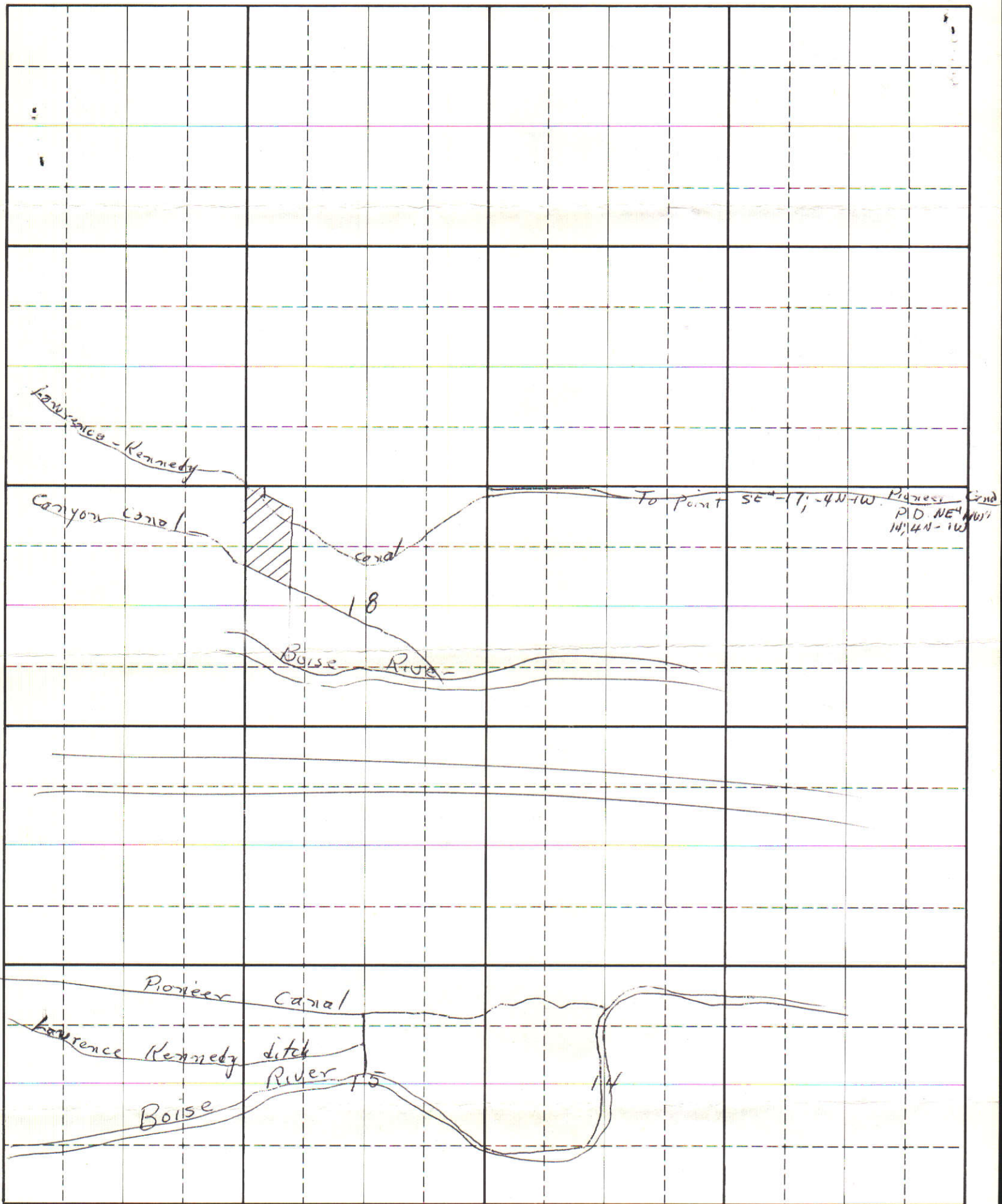




SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

RECEIVED

NOV 15 1968

Department of Reclamation

RECL. ENGR.	
DEPUTY	
WATER RIGHTS	
✓ ATTORP	
DIST	
ADJ	
INVESTIGATION	
NAME	
AGE	
COGNITION	
EDUCATION	
SEX	
DATE	
TIME	

STATE OF IDAHO, }
COUNTY OF ADA } ss.

Georgene Davis, being duly sworn,
deposes and says: That she is the Principal Clerk of The Idaho
Daily Statesman, a daily newspaper printed and published at
Boise, Ada County, State of Idaho, and having a general circula-
tion therein and which said newspaper has been continuously and
uninterruptedly published in said County during a period of
twelve consecutive months prior to the first publication of the
notice, a copy of which is attached hereto; that said notice was
published in the regular edition of The Idaho Daily Statesman for

Two weekly consecutive insertions, beginning with the
issue of October 10, 1968, and ending with the
issue of October 17, 1968.

Georgene Davis

Subscribed and sworn to before me this 25th day of

October, 1968.

Jana A. Young
Notary Public for Idaho, Residing at Boise, Idaho

LEGAL NOTICES

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Milton
H. Sparks of Route 1, Star, Idaho
has applied to the State Reclama-
tion Engineer of the State of Idaho
for a certificate authorizing him to
change the point of diversion and/or
place of use of the waters of Boise
River as follows: Amount: 1.1 cubic
feet per second. Priority: June 1,
1886. Point of diversion: SW 1/4,
Section 17, Township 4N, Range 1W,
B.M. Place of Use: Fr. SW 1/4 SW 1/4,
7. Part W 1/4 NW 1/4 18, Twp. 4N, Rge.
1W, B. M.

