convenient to the attainment of the purpose of this Association, or any of them in so far as such acts are permitted to be done by a corporation organized under the laws of the State of Idaho.

5. That this Association is a non-profit sharing association and issues no stock but shall have the power to levy assessments under and pursuant to Title⁴²/Chapter 13 Idaho Code of 1947.

III

That the term of existence of the Association shall be perpetual.

IV

That the location and post office of principal office in the State of Idaho shall be Boise, Ada County, Idaho.

V

That the number of directors of this Association shall be five (5) and the names and post office addresses of each of the directors who shall also be the incorporated of this Association are as follows:

NAME	ADDRESS
Frank Lessing	Boise, Idaho
Lester W. St. John	Boise, Idaho
Wilber W. Kenworthy	Boise, Idaho
Henry Bills	Boise, Idaho
John W. King	Boise, Idaho

IN WITNESS WHEREOF, we the undersigned being each of the original directors and incorporators of the Fairview Acres Lateral Water Users Association hereinbefore named for the purpose of forming a Lateral Water Users Association within the State of Idaho, and pursuant to the laws of the State of Idaho, do make and file this certificate, hereby declaring and certifying that the facts stated are true and accordingly set our hands hereto this 19th day of July, 1949.

Frank Lessing
Lester W. St. John

Wilber W. Kenworthy

Henry Bills

John W. King

STATE OF IDAHO)
 : ss.
COUNTY OF CANYON)

On this 19th day of July, 1949, before me
Thos. Y. Gwilliam, a Notary Public in and for said State,
personally appeared Frank Lessing, Lester W. St. John,
Wilber W. Kenworthy, Henry Bills, and John W. King

known to me to be the persons whose names are subscribed to the within instrument, and they acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first hereinabove written.

Thos. Y. Gwilliam
Notary Public for Idaho,
Residence: Nampa, Idaho.

VILLAGE OF GARDEN CITY

ORDINANCE NO. 213

BY TRUSTEES: BILLS, CONN, PRITCHARD, THOMAS AND SIGGELKOW.

AN ORDINANCE MAKING IT UNLAWFUL FOR ANY PERSON TO WRONGFULLY DIVERT ANY WATER FROM A DITCH OR CHANNEL USED FOR IRRIGATION PURPOSES OR WHO BREAKS OR INJURES ANY BANK OR GATE OR ANY OTHER DEVICE USED FOR THE DISTRIBUTION OF THE IRRIGATION WATER, MAKING IT A MISDEMEANOR.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF GARDEN CITY, ADA COUNTY, IDAHO:

Section 1. Any person not being legally entitled thereto who diverts or impedes the flow of water in any stream or ditch, or channel, or who cuts away any embankment of said stream or channel, or who breaks, injures or removes any gate, flume or other device used for distribution of water of such stream or otherwise impeded the flow of water not being legally entitled thereto, or otherwise interferes with the distribution of water shall be guilty of a misdemeanor.

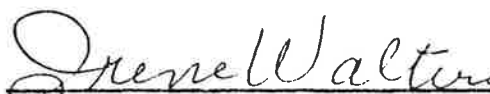
PASSED By the Board of Trustees of the Village of Garden City, Idaho, this 16th day of August, 1965

APPROVED By the Chairman this 16th day of August, 1965.

VILLAGE OF GARDEN CITY, IDAHO

By 
Chairman, Board of Trustees
Village of Garden City, Idaho

ATTEST:


Village Clerk

ARTICLES OF
INCORPORATION OF
FAIRVIEW ACRES LATERAL
WATER USERS ASSOCIATION,
INC.

