

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-124Q V2

WATER RIGHT NUMBER: 63-124Q V2

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JERRY A KISER 620 W HAYS ST BOISE, ID 83702 (208)336-1020
Original Owner	MIDDLETON MILL DITCH CO
	, ZZ
Original Owner	RUSH CHASE
	, ZZ
Current Owner	FARMERS UNION DITCH CO LTD 2153 N POLLARD STAR, ID 83669 (208)286-7318

Priority Date: 06/01/1864

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NE1/4SE1/4NE1/4	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R01E S02 SWSW	T04N R01E S03 SWNE
T04N R01E S03 SENE	T04N R01E S03 Lot 3 NENW
T04N R01E S03 Lot 4 NWNW	T04N R01E S03 SWNW
T04N R01E S03 SENW	T04N R01E S03 NESW
T04N R01E S03 NWSW	T04N R01E S03 SWSW
T04N R01E S03 SESW	T04N R01E S03 NESE
T04N R01E S03 NWSE	T04N R01E S03 SWSE
T04N R01E S03 SESE	T04N R01E S04 Lot 1 NENE
T04N R01E S04 Lot 2 NWNE	T04N R01E S04 SWNE
T04N R01E S04 SENE	T04N R01E S04 Lot 3 NENW

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T04N R01E S04 Lot 4 NWNW	T04N R01E S04 SWNW
T04N R01E S04 SENW	T04N R01E S04 NESW
T04N R01E S04 NWSW	T04N R01E S04 SWSW
T04N R01E S04 SESW	T04N R01E S04 NESE
T04N R01E S04 NWSE	T04N R01E S04 SWSE
T04N R01E S04 SESE	T04N R01E S05 Lot 1 NENE
T04N R01E S05 Lot 2 NWNE	T04N R01E S05 SWNE
T04N R01E S05 SENE	T04N R01E S05 Lot 3 NENW
T04N R01E S05 Lot 4 NWNW	T04N R01E S05 SWNW
T04N R01E S05 SENW	T04N R01E S05 NESW
T04N R01E S05 NWSW	T04N R01E S05 SWSW
T04N R01E S05 SESW	T04N R01E S05 NESE
T04N R01E S05 NWSE	T04N R01E S05 SWSE
T04N R01E S05 SESE	T04N R01E S06 Lot 1 NENE
T04N R01E S06 Lot 2 NWNE	T04N R01E S06 SWNE
T04N R01E S06 SENE	T04N R01E S06 Lot 3 NENW
T04N R01E S06 Lot 4 NWNW	T04N R01E S06 Lot 5 SWNW
T04N R01E S06 SENW	T04N R01E S06 NESW
T04N R01E S06 Lot 6 NWSW	T04N R01E S06 Lot 7 SWSW
T04N R01E S06 SESW	T04N R01E S06 NESE
T04N R01E S06 NWSE	T04N R01E S06 SWSE
T04N R01E S06 SESE	T04N R01E S07 NENE
T04N R01E S07 NWNE	T04N R01E S08 NENE
T04N R01E S08 NWNE	T04N R01E S08 SWNE
T04N R01E S08 SENE	T04N R01E S08 NENW
T04N R01E S08 NWNW	T04N R01E S08 SWNW
T04N R01E S08 SENW	T04N R01E S09 NENE
T04N R01E S09 NWNE	T04N R01E S09 SWNE
T04N R01E S09 SENE	T04N R01E S09 NENW
T04N R01E S09 NWNW	T04N R01E S09 SWNW
T04N R01E S09 SENW	T04N R01E S09 NESW
T04N R01E S09 NWSW	T04N R01E S09 NESE
T04N R01E S09 NWSE	T04N R01E S10 NENE
T04N R01E S10 NWNE	T04N R01E S10 SWNE
T04N R01E S10 SENE	T04N R01E S10 NENW
T04N R01E S10 NWNW	T04N R01E S10 SWNW