To Be Transferred To
Point of diversion: NE 1/4 NW 1/4, Sec-
tion 14, Township 4N, Range 1W
B.M.
Place of Use: Fr. SW 1/4 SW 1/4 7; Part
W 1/4 NW 1/4 18; Twp. 4N, Rge. 1
W, B.M.

And that on the 28 day of October,
1968, at 10:30 o'clock A.M., at De-
partment of Reclamation, State-
house, Annex No. 2, Boise, Idaho,
before the State Reclamation Engi-
neer, or his authorized agent, the
opportunity will be given to any and
all persons to appear and present
for his consideration any reason or
reasons why a certificate should not
be issued authorizing such transfer.

R. KEITH HIGGINSON
State Reclamation Engineer
Publish October 10, 17, 1968

MICROFILMED

\$ 20.00 pd
Receipt # 2096

Identification No. 63-0001

Transfer No. 1675

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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SEP 23 1968

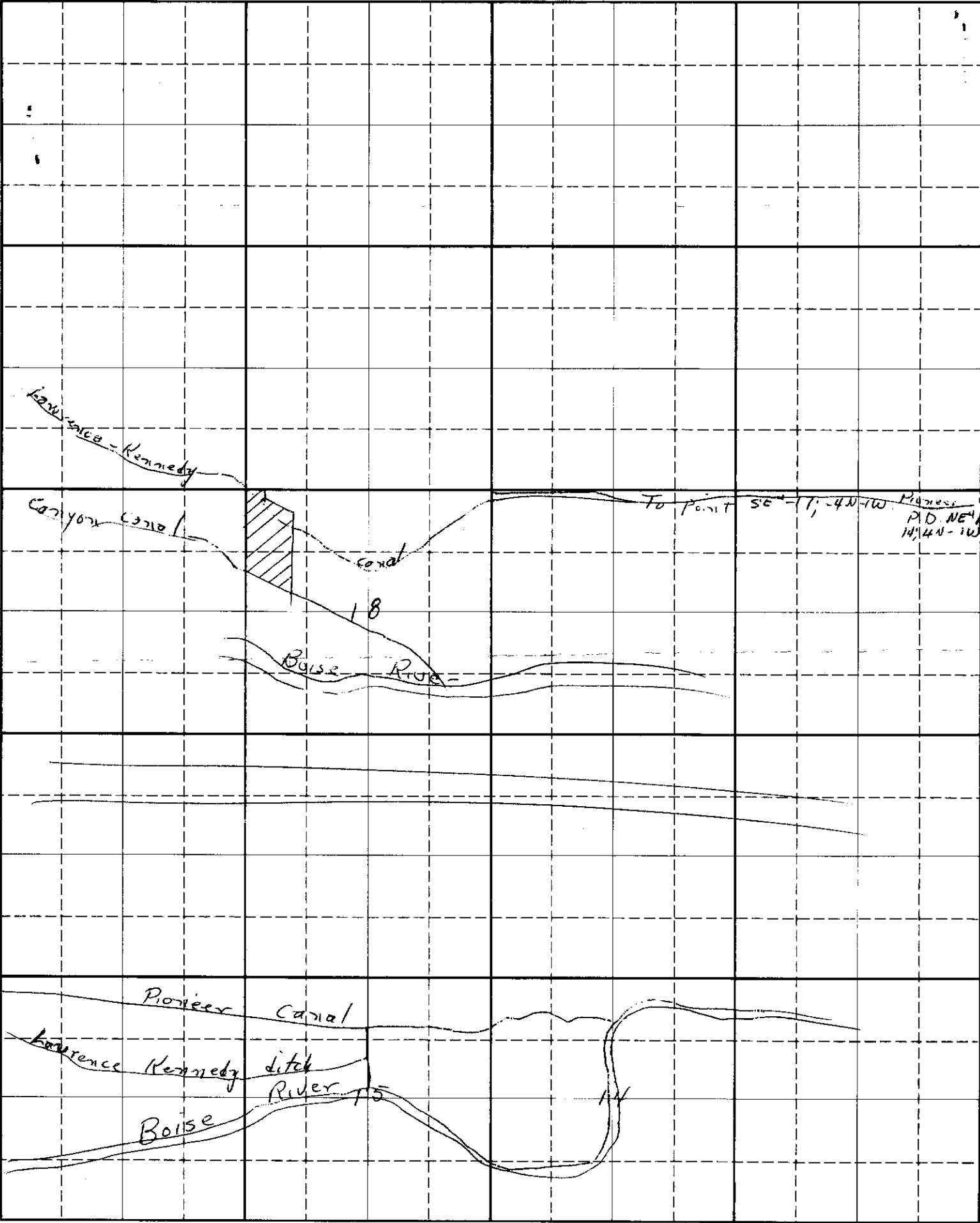
APPLICATION FOR TRANSFER OF WATER RIGHT Department of Reclamation
To Change the Point of Diversion and/or the Place of Use

APPROVED

1. Name of Right Holder Milton H. Sparks
Post office address Route 1, Star, Idaho 83669
2. Right obtained by:
a. Decree to Albert C. Bowerman in Case of Farmers Co-operative Ditch Co.
(Name) (Musser, Couzens & Bowerman, Intervenor)
vs. Riverside Canal, Dated 10-30-30 in 7th Judicial District
Co. (Name of Court)
Court. County of Canyon
b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Boise River tributary to Snake River
(Name of stream or source)
4. Date of Priority June 1, 1866
5. Amount of water a. 1.1 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from April 1 to November 1
(Month, Day) (Month, Day)
7. Original location of point of diversion is 1/4 SW 1/4 of Section 17,
Township 4N, Range 1W, B.M., in Ada County;
Additional points of diversion, if any None
8. Lands presently irrigated or place of use: Get metes & bound description from decree.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1W	7											Fr SW						
		18						Port NW 1/4											