Location Boise
Existence Perpetual
Capital Stock None

STATE OF IDAHO
DEPARTMENT OF STATE
Secretary's Office
Boise, Idaho

Approved, filed, and admitted to
the records of Articles of Incorpor-
ation of the State of Idaho and
certificate issued

this 27th day of
July, 19 49
at 9 o'clock A M

FEES PAID

Filing \$ 5.00
Recording 1.60
Certificate _____
License tax _____

INDEXED

RECORDED

PHOTOGRAPHED

TOTAL \$ 6.60
J. D. (CY) PRICE

Thos. Y. Gwilliam-Atty
Nampa, Idaho

BY Ora Quintana
CORPORATION CLERK

24484

State of Idaho



Department of State

CORPORATION REINSTATEMENT CERTIFICATE

I, ARNOLD WILLIAMS, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State and collector of the annual corporation tax, do hereby certify that

FAIRVIEW ACRES LATERAL WATER USERS ASSOC., INC.

a corporation organized and existing under and by virtue of the laws of the State of Idaho with its principal place of business in Idaho located at **Boise**, Idaho, forfeited on the **1st** day of **December**, 19 **59**, its charter or authority to do business in the State of Idaho, because of failure to **file an Annual Statement** due the State of Idaho for the fiscal year ending June 30th, 19 **60**, as provided by Section 30-608, Idaho Code.

AND I FURTHER CERTIFY That the said corporation has subsequently and on the **6th** day of **September**, 1960, filed an **Annual Statement** and paid the accrued penalty due and the said corporation is therefore reinstated on the records of this office, and all the corporate rights which it enjoyed under the Constitution and Laws of the State of Idaho prior to the date of said forfeiture, are hereby restored.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State.

Done at Boise City, the Capital of Idaho, this

6th day of **September**,

A. D., 19 **60**.

Secretary of State.



CORPORATION REINSTATEMENT CERTIFICATE

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State and collector of the annual corporation tax, do hereby certify that

**FAIRVIEW ACRES LATERAL WATER USERS
ASSOCIATION, INC.**

a corporation organized and existing under and by virtue of the laws of the State of **Idaho** with its principal place of business in Idaho located at **Boise**, Idaho, forfeited on the **30th** day of **November**, 19**65**, its charter or authority to do business in the State of Idaho, because of failure to **file the required Annual Statement** due the State of Idaho for the fiscal year ending June 30th, 19**66**, as provided by Section 30-608, Idaho Code.

AND I FURTHER CERTIFY That the said corporation has subsequently and on the **23rd** day of **July**, 19**73**, filed the Annual Statement and the said corporation is therefore reinstated and paid the required fees on the records of this office, and all the corporate rights which it enjoyed under the Constitution and Laws of the State of Idaho prior to the date of said forfeiture, are hereby restored.