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T04N R01E S10	SENW	T04N R01E S10	NESW
T04N R01E S10	NWSW	T04N R01E S10	SWSW
T04N R01E S10	SESW	T04N R01E S10	NESE
T04N R01E S10	NWSE	T04N R01E S10	SWSE
T04N R01E S10	SESE	T04N R01E S11	NESW
T04N R01E S11	NWSW	T04N R01E S11	SWSW
T04N R01E S11	SESW	T04N R01E S11	NWSE
T04N R01E S11	SWSE	T04N R01E S13	SWNE
T04N R01E S13	NWNW	T04N R01E S13	SWNW
T04N R01E S13	SENW	T04N R01E S13	NESW
T04N R01E S13	NWSW	T04N R01E S13	NESE
T04N R01E S13	NWSE	T04N R01E S13	SESE
T04N R01E S14	NENE	T04N R01E S14	NWNE
T04N R01E S14	SWNE	T04N R01E S14	SENE
T04N R01E S14	NENW	T04N R01E S14	NWNW
T04N R01E S14	SWNW	T04N R01E S14	SENW
T04N R01E S15	NENE	T04N R01E S15	NWNE
T04N R01E S15	SWNE	T04N R01E S15	SENE
T04N R02E S18 Lot 3	NWSW	T04N R02E S18 Lot 4	SWSW
T04N R02E S18	SESW	T04N R02E S19	NWNE
T04N R02E S19	SWNE	T04N R02E S19	NENW
T04N R02E S19 Lot 1	NWNW	T04N R02E S19	SENW
T04N R02E S19	NESW	T04N R01W S01 Lot 1	NENE
T04N R01W S01 Lot 2	NWNE	T04N R01W S01	SWNE
T04N R01W S01	SENE	T04N R01W S01 Lot 3	NENW
T04N R01W S01	SENW	T04N R01W S01	NESE
T04N R01W S02 Lot 2	NWNE	T04N R01W S02 Lot 3	NENW
T04N R01W S02 Lot 4	NWNW	T04N R01W S02	SWNW
T04N R01W S03 Lot 1	NENE	T04N R01W S03 Lot 2	NWNE
T04N R01W S03	SENE	T04N R01W S03 Lot 3	NENW
T04N R01W S03 Lot 4	NWNW	T04N R01W S03	SWNW
T04N R01W S03	SENW	T04N R01W S03	NESW
T04N R01W S03	NWSW	T04N R01W S04 Lot 1	NENE
T04N R01W S04 Lot 2	NWNE	T04N R01W S04	SWNE
T04N R01W S04	SENE	T04N R01W S04 Lot 3	NENW
T04N R01W S04 Lot 4	NWNW	T04N R01W S04	SWNW

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T04N R01W S04	SENW	T04N R01W S04	NESW
T04N R01W S04	NWSW	T04N R01W S04	SWSW
T04N R01W S04	SESW	T04N R01W S04	NESE
T04N R01W S04	NWSE	T04N R01W S04	SWSE
T04N R01W S04	SESE	T04N R01W S05 Lot 1	NENE
T04N R01W S05 Lot 2	NWNE	T04N R01W S05	SWNE
T04N R01W S05	SENE	T04N R01W S05 Lot 3	NENW
T04N R01W S05 Lot 4	NWNW	T04N R01W S05	SWNW
T04N R01W S05	SENW	T04N R01W S05	NESW
T04N R01W S05	NWSW	T04N R01W S05	SESW
T04N R01W S05	NESE	T04N R01W S05	NWSE
T04N R01W S05	SWSE	T04N R01W S05	SESE
T04N R01W S06 Lot 1	NENE	T04N R01W S06 Lot 2	NWNE
T04N R01W S06	SWNE	T04N R01W S06	SENE
T04N R01W S06 Lot 3	NENW	T04N R01W S06 Lot 4	NWNW
T04N R01W S06 Lot 5	SWNW	T04N R01W S06	SENW
T04N R01W S06	NESE	T04N R02W S01 Lot 1	NENE
T04N R02W S01 Lot 2	NWNE	T04N R02W S01	SWNE
T04N R02W S01	SENE	T04N R02W S01 Lot 3	NENW
T04N R02W S01 Lot 4	NWNW	T04N R02W S01	SWNW
T05N R01E S31	SWNE	T05N R01E S31	SENE
T05N R01E S31 Lot 1	NWNW	T05N R01E S31 Lot 2	SWNW
T05N R01E S31	SENW	T05N R01E S31	NESW
T05N R01E S31 Lot 3	NWSW	T05N R01E S31 Lot 4	SWSW
T05N R01E S31	SESW	T05N R01E S31	NESE
T05N R01E S31	NWSE	T05N R01E S31	SWSE
T05N R01E S31	SESE	T05N R01E S32	SWNW
T05N R01E S32	SENW	T05N R01E S32	NESW
T05N R01E S32	NWSW	T05N R01E S32	SWSW
T05N R01E S32	SESW	T05N R01E S32	SWSE
T05N R01E S33	SESW	T05N R01E S33	SWSE
T05N R01E S33	SESE	T05N R01E S34	SWSW
T05N R01W S26	NESW	T05N R01W S26	SWSW
T05N R01W S26	SWSE	T05N R01W S26	SESE
T05N R01W S27	NESW	T05N R01W S27	NWSW
T05N R01W S27	SWSW	T05N R01W S28	SESW