Total number of acres presently irrigated 50



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired: By purchase

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 1.1 c.f.s. and/or _____ acre feet
- b. New point of diversion: NE 1/4 NW 1/4, Section 14, Township 4N
_____, Range 1W, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: Water to be
carried by Little Pioneer Ditch Co. to the Lawrence-Kennedy Canal.
(See copy of attached agreement.)
- d. Is water to be conveyed to the lands previously irrigated? Yes x No _____
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
Unable to obtain water from old point of diversion.
- f. Do you intend to make the transfer permanent? Yes
- g. Do you intend to abandon completely the old point of diversion? Yes
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				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	

Total number of acres to be irrigated _____

b. Do you intend to make the transfer permanent? yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

No change

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Milton N. Spack
(signature of applicant)

Subscribed and sworn to before me this 20th day of August, 1968

M. J. J. J. J.
(notary public)

My commission expires Jan. 19, 1968

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

APPROVED

This is to certify that I have examined Application for Transfer of Water Rights No. 1575,
and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

That headgate and measuring device be installed at point of
diversion.

2. Denial of said application is for the following reasons: _____

Witness my hand this 20 day of December, 1968

R. Keith Higgins
State Reclamation Engineer

63-0001

For Department Use Only

Reported by Russ Date _____

Prelim. check by DUMC Date _____

Fee Received by _____ Date _____ Fee \$ 21.00

Approved for publication by DUMC - Bob H

Published in Statesman Dates Oct 14/17

Hearing held _____

Rep. For Approval, c/s

Protest filed by:

Date

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NOV 15 1968

Department of Reclamation

STATE OF IDAHO, }
COUNTY OF ADA } ss.

Georgene Davis, being duly sworn,
deposes and says: That she is the Principal Clerk of The Idaho
Daily Statesman, a daily newspaper printed and published at
Boise, Ada County, State of Idaho, and having a general circula-
tion therein and which said newspaper has been continuously and
uninterruptedly published in said County during a period of
twelve consecutive months prior to the first publication of the
notice, a copy of which is attached hereto; that said notice was
published in the regular edition of The Idaho Daily Statesman for

Two weekly consecutive insertions, beginning with the
issue of October 10, 1968, and ending with the
issue of October 17, 1968.

Georgene Davis
Subscribed and sworn to before me this 25th day of

October, 1968.

Jana A. Young
Notary Public for Idaho, Residing at Boise, Idaho

LEGAL NOTICES

NOTICE OF PROPOSED

TRANSFER OF WATER RIGHT

Notice is hereby given that the
State of Idaho, Department of Reclamation
has applied to the State of Idaho
for a certificate of water right to
transfer the water right and/or
power of use of waters of Boise
River as follows: amount, 100 cubic
feet per second; point of diversion,
Section 27, Township 4N, Range 1W,
B.M. Place; point of use, Section 1,
Township 4N, Range 1W.
To
Point of diversion, Section 27,
Township 4N, Range 1W
B.M. Place
Place of use, Section 1, Township 4N, Range 1W
W.B.M. Place
And the day of October,
1968, at Boise, Idaho.
Witness my hand and the seal of the
State of Idaho, Department of Reclamation,
Boise, Idaho, this 15th day of October,
1968.

RECEIVED

1

63-7

COPY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

FARMERS' CO-OPERATIVE DITCH COMPANY,
a corporation,

Plaintiff,

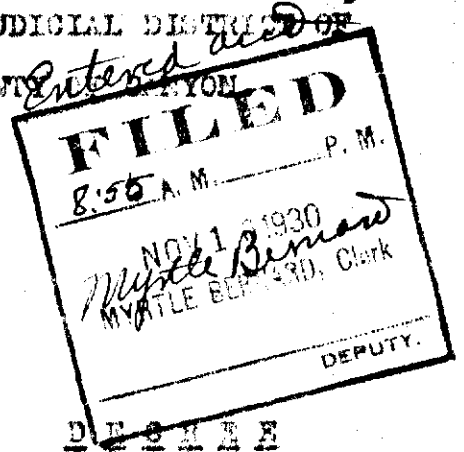
- vs -

RIVERSIDE IRRIGATION DISTRICT, LTD.,
et al,

Defendants,

WILLIAM MUSSEY, MINNIE COUZENS and
JEREMIAH COUZENS, and ALBERT C.
BOWERMAN,

Intervenors.



This cause coming on regularly for hearing upon the answers and cross-complaints in intervention of William Musser, Minnie Couzens and Jeremiah Couzens, and Albert C. Bowerman (substituted for H. McClellan and Jessie McClellan), the said parties having heretofore, by consent of all parties to the above action, been permitted to intervene in this cause and file herein their respective answers and cross-complaints in intervention, and it having been stipulated that the allegations of the said cross-complaints in intervention were deemed to be denied, and the said Albert C. Bowerman having been duly substituted for his predecessors in interest, H. McClellan and Jessie McClellan, and witnesses having been sworn and testified, and documentary evidence having been introduced in behalf of said intervenors, and the Court having heretofore filed its findings of fact and conclusions of law herein,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREEED, AS FOLLOWS:

I

That the lands hereinafter described are arid in character and require the artificial application of water thereon.