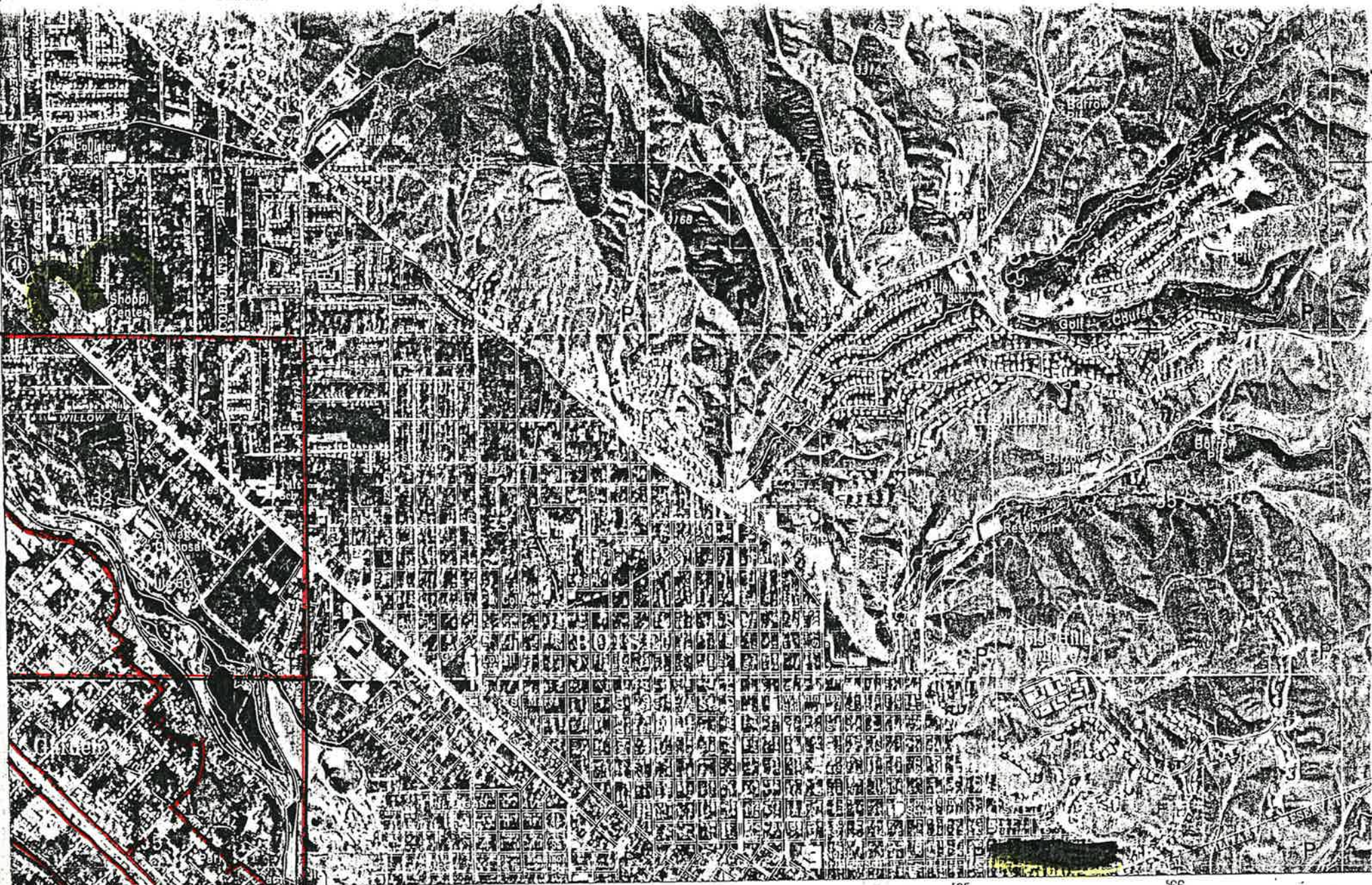
IN TESTIMONY WHEREOF, I have hereunto set
my hand and affixed the Great Seal of the State.

Done at Boise City, the Capital of Idaho, this

23rd day of **July**

A. D., 19**73**.

Secretary of State.



15' 370000 FEET

62

63

12' 30"

65

66

Produced by the Geological Survey
in cooperation with the U.S. Forest Service

Orthophotograph prepared from 1:80,000-scale
aerial photographs taken Sept. 4, 1975

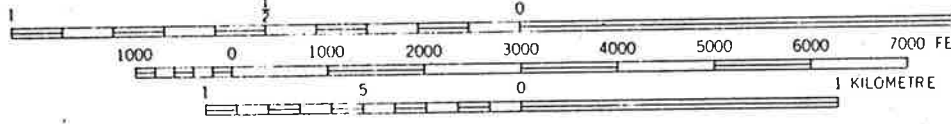
Projection and 10,000-foot grid ticks: Idaho coordinate
system, west zone (transverse Mercator)
1000-metre Universal Transverse Mercator grid,