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T05N R01W S28	SWSE	T05N R01W S28	SESE
T05N R01W S31	NESW	T05N R01W S31 Lot 4	SWSW
T05N R01W S31	SESW	T05N R01W S31	SWSE
T05N R01W S31	SESE	T05N R01W S32	SWNE
T05N R01W S32	SENE	T05N R01W S32	SENW
T05N R01W S32	NESW	T05N R01W S32	NWSW
T05N R01W S32	SWSW	T05N R01W S32	SESW
T05N R01W S32	NESE	T05N R01W S32	NWSE
T05N R01W S32	SWSE	T05N R01W S32	SESE
T05N R01W S33	NENE	T05N R01W S33	NWNE
T05N R01W S33	SWNE	T05N R01W S33	SENE
T05N R01W S33	NENW	T05N R01W S33	SWNW
T05N R01W S33	SENW	T05N R01W S33	NESW
T05N R01W S33	NWSW	T05N R01W S33	SWSW
T05N R01W S33	SESW	T05N R01W S33	NESE
T05N R01W S33	NWSE	T05N R01W S33	SWSE
T05N R01W S33	SESE	T05N R01W S34	NENE
T05N R01W S34	NWNE	T05N R01W S34	SWNE
T05N R01W S34	SENE	T05N R01W S34	SWNW
T05N R01W S34	SENW	T05N R01W S34	NESW
T05N R01W S34	NWSW	T05N R01W S34	SWSW
T05N R01W S34	SESW	T05N R01W S34	NESE
T05N R01W S34	NWSE	T05N R01W S34	SWSE
T05N R01W S34	SESE	T05N R01W S35	NENE
T05N R01W S35	NWNE	T05N R01W S35	SWNE
T05N R01W S35	SENE	T05N R01W S35	NENW
T05N R01W S35	NWNW	T05N R01W S35	SWNW
T05N R01W S35	SENW	T05N R01W S35	NESW
T05N R01W S35	NWSW	T05N R01W S35	SWSW
T05N R01W S35	SESW	T05N R01W S35	NESE
T05N R01W S35	NWSE	T05N R01W S35	SWSE
T05N R01W S35	SESE	T05N R01W S36	NENE
T05N R01W S36	NWNE	T05N R01W S36	SWNE
T05N R01W S36	SENE	T05N R01W S36	NENW
T05N R01W S36	NWNW	T05N R01W S36	SWNW
T05N R01W S36	SENW	T05N R01W S36	NESW

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T05N R01W S36	NWSW	T05N R01W S36	SESW
T05N R01W S36	NESE	T05N R01W S36	NWSE
T05N R01W S36	SWSE	T05N R01W S36	SESE
T05N R02W S36	NWSW	T05N R02W S36	SWSW
T05N R02W S36	SESW	T05N R02W S36	SWSE
T05N R02W S36	SESE		

Total Acres: 8394

Conditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-124
2. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-124M & 63-124P
3. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-123C, 63-123D, 63-123F, 63-123G, 63-123E, 63-120G, 63-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-21729, 63-18700, 63-31832, 63-31937
4. 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.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 8394 ACRES WITHIN THE BOUNDARY OF THE FARMERS UNION DITCH COMPANY
6. 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.
7. F01 WATER IS DELIVERED THROUGH THE FARMERS UNION CANAL
8. THIS RIGHT IS DESIGNATED AS NO 3 IN THE STEWART DECREE AND THE BOISE WATER MASTERS RECORDS
9. 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.
10. 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.