MICROFILMED

use upon the following described lands, situated in Ada County, Idaho, to-wit:

Commencing at the quarter section corner between Sections 7 and 18, Township 4 North, Range 1 West, Boise Meridian, and running thence South 29 chains to a stone; thence East 19.23 chains to a stone; thence North 11.81 chains to a stone; thence West 6.25 chains to a stone; thence South 1.81 chains to a point; thence West 3 chains to a point; thence North 10 chains to a point on the North boundary line of said Section Eighteen; thence West along the North boundary line of said Section Eighteen 9.98 chains, more or less, to the place of beginning, containing 31 acres,

to the amount of 30 inches, with a priority of June 1, 1866, hereby designated as Right No. 31B.

V

That intervenor Albert C. Bowerman be, and he hereby is, awarded the use of the waters of Boise River, diverted from said river through what is now known as the Lawrence and Kennedy ditch, at a point on the north bank of said river in the SW $\frac{1}{4}$ of Section 17, Township 4 North, Range 1 West, Boise Meridian, for use upon the following described lands, situated in Ada County, Idaho, to-wit:

Beginning at the section corner common to Sections 7, 12, 13 and 18 on the West line of Township 4 North, Range 1 West, Boise Meridian; thence North on the section line 9.41 chains to the center of the road; thence South 72°34' East 6.875 chains along the center of the road; thence South 0°30' West 9.91 chains; thence South 31°16' East 11.625 chains; thence South 0°13' East 34 chains; thence South 70°09' West 1.60 chains; thence North 68°05' West 6.40 chains; thence North 59°51' West 2.90 chains; thence North 30°16' West 2 chains; thence North 70°50' West 4 chains; thence North 83°36' West 2 chains; thence South 37°03' West 1.48 chains to the West line of said Section 18; thence North 32.80 chains along said West line to the place of beginning, containing 65 acres, more or less, but excepting therefrom that certain tract of land containing approximately 7 acres on the South side of said tract, conveyed to Canyon County Water Company, a corporation, by the predecessors in interest of intervenor, by deed recorded in Ada County, Idaho, in Book 114 of Deeds, at page 132, the North line of which said excepted tract is described as follows, to-wit:

Beginning at a point on the West line of Lot 2, Section 18, Township 4 North, Range 1 West, B.M., 31.425 chains (2095 feet) South of the Northwest corner of said Section 18; thence North 82°10' East 3.115 chains (205.6 feet); thence South 82°10' East 15.2275 chains (1205 feet) to the East line of said Lot 2,

to the amount of 55 inches, with a priority of June 1, 1866, hereby

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF

FARMERS' CO-OPERATIVE DITCH COMPANY,
a corporation,

Plaintiff,

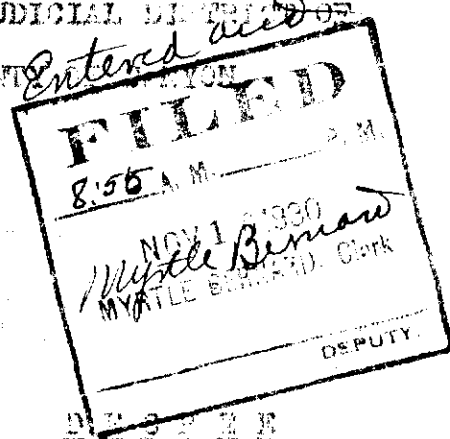
- vs -

RIVERSIDE IRRIGATION DISTRICT, LTD.,
et al,

Defendants,

WILLIAM HUSSER, MINNIE COUZENS and
JEREMIAH COUZENS, and ALBERT C.
BOWERMAN,

Intervenors.



This cause coming on regularly for hearing upon the answers and cross-complaints in intervention of William Husser, Minnie Couzens and Jeremiah Couzens, and Albert C. Bowerman (substituted for H. McClellan and Jessie McClellan), the said parties having heretofore, by consent of all parties to the above action, been permitted to intervene in this cause and file herein their respective answers and cross-complaints in intervention, and it having been stipulated that the allegations of the said cross-complaints in intervention were deemed to be denied, and the said Albert C. Bowerman having been duly substituted for his predecessors in interest, H. McClellan and Jessie McClellan, and witnesses having been sworn and testified, and documentary evidence having been introduced in behalf of said intervenors, and the Court having heretofore filed its findings of fact and conclusions of law herein,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, AS FOLLOWS:

I

That the lands hereinafter described are arid in character and require the artificial application of water thereon

MICROFILMED

in order to raise profitable agricultural crops.

II

That the quantity of water required for the successful cultivation and irrigation of said lands, measured under a four inch pressure, at the points of diversion hereinafter set forth, is one inch per acre, and that the above mentioned one inch per acre is understood to be in the same status as the one inch per acre provided for in the judgment made and entered in the above entitled cause on January 19, 1906, and is subject to such temporary orders and modifications as the Court may hereafter make for the above entitled cause.

III

That intervenor William Musser be, and he is hereby awarded the use of the waters of Boise River, diverted from said river through what is now known as the Lawrence and Kennedy ditch, at a point on the north bank of said river, in the SW $\frac{1}{4}$ of Section 17, Township 4 North, Range 1 West, Boise Meridian, for use upon the following described lands, situated in Ada County, Idaho, to-wit:

The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and a strip of land along the East side of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ 50 feet wide, commencing at the Northeast corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence North 20 chains; thence West .7575 chains; thence South 20 chains; thence East .7575 chains to the place of beginning, all in Section 18, Township 4 North, Range 1 West, Boise Meridian, except a strip of land in said subdivision lying within the bed of Boise River, the balance of said land containing 115 acres,

to the amount of 115 inches, with a priority of June 1, 1866, hereby designated as Right No. 51A.