MICROFILMED

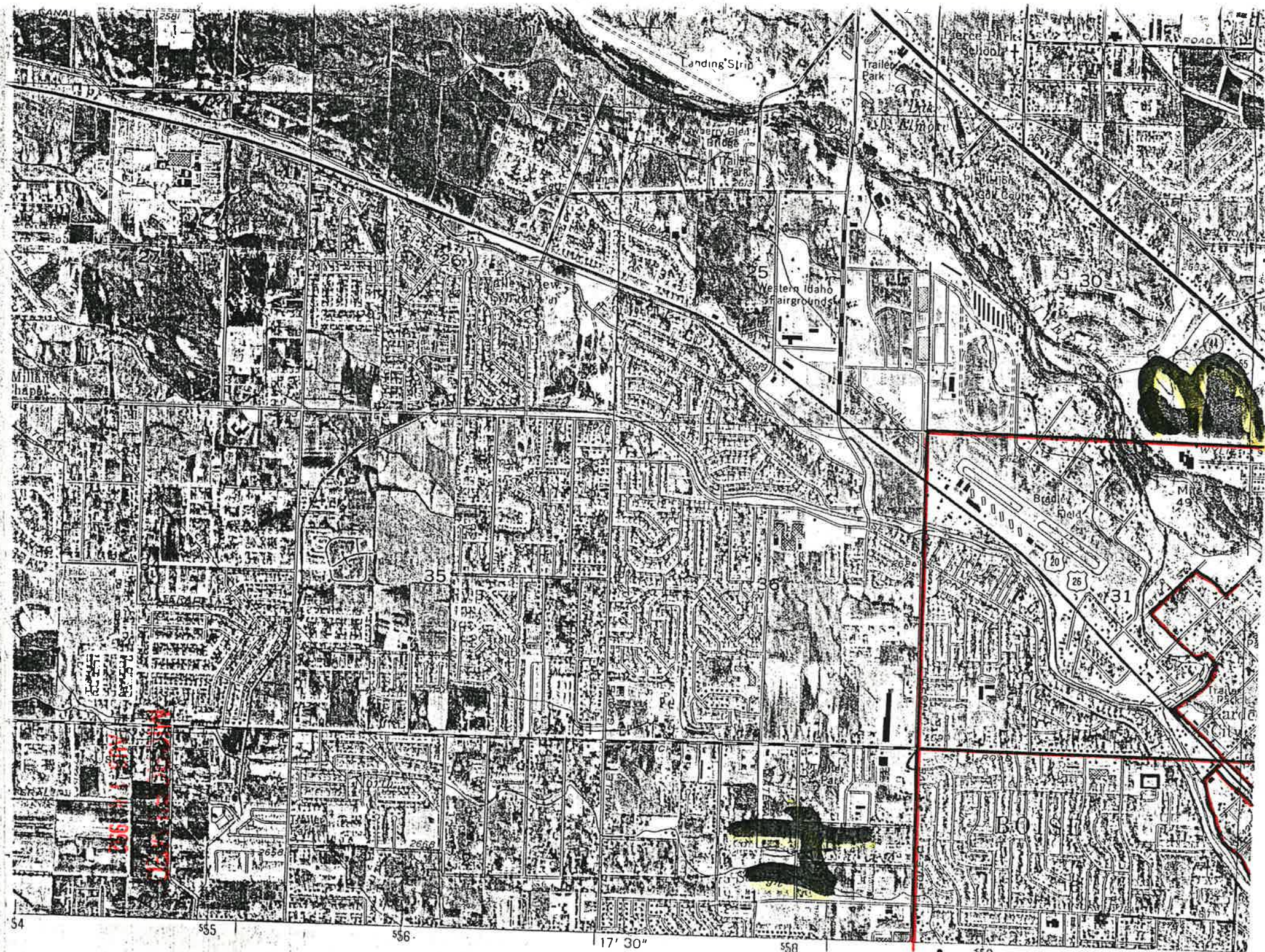
AUG 14 1992

NORTH