Remarks:

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Comments:Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
POU	4/25/2007 10:48:14 AM	jshurte			Active
Summary			04/25/2007	jshurte	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	4/25/2007 10:47:40 AM	jshurte	Updated shape
Summary	4/25/2007 10:48:17 AM	jshurte	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	4/25/2007 10:48:14 AM	jshurte	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required?

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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-124Q V1

WATER RIGHT NUMBER: 63-124Q V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JERRY A KISER 620 W HAYS ST BOISE, ID 83702 (208)336-1020
Original Owner	MIDDLETON MILL DITCH CO
	, ZZ
Original Owner	RUSH CHASE
	, ZZ
Current Owner	FARMERS UNION DITCH CO LTD 2153 N POLLARD STAR, ID 83669 (208)286-7318

Priority Date: 06/01/1864

Basis: Decreed

Status: Closed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Diversion Rate

0.100 CFS

Annual VolumeTotal Diversion:

0.100 CFS

Location of Point(s) of Diversion

BOISE RIVER

NE1/4SE1/4NE1/4

Sec. 5, Twp 03N, Rge 02E, B.M.

ADA County

Place of UseIRRIGATION Within ADA County

T04N R01E S02	SWSW	T04N R01E S03	SWNE
T04N R01E S03	SENE	T04N R01E S03 Lot 3	NENW
T04N R01E S03 Lot 4	NWNW	T04N R01E S03	SWNW
T04N R01E S03	SENW	T04N R01E S03	NESW
T04N R01E S03	NWSW	T04N R01E S03	SWSW
T04N R01E S03	SESW	T04N R01E S03	NESE
T04N R01E S03	NWSE	T04N R01E S03	SWSE
T04N R01E S03	SESE	T04N R01E S04 Lot 1	NENE
T04N R01E S04 Lot 2	NWNE	T04N R01E S04	SWNE
T04N R01E S04	SENE	T04N R01E S04 Lot 3	NENW

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T04N R01E S04 Lot 4 NWNW	T04N R01E S04 SWNW
T04N R01E S04 SENW	T04N R01E S04 NESW
T04N R01E S04 NWSW	T04N R01E S04 SWSW
T04N R01E S04 SESW	T04N R01E S04 NESE
T04N R01E S04 NWSE	T04N R01E S04 SWSE
T04N R01E S04 SESE	T04N R01E S05 Lot 1 NENE
T04N R01E S05 Lot 2 NWNE	T04N R01E S05 SWNE
T04N R01E S05 SENE	T04N R01E S05 Lot 3 NENW
T04N R01E S05 Lot 4 NWNW	T04N R01E S05 SWNW
T04N R01E S05 SENW	T04N R01E S05 NESW
T04N R01E S05 NWSW	T04N R01E S05 SWSW
T04N R01E S05 SESW	T04N R01E S05 NESE
T04N R01E S05 NWSE	T04N R01E S05 SWSE
T04N R01E S05 SESE	T04N R01E S06 Lot 1 NENE
T04N R01E S06 Lot 2 NWNE	T04N R01E S06 SWNE
T04N R01E S06 SENE	T04N R01E S06 Lot 3 NENW
T04N R01E S06 Lot 4 NWNW	T04N R01E S06 Lot 5 SWNW
T04N R01E S06 SENW	T04N R01E S06 NESW
T04N R01E S06 Lot 6 NWSW	T04N R01E S06 Lot 7 SWSW
T04N R01E S06 SESW	T04N R01E S06 NESE
T04N R01E S06 NWSE	T04N R01E S06 SWSE
T04N R01E S06 SESE	T04N R01E S07 NENE
T04N R01E S07 NWNE	T04N R01E S08 NENE
T04N R01E S08 NWNE	T04N R01E S08 SWNE
T04N R01E S08 SENE	T04N R01E S08 NENW
T04N R01E S08 NWNW	T04N R01E S08 SWNW
T04N R01E S08 SENW	T04N R01E S09 NENE
T04N R01E S09 NWNE	T04N R01E S09 SWNE
T04N R01E S09 SENE	T04N R01E S09 NENW
T04N R01E S09 NWNW	T04N R01E S09 SWNW
T04N R01E S09 SENW	T04N R01E S09 NESW
T04N R01E S09 NWSW	T04N R01E S09 NESE
T04N R01E S09 NWSE	T04N R01E S10 NENE
T04N R01E S10 NWNE	T04N R01E S10 SWNE
T04N R01E S10 SENE	T04N R01E S10 NENW
T04N R01E S10 NWNW	T04N R01E S10 SWNW