IV

That intervenors Minnie Couzens and Jeremiah Couzens be, and they are hereby awarded the use of the waters of the Boise River, diverted at the headgate of the Middleton Water Company, located on the north bank of said river in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 4 North, Range 1 West, Boise Meridian, for

use upon the following described lands, situated in Ada County, Idaho, to-wit:

Commencing at the quarter section corner between Sections 7 and 18, Township 4 North, Range 1 West, Boise Meridian, and running thence South 20 chains to a stone; thence East 19.25 chains to a stone; thence North 11.81 chains to a stone; thence West 6.25 chains to a stone; thence South 1.81 chains to a point; thence West 3 chains to a point; thence North 10 chains to a point on the North boundary line of said Section Eighteen; thence West along the North boundary line of said Section Eighteen 9.98 chains, more or less, to the place of beginning, containing 31 acres,

to the amount of 30 inches, with a priority of June 1, 1866, hereby designated as Right No. 31B.

V

13 0001

That intervenor Albert C. Bowerman be, and he hereby is, awarded the use of the waters of Boise River, diverted from said river through what is now known as the Lawrence and Kennedy ditch, at a point on the north bank of said river in the SW $\frac{1}{4}$ of Section 17, Township 4 North, Range 1 West, Boise Meridian, for use upon the following described lands, situated in Ada County, Idaho, to-wit:

Beginning at the section corner common to Sections 7, 12, 13 and 16 on the West line of Township 4 North, Range 1 West, Boise Meridian; thence North on the section line 8.41 chains to the center of the road; thence South 72°34' East 6.875 chains along the center of the road; thence South 0°30' West 9.91 chains; thence South 31°16' East 11.625 chains; thence South 0°13' East 34 chains; thence South 70°09' West 1.60 chains; thence North 63°05' West 6.40 chains; thence North 52°51' West 2.90 chains; thence North 30°16' West 2 chains; thence North 70°59' West 4 chains; thence North 85°36' West 2 chains; thence South 87°03' West 1.48 chains to the West line of said Section 18; thence North 32.80 chains along said West line to the place of beginning, containing 65 acres, more or less, but excepting therefrom that certain tract of land containing approximately 7 acres on the South side of said tract, conveyed to Canyon County Water Company, a corporation, by the predecessors in interest of intervenor, by deed recorded in Ada County, Idaho, in Book 114 of Deeds, at page 132, the North line of which said excepted tract is described as follows, to-wit:

Beginning at a point on the West line of Lot 2, Section 18, Township 4 North, Range 1 West, B.M., 31.425 chains (2095 feet) South of the Northwest corner of said Section 18; thence North 82°10' East 3.115 chains (205.6 feet); thence South 82°10' East 15.2275 chains (1205 feet) to the East line of said Lot 2,

to the amount of 55 inches, with a priority of June 1, 1866, hereby

designated as Right No. 310.

VI

That the answers and cross-complaints in intervention of the said intervenors, William Kusner, Minnie Couzens and Jeremiah Couzens, and H. McClellan and Jessie McClellan, predecessors in interest of intervenor Albert C. Bowman, be amended to conform to the proofs of said intervenors.

Dated this 27 day of October, 1930.

Ed. L. Bryan
District Judge.

See 41-11-11

Recorded in Book 2 of Decrees

FILE 403

STATE OF IDAHO, }
County of Canyon, } ss.

I, Myrtle Bernard, Clerk of the District Court and Ex-officio Recorder of the County of Canyon, State of Idaho, do hereby certify that the foregoing copy of Decree

has been compared by me with the original, and that it is a correct transcript therefrom, and of the whole of such original Decree

as the same appears
Of Record in my office

In TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this 10th
day of Nov, 19 30

Myrtle Bernard
Clerk of the District Court and Ex-officio Recorder.

By _____ Deputy

COPY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

FARMERS' CO-OPERATIVE DITCH COMPANY,
a corporation,

Plaintiff,

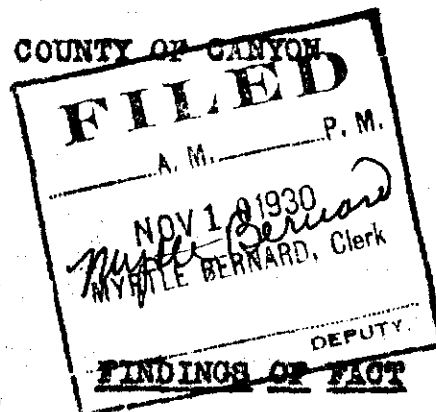
- VS -

RIVERSIDE IRRIGATION DISTRICT, LTD.,
et al.,

Defendants,

WILLIAM MUSSER, MINNIE COUZENS and
JEREMIAH COUZENS, and ALBERT C.
BOWERMAN,

Intervenors.



and

CONCLUSIONS OF LAW

This cause coming on regularly for hearing upon the answers and cross-complaints in intervention of William Musser, Minnie Couzens and Jeremiah Couzens, and Albert C. Bowerman (substituted for H. McClellan and Jessie McClellan), the said parties having heretofore, by consent of all parties to the above action, been permitted to intervene in this cause and file herein their respective answers and cross-complaints in intervention, and it having been stipulated that the allegations of the said cross-complaints in intervention were deemed to be denied, and the said Albert C. Bowerman having been duly substituted for his predecessors in interest, H. McClellan and Jessie McClellan, and witnesses having been sworn and testified, and documentary evidence having been introduced in behalf of said intervenors, and the Court being fully advised in the premises finds and decides as follows:

FINDINGS OF FACT

I

That intervenor, William Musser, now is, and he and his grantors and predecessors in interest have been, since prior to June 1, 1866, entitled to the possession of, and in the possession

of, and since October 5, 1869 have been the owners of, that certain tract or parcel of land situated in Ada County, State of Idaho, more particularly described as follows:

The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and a strip of land along the East side of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ 50 feet wide, commencing at the Northeast corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence North 20 chains; thence West .7575 chains; thence South 20 chains; thence East .7575 chains to the place of beginning, all in Section 18, Township 4 North, Range 1 West, Boise Meridian, except a strip of land in said subdivision lying within the bed of Boise River, the balance of said land containing 115 acres.