SCALE 1:24 000





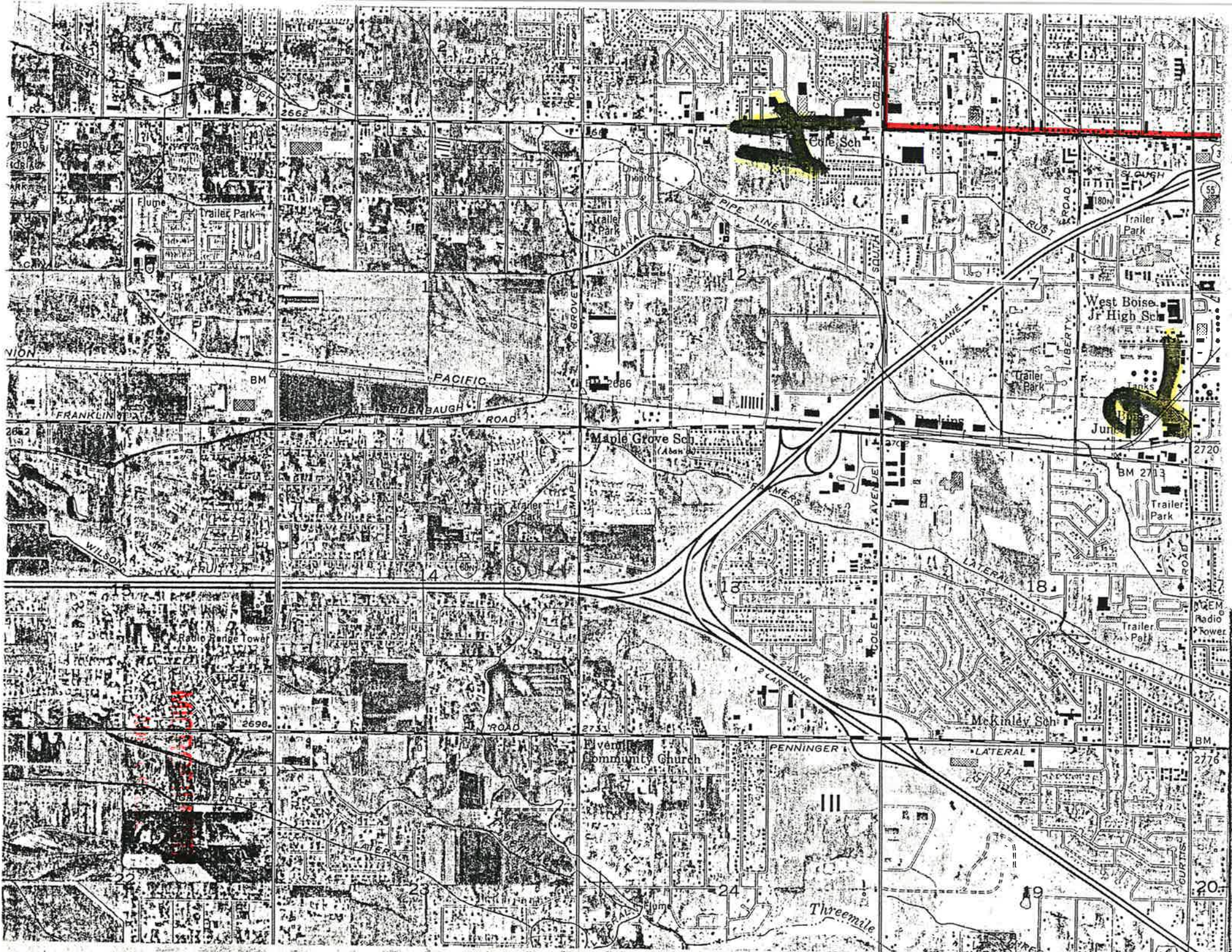


SCALE 1:24 000

17' 30"