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T04N R01E S10	SENW	T04N R01E S10	NESW
T04N R01E S10	NWSW	T04N R01E S10	SWSW
T04N R01E S10	SESW	T04N R01E S10	NESE
T04N R01E S10	NWSE	T04N R01E S10	SWSE
T04N R01E S10	SESE	T04N R01E S11	NESW
T04N R01E S11	NWSW	T04N R01E S11	SWSW
T04N R01E S11	SESW	T04N R01E S11	NWSE
T04N R01E S11	SWSE	T04N R01E S13	SWNE
T04N R01E S13	NWNW	T04N R01E S13	SWNW
T04N R01E S13	SENW	T04N R01E S13	NESW
T04N R01E S13	NWSW	T04N R01E S13	NESE
T04N R01E S13	NWSE	T04N R01E S13	SESE
T04N R01E S14	NENE	T04N R01E S14	NWNE
T04N R01E S14	SWNE	T04N R01E S14	SENE
T04N R01E S14	NENW	T04N R01E S14	NWNW
T04N R01E S14	SWNW	T04N R01E S14	SENW
T04N R01E S15	NENE	T04N R01E S15	NWNE
T04N R01E S15	SWNE	T04N R01E S15	SENE
T04N R02E S18 Lot 3	NWSW	T04N R02E S18 Lot 4	SWSW
T04N R02E S18	SESW	T04N R02E S19	NWNE
T04N R02E S19	SWNE	T04N R02E S19	NENW
T04N R02E S19 Lot 1	NWNW	T04N R02E S19	SENW
T04N R02E S19	NESW	T04N R01W S01 Lot 1	NENE
T04N R01W S01 Lot 2	NWNE	T04N R01W S01	SWNE
T04N R01W S01	SENE	T04N R01W S01 Lot 3	NENW
T04N R01W S01	SENW	T04N R01W S01	NESE
T04N R01W S02 Lot 2	NWNE	T04N R01W S02 Lot 3	NENW
T04N R01W S02 Lot 4	NWNW	T04N R01W S02	SWNW
T04N R01W S03 Lot 1	NENE	T04N R01W S03 Lot 2	NWNE
T04N R01W S03	SENE	T04N R01W S03 Lot 3	NENW
T04N R01W S03 Lot 4	NWNW	T04N R01W S03	SWNW
T04N R01W S03	SENW	T04N R01W S03	NESW
T04N R01W S03	NWSW	T04N R01W S04 Lot 1	NENE
T04N R01W S04 Lot 2	NWNE	T04N R01W S04	SWNE
T04N R01W S04	SENE	T04N R01W S04 Lot 3	NENW
T04N R01W S04 Lot 4	NWNW	T04N R01W S04	SWNW