II

That intervenors Minnie Couzens and Jeremiah Couzens are wife and husband, and the said intervenor Minnie Couzens now is, and she and her grantors and predecessors in interest have been, since prior to June 1, 1866, entitled to the possession of and in the possession of, and since October 5, 1869 have been the owners of, that certain tract or parcel of land situated in Ada County, State of Idaho, particularly described as follows, to-wit:

Commencing at the quarter section corner between Sections 7 and 18, Township 4 North, Range 1 West, Boise Meridian, and running thence South 20 chains to a stone; thence East 19.23 chains to a stone; thence North 11.81 chains to a stone; thence West 6.25 chains to a stone; thence South 1.81 chains to a point; thence West 3 chains to a point; thence North 10 chains to a point on the North boundary line of said Section Eighteen; thence West along the North boundary line of said Section Eighteen 9.98 chains, more or less, to the place of beginning, containing 31 acres.

III

That said intervenor Albert C. Bowerman now is, and he and his grantors and predecessors in interest have been, since prior to June 1, 1866, entitled to the possession of and in possession of, and since August 7, 1872 have been the owners of, that certain tract or parcel of land situated in Ada County, State of Idaho, particularly described as follows, to-wit:

Beginning at the section corner common to Sections 7, 12, 13 and 18 on the West line of Township 4 North, Range 1 West, Boise Meridian; thence North on the section line 8.41 chains to the center of the road; thence South 72°34' East 6.875 chains along the center of the road;

thence South 0°30' West 9.91 chains; thence South 81°16' East 11.625 chains; thence South 0°13' East 34 chains; thence South 70°09' West 1.60 chains; thence North 68°05' West 6.40 chains; thence North 59°51' West 2.90 chains; thence North 30°16' West 2 chains; thence North 70°50' West 4 chains; thence North 83°36' West 2 chains; thence South 87°03' West 1.48 chains to the West line of said Section 18; thence North 32.80 chains along said West line to the place of beginning, containing 65 acres, more or less, but excepting therefrom that certain tract of land containing approximately 7 acres on the South side of said tract, conveyed to Canyon County Water Company, a corporation, by the predecessors in interest of intervenor, by deed recorded in Ada County, Idaho, in Book 114 of Deeds, at page 132, the North line of which said excepted tract is described as follows, to-wit:

Beginning at a point on the West line of Lot 2, Section 18, Township 4 North, Range 1 West, B.M., 31.425 chains (2085 feet) South of the Northwest corner of said Section 18; thence North 82°10' East 3.115 chains (205.6 feet); thence South 82°10' East 15.2275 chains (1005 feet) to the East line of said Lot 2.

IV

That all of said lands, above described, are arid in character and require the artificial application of water thereto in order to raise profitable agricultural crops thereon.

V

That the grantors and predecessors in interest of the said intervenors William Musser, Minnie Couzens and Jeremiah Couzens, and Albert C. Bowerman, did actually divert and appropriate to a beneficial use, 200 inches, measured under a four inch pressure, of the waters of Boise River on the first day of June, 1866, diverting the same at a point on the north bank of the Boise River in the SW $\frac{1}{4}$ of Section 17, Township 4 North, Range 1 West, Boise Meridian, and constructed the necessary diversion works, ditches and laterals of sufficient size and capacity to divert from said Boise River and convey to the lands above described the following respective amounts of water, to-wit:

To the lands of William Musser, described in Paragraph I above, 115 inches;

To the lands of Minnie Couzens, described in Paragraph II above, 30 inches;

To the lands of Albert C. Bowerman, described in Paragraph III above, 55 inches;

all of said water being measured under a 4 inch pressure, and said diversion system since having become generally known as the Lawrence and Kennedy ditch or lateral.

VI

That the predecessors in interest of said intervenors, above named, after the diversion of said waters proceeded with reasonable diligence to prepare all of their lands for cultivation and irrigation and to apply the respective amounts of water diverted by them, as aforesaid, to a beneficial use in the irrigation and cultivation of their said lands, and since said date the said intervenors, William Musser, Minnie Couzens and Jeremiah Couzens, and Albert C. Bowerman, during the irrigation season of each and every year, have applied the following respective amounts of water to a beneficial use in a careful and economical manner in the irrigation and cultivation of their respective lands, as follows:

115 inches to the lands of William Musser, described in Paragraph I hereof;

30 inches to the lands of Minnie Couzens, described in Paragraph II hereof;

55 inches to the lands of Albert C. Bowerman, described in Paragraph III hereof;

and during all of said times these intervenors and their predecessors in interest have owned, used and employed said respective amounts of water continuously, openly, uninterruptedly, notoriously and adversely to the whole world, and have had and enjoyed exclusive use thereof in the irrigation of their said lands.

VII

That the quantity of water required for the successful cultivation and irrigation of said lands, measured at the point of diversion above set forth, is one inch of water, measured under a four inch pressure, per acre, and the said one inch per acre is understood to be in the same status as the one inch per

acre provided for in the judgment entered in the above entitled action on January 19, 1906, and is subject to such temporary orders and modifications as the Court may hereafter make for the above entitled cause, and the said lands, above described, fall within the classification of bottom lands, described in said judgment and decree of January 19, 1906.