R. 1 E. R. 2 E.

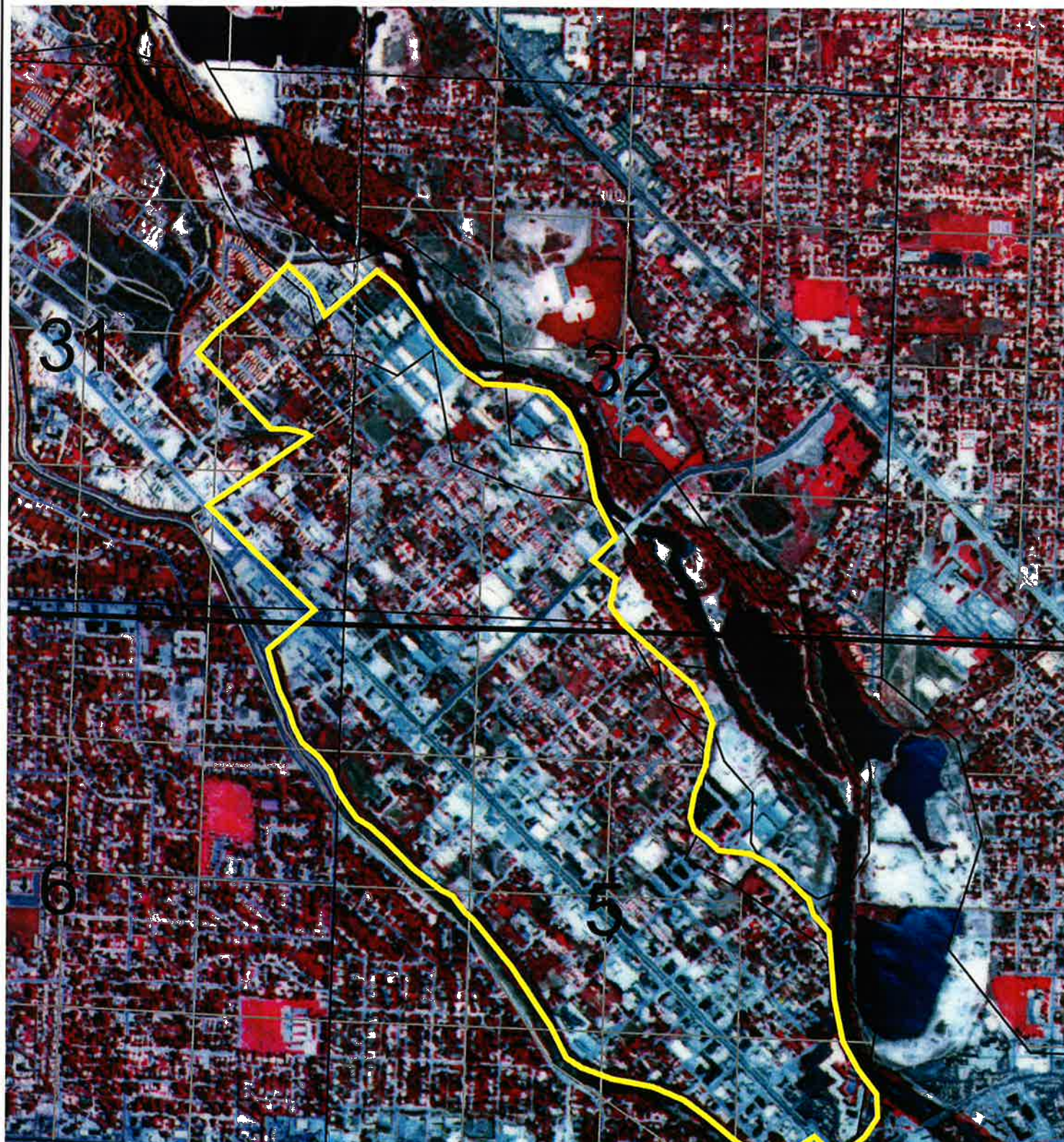
S60000E



10-14-03

1. Ditch system? Will review on site with Randy Goehring
2. How many Shareholders? list! they will provide total # acres used as assessment base
3. Change of address? Done
4. Historical maps of service area? No
5. Will measure ditch for delivery loss from Boundary = 637 acres headgate to 1st user.
PQU = 416 "
Stewart = 436 "
Claimed acres = 402 "
 $13.94 \text{ cfs} \div 1.02 = 697 \text{ acres}$
642 shareholders on billing record?

Delivery loss = .38 cfs - in Settles Canal
 .16 cfs - from Settles diversion to Smith
 .54 cfs = 27"



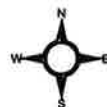
Fairview Acres Water Users Assoc., Inc.
Preliminary Boundary, DRAFT

 Boundary

 Township/Range

 Section

 Quarter/Quarter



1987-88 NAPP Photography
Date Prepared: May 8, 2001
Prepared by: Mark Larson
Idaho Dept. of Water Resources