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T04N R01W S04	SENW	T04N R01W S04	NESW
T04N R01W S04	NWSW	T04N R01W S04	SWSW
T04N R01W S04	SESW	T04N R01W S04	NESE
T04N R01W S04	NWSE	T04N R01W S04	SWSE
T04N R01W S04	SESE	T04N R01W S05 Lot 1	NENE
T04N R01W S05 Lot 2	NWNE	T04N R01W S05	SWNE
T04N R01W S05	SENE	T04N R01W S05 Lot 3	NENW
T04N R01W S05 Lot 4	NWNW	T04N R01W S05	SWNW
T04N R01W S05	SENW	T04N R01W S05	NESW
T04N R01W S05	NWSW	T04N R01W S05	SESW
T04N R01W S05	NESE	T04N R01W S05	NWSE
T04N R01W S05	SWSE	T04N R01W S05	SESE
T04N R01W S06 Lot 1	NENE	T04N R01W S06 Lot 2	NWNE
T04N R01W S06	SWNE	T04N R01W S06	SENE
T04N R01W S06 Lot 3	NENW	T04N R01W S06 Lot 4	NWNW
T04N R01W S06 Lot 5	SWNW	T04N R01W S06	SENW
T04N R01W S06	NESE	T04N R02W S01 Lot 1	NENE
T04N R02W S01 Lot 2	NWNE	T04N R02W S01	SWNE
T04N R02W S01	SENE	T04N R02W S01 Lot 3	NENW
T04N R02W S01 Lot 4	NWNW	T04N R02W S01	SWNW
T05N R01E S31	SWNE	T05N R01E S31	SENE
T05N R01E S31 Lot 1	NWNW	T05N R01E S31 Lot 2	SWNW
T05N R01E S31	SENW	T05N R01E S31	NESW
T05N R01E S31 Lot 3	NWSW	T05N R01E S31 Lot 4	SWSW
T05N R01E S31	SESW	T05N R01E S31	NESE
T05N R01E S31	NWSE	T05N R01E S31	SWSE
T05N R01E S31	SESE	T05N R01E S32	SWNW
T05N R01E S32	SENW	T05N R01E S32	NESW
T05N R01E S32	NWSW	T05N R01E S32	SWSW
T05N R01E S32	SESW	T05N R01E S32	SWSE
T05N R01E S33	SESW	T05N R01E S33	SWSE
T05N R01E S33	SESE	T05N R01E S34	SWSW
T05N R01W S26	NESW	T05N R01W S26	NWSW
T05N R01W S26	SWSW	T05N R01W S26	SWSE
T05N R01W S26	SESE	T05N R01W S27	NESW
T05N R01W S27	NWSW	T05N R01W S27	SWSW

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T05N R01W S27	SESW	T05N R01W S27	SESE
T05N R01W S28	SESW	T05N R01W S28	SWSE
T05N R01W S28	SESE	T05N R01W S31	NESW
T05N R01W S31 Lot 4	SWSW	T05N R01W S31	SESW
T05N R01W S31	NESE	T05N R01W S31	NWSE
T05N R01W S31	SWSE	T05N R01W S31	SESE
T05N R01W S32	SWNE	T05N R01W S32	SENE
T05N R01W S32	SENW	T05N R01W S32	NESW
T05N R01W S32	NWSW	T05N R01W S32	SWSW
T05N R01W S32	SESW	T05N R01W S32	NESE
T05N R01W S32	NWSE	T05N R01W S32	SWSE
T05N R01W S32	SESE	T05N R01W S33	NENE
T05N R01W S33	NWNE	T05N R01W S33	SWNE
T05N R01W S33	SENE	T05N R01W S33	NENW
T05N R01W S33	SWNW	T05N R01W S33	SENW
T05N R01W S33	NESW	T05N R01W S33	NWSW
T05N R01W S33	SWSW	T05N R01W S33	SESW
T05N R01W S33	NESE	T05N R01W S33	NWSE
T05N R01W S33	SWSE	T05N R01W S33	SESE
T05N R01W S34	NENE	T05N R01W S34	NWNE
T05N R01W S34	SWNE	T05N R01W S34	SENE
T05N R01W S34	SWNW	T05N R01W S34	SENW
T05N R01W S34	NESW	T05N R01W S34	NWSW
T05N R01W S34	SWSW	T05N R01W S34	SESW
T05N R01W S34	NESE	T05N R01W S34	NWSE
T05N R01W S34	SWSE	T05N R01W S34	SESE
T05N R01W S35	NENE	T05N R01W S35	NWNE
T05N R01W S35	SWNE	T05N R01W S35	SENE
T05N R01W S35	NENW	T05N R01W S35	NWNW
T05N R01W S35	SWNW	T05N R01W S35	SENW
T05N R01W S35	NESW	T05N R01W S35	NWSW
T05N R01W S35	SWSW	T05N R01W S35	SESW
T05N R01W S35	NESE	T05N R01W S35	NWSE
T05N R01W S35	SWSE	T05N R01W S35	SESE
T05N R01W S36	NENE	T05N R01W S36	NWNE
T05N R01W S36	SWNE	T05N R01W S36	SENE