VIII

That the aforesaid water rights have not been heretofore adjudicated in this action in said decree of January 19, 1906, or subsequently, and none of the said intervenors, and none of their predecessors in title to the ownership or possession of said lands, were parties to this action prior to the filing of the cross-complaints in intervention of said intervenors, William Musser, Minnie Couzens and Jeremiah Couzens, and T. F. Sturtevant, predecessor of intervenor Albert C. Bowerman.

IX

That heretofore, and on or about the 22nd day of June, 1921, intervenors Minnie Couzens and Jeremiah Couzens, pursuant to the laws of the State of Idaho, changed their point of diversion for the said 30 inches of water appropriated by them from a point on the north bank of the Boise River in the SW $\frac{1}{4}$ of Section 17, Township 4 North, Range 1 West, Boise Meridian, to the point of diversion of the Middleton Water Company, defendant and cross-complainant herein, the same being at a point on the north bank of the Boise River in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 4 North, Range 1 West, Boise Meridian, and since said date the said Minnie Couzens and Jeremiah Couzens have diverted and used said 30 inches of water through the canal system of the said Middleton Water Company and have employed said canal for the carrying thereof.

X

That the other parties to this action, and each of

them, claim rights in and to the waters of Boise River adverse to the rights and interests of these intervenors, and threaten to interfere with the rights of intervenors to use the waters, above described, and the whole thereof, and will do so unless prevented by the decree and judgment of this court.

CONCLUSIONS OF LAW

As Conclusions of Law from the foregoing facts, the Court finds and decides as follows:

I

That intervenor William Musser is entitled to have decreed unto him the right to divert from the Boise River, at a point on the north bank of said river in the SW $\frac{1}{4}$ of Section 17, Township 4 North, Range 1 West, through what is now known as the Lawrence and Kennedy ditch or lateral, with priority as of the first day of June, 1866, hereby designated as Right No. 31A, for use upon the lands described in paragraph I of the foregoing findings of fact, a sufficient quantity of the waters of said river to properly irrigate said lands under an efficient and economical administration of said waters, not exceeding 115 miner's inches, measured under a four inch pressure.

II

That intervenors Minnie Couzens and Jeremiah Couzens are entitled to have decreed unto them the right to divert from the Boise River, at the headgate of the Middleton Water Company, located on the north bank of said river in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 4 North, Range 1 West, Boise Meridian, with priority as of the first day of June, 1866, hereby designated as Right No. 31B, for use upon the lands of Minnie Couzens, described in paragraph II of the foregoing findings of fact, a sufficient quantity of the waters of said river to properly irrigate said lands under an efficient and economical administration of said waters, not exceeding, however, 30 miner's inches, measured under

RECORDED
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a four inch pressure.

III

That intervenor Albert C. Bowerman is entitled to have decreed unto him the right to divert from the Boise River, at a point on the north bank of said river in the SW $\frac{1}{4}$ of Section 17, Township 4 North, Range 1 West, Boise Meridian, through what is now known as the Lawrence and Kennedy ditch or lateral, with priority as of the first day of June, 1866, hereby designated as Right No. 31C, for use upon the lands described in paragraph III of the foregoing findings of fact, a sufficient quantity of the waters of said river to properly irrigate said lands under an efficient and economical administration of said waters, not exceeding, however, 55 miner's inches, measured under a four inch pressure.

IV

That the answers and cross-complaints in intervention of the said intervenors, William Musser, Minnie Couzens and Jeremiah Couzens, and H. McClellan and Jessie McClellan, predecessors in interest of intervenor Albert C. Bowerman, should be amended to conform to the proofs of said intervenors.

AND IT IS ORDERED That decree herein be entered accordingly.

Dated this 27th day of October, 1930.

Ed. L. Bryan

District Judge.

STATE OF IDAHO, } ss.
County of Canyon,

I, Myrtle Bernard, Clerk of the District Court and Ex-officio Recorder of the County of Canyon, State of Idaho, do hereby certify that the foregoing copy of Findings of Fact and Conclusions of Law has been compared by me with the original, and that it is a correct transcript therefrom, and of the whole of such original. Findings of Fact and Conclusions of Law as the same appears

On File

In TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this 10th

day of Nov, 1930.

Myrtle Bernard
Clerk of the District Court and Ex-officio Recorder.

By _____ Deputy

FILE 48S-Decees

December 30, 1968

Mr. D. L. Musselman, Watermaster
Water District 12-A
214 Broadway Avenue
Boise, Idaho 83706

Dear Roy:

We have issued Milton H. Sparks his transfer of water right. We have added the condition that he is to have a headgate and weir but since the water will be carried by the Little Pioneer, this amount can be added to their water rights and measured through their structure.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mjl

December 30, 1968

Mr. Milton H. Sparks
Route 1
Star, Idaho 83669

Dear Mr. Sparks:

We enclose a copy of your approved transfer of water right No. 63-0001, in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Also enclosed is Departmental Receipt No. 2432 in the amount of \$1.00.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mjl

Enclosures: Copy of approved transfer
Receipt No. 2432

December 10, 1968

Re: Application for transfer

Milton H. Sparks
Route 1
Star, Idaho

Dear Mr. Sparks:

Before we can process your application for transfer any further we must be in receipt of a \$1 recording fee. Please submit this item promptly.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TG

RECEIVED

OCT 10 1968

Department of Reclamation

Identification No. 63-0001

Transfer No. 1575

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Daniel L. Musselman, watermaster of Boise River,
of Water District No. 12-A, County of Ada, State of Idaho,
whose address is 214 Broadway Boise, Idaho 83706,
have read the attached copy of the application for transfer of water right for
Milton H. Sparks, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

None

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons:

Dated at Boise, Idaho, Idaho, this 5 day of October, 1968.

Daniel L. Musselman
(Signature)

October 1, 1968

Re: Application for Transfer

Milton H. Sparks
Route 1
Star, Idaho 83322

Dear Mr. Sparks:

We have mailed the notice of proposed transfer of water right to the Idaho Daily Statesman, 300 North 6th Street, Boise, Idaho, to be published once a week for two consecutive weekly issues, October 10 and 17, 1968.

Please furnish the Department of Reclamation with an affidavit of publication on or prior to October 28, 1968.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mjl

Enc: Receipt No. 2096

October 1, 1968

Re: Application for Transfer
Milton H. Sparks

The Idaho Daily Statesman
300 North 6th Street
Boise, Idaho 83701

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

The expense of the publication is to be paid by Milton H. Sparks, Route 1, Star, Idaho, to whom you should furnish an affidavit of publication on or prior to October 28, 1968.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mjl

Enc: Legal Notice

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Milton H. Sparks of
Route 1, Star, Idaho has applied to the State Reclamation Engineer of the
State of Idaho for a certificate authorizing him to change the point of diversion
and/or place of use of the waters of Boise River as follows:
Amount: 1.1 cubic feet per second. Priority: June 1, 1866
Point of diversion: $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 4N Range 1W, B.M.
Place of Use: Fr. SWKSW-7; Part W2NWK-18; Twp. 4N, Rge. 1 W.B.M.

To Be Transferred To

Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14, Township 4N, Range 1W B. M.
Place of Use: Fr. SWKSW-7; Part W2NWK-18; Twp. 4N, Rge. 1 W.B.M.

And that on the 28 day of October, 1968, at 10:30 o'clock A. M.,
Department of Reclamation
at Statehouse, Annex #2, Boise, Idaho, before the State Reclamation Engineer,
or his authorized agent, the opportunity will be given to any and all persons to
appear and present, for his consideration any reason or reasons why a certificate
should not be issued authorizing such transfer.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Idaho Daily Statesman on October 10 and 17, 1968.

A G R E E M E N T

1
2 THIS AGREEMENT, Made and entered into this 10 day of
3 Oct., 1968, by and between MILTON SPARKS, hereinafter referred
4 to for convenience as Sparks, and PIONEER DITCH COMPANY, an Idaho
5 corporation, hereinafter referred to for convenience as Pioneer,
6 WITNESSETH:

7 WHEREAS, Sparks has a decreed water right to waters in the
8 Boise River; and

9 WHEREAS, It is more convenient for the waters to be used
10 by Pioneer, and the parties desire to reduce their understanding
11 with respect to said waters, to writing;

12 NOW, THEREFORE, The parties agree as follows:

13 1. That Pioneer may use 50 inches of Sparks' waters in
14 the Boise River from the date of this agreement until notified in
15 writing by Sparks of his desire to have the same returned to his use.
16 That upon such notification by Sparks, Pioneer agrees to dump the 50
17 inches of water into the Lawrence-Kennedy Canal.

18 2. That upon notification by Sparks of the return of the
19 waters by Pioneer, Sparks agrees to pay the normal costs and assess-
20 ments levied by the ditch company for the delivery of the water to
21 the Lawrence-Kennedy Canal, such costs and assessments being the
22 normal costs and assessments levied to the individual water users of
23 Pioneer.

24 3. This agreement shall be subject to approval by the
25 water users of Pioneer and shall be submitted by the Secretary of
26 Pioneer to the users at the fall meeting in 1968.

27 4. This agreement may be terminated by either party by
28 giving thirty days notice in writing.

29 5. This agreement is binding on the heirs, administrators,
30 executors, successors and assigns of all the parties hereto.

31 IN WITNESS WHEREOF, Milton Sparks has hereunto set his hand
32 and seal, and pursuant to due authorization of its Board of Directors,

1 Pioneer Ditch Company has caused its corporate name to be hereunto
2 subscribed by its Chairman and its corporate seal to be hereunto af-
3 fixed by its Secretary, the day and year first above written.

4
5 Milton Sparks (SEAL)
6 Milton Sparks

7 PIONEER DITCH COMPANY

8
9 By Lloyd Williams Chairman

10 ATTEST:

11 James D. Foster
12 Secretary

13
14
15
16
17
18
19 STATE OF IDAHO }
20 County of ^{ADA} Canyon } ss.

21 On this 15th day of October, 1968, before me, the
22 undersigned, a Notary Public in and for said State, personally ap-
23 peared MILTON SPARKS known to me to be the person whose name is sub-
24 scribed to the within instrument and acknowledged to me that he exe-
25 cuted the same.

26 IN WITNESS WHEREOF, I have hereunto set my hand and af-
27 fixed my official seal the day and year in this certificate first
28 above written.

29
30 (SEAL)

31 James D. Foster
Notary Public for Idaho
Residing at Caldwell, Idaho

32 GOLF

1 STATE OF IDAHO }
2 County of _____ } ss.

3 On this _____ day of _____, 1968, before me, the under-
4 signed, a Notary Public in and for said State, personally appeared
5 _____ and _____ known to me
6 to be the Chairman of the Board and Secretary respectively of the
7 corporation that executed the within instrument and acknowledged to
8 me that such corporation executed the same.

9 IN WITNESS WHEREOF, I have hereunto set my hand and af-
10 fixed my official seal the day and year in this certificate first
11 above written.

12
13 (SEAL)

Notary Public for Idaho
Residing at _____, Idaho