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T05N R01W S36	NENW	T05N R01W S36	NWNW
T05N R01W S36	SWNW	T05N R01W S36	SENW
T05N R01W S36	NESW	T05N R01W S36	NWSW
T05N R01W S36	SESW	T05N R01W S36	NESE
T05N R01W S36	NWSE	T05N R01W S36	SWSE
T05N R01W S36	SESE	T05N R02W S36	NWSW
T05N R02W S36	SWSW	T05N R02W S36	SESW
T05N R02W S36	SWSE	T05N R02W S36	SESE

Total Acres: 8394

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. F01 WATER IS DELIVERED THROUGH THE FARMERS UNION CANAL
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 8394 ACRES WITHIN THE BOUNDARY OF THE FARMERS UNION DITCH COMPANY
4. 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.
5. THIS RIGHT IS DESIGNATED AS NO 3 IN THE STEWART DECREE AND THE BOISE WATER MASTERS RECORDS
6. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-123C, 63-123D, 63-123F, 63-123G, 63-123E, 63-120G, 63-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-21729, 63-18700, 63-31832, 63-31937
7. 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.
8. 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.
9. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-124

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10. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-124M & 63-124P

Remarks:Comments:

1. mcase 7/21/2004 POD

Comment: Correlated PODID 577562 from SpatialDataID 342577 to SpatialDataID 303145

2. mcase 7/21/2004 POD

Comment: Correlated PODID 577562 from SpatialDataID 342577 to SpatialDataID 303145

3. mcase 7/21/2004 POD

Comment: Correlated PODID 577562 from SpatialDataID 342577 to SpatialDataID 303145

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number: 63

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
POU	9/16/2002 11:40:26 AM	mlarson			Closed
Contacts	3/8/2004 3:53:21 PM	mschulte			Closed
Priority Date	3/8/2004 3:53:47 PM	mschulte			Closed
POD	3/8/2004 3:58:55 PM	mschulte			Closed
POU	3/8/2004 3:59:42 PM	mschulte			Closed
Use	3/8/2004 4:01:18 PM	mschulte			Closed
Season	3/8/2004 4:02:07 PM	mschulte			Closed
Quantity	3/8/2004 4:02:40 PM	mschulte			Closed
Summary			03/08/2004	mschulte	Closed
Source	3/8/2004 4:09:26 PM	mschulte			Closed
POU	9/16/2004 8:48:14 AM	mschulte			Closed
POU	2/2/2005 8:32:22 AM	mschulte			Closed

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POU 2/2/2005 9:01:24 AM mschulte Closed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Season	3/8/2004 4:02:08 PM	mschulte	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	3/8/2004 4:02:42 PM	mschulte	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	3/8/2004 4:09:18 PM	mschulte	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	2/2/2005 8:57:48 AM	mschulte	Edited shape boundary

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POU	2/2/2005 9:01:25 AM	mschulte	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required?
POU	2/2/2005 9:02:04 AM	mschulte	Edited PLS
Priority Date	3/8/2004 3:53:48 PM	mschulte	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	3/8/2004 3:58:57 PM	mschulte	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	3/8/2004 4:09:28 PM	mschulte	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	2/2/2005 8:32:23 AM	mschulte	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?
POU	2/2/2005 8:39:35 AM	mschulte	Edited shape boundary
POU	2/2/2005 8:42:43 AM	mschulte	Edited shape boundary
POU	2/2/2005 8:49:04 AM	mschulte	Edited shape boundary
POU	9/16/2002 11:40:27 AM	mlarson	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required?
Contacts	3/8/2004 3:53:23 PM	mschulte	(No) 1. Do you want to schedule an appointment? Comment for 1: SEE 63-120G
POU	3/8/2004 3:59:43 PM	mschulte	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?

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Use	3/8/2004 4:01:19 PM	mschulte	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POD	3/8/2004 3:57:39 PM	mschulte	Edited point location
POU	9/16/2004 8:48:14 AM	mschulte	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required?

SubCase:

SubCase Number: 63-124Q
Class: 1
SF5 Filed Date: 3/19/2007
Special Master Recom Signed Date: 3/27/2007
Attorney Assigned:
Adjudication Agent: mschulte
Basis of Claim: Decreed
Date Filed: 4/19/2006 Objection Status: Active

Water Supply Bank: