

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: **A63-00161AT**
Date Received: 2/27/1990
Receipt No: W009767
Received By: _____

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

1. Name: SYMMS FRUIT RANCH 208-459-4821
Address: 14068 SUNNY SLOPE RD
CALDWELL ID 83605

2. Date of Priority: MAY 1, 1866

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03E	3		NW	SW		ADA

5. Description of diverting works:
CRUZEN DITCH WATER CARRIED IN THE NEW YORK CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

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10. Place of Use:

JUL 22 1994

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04W	23	SW	SW		IRR	30.0

Section Acres 30.0

Total Acres 30.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

P/D S3, T2N, R3E.

TRANS. 976.

THIS WATER CARRIED IN NEW YORK CANAL.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.

Decree Plaintiff

RIVERSIDE IRR. DIST.

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For 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: _____

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JUL 22 1994

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 _____

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JUL 22 1994

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: A63-00161AT
Date Received: 2/08/1990
Receipt No: 12009767
Received By: RM

RECEIVED
FEB 27 1990

Department of Water Resources
Western Regional Office

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

1. Name: CONSUMERS WATER CORP. (Cruzen Ditch Water Carried in
Address: the New York Canal)

2. Date of Priority: MAY 01, 1866

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion: (See Remarks)

Township Range Section 1/4 of 1/4 of 1/4 Lot County

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			1.500		

7. Total Quantity Appropriated is:
1.500 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	Acres
03N	04W	23	SW	SW	IRR	

11. Place of use in counties: ADA

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

A63-00161AT

Page 1

Date: 02/08/90

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13. Other Water Rights Used:

14. Remarks:

P/D S3, T2N, R3E. (NWSW)

TRANS. 976.

THIS WATER CARRIED IN NEW YORK CANAL.

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

Number of attachments: 1 (Map)

For Organizations:

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

[Signature]
Signature of Authorized Agent

President/Symms Fruit Ranch, Inc.

Title and Organization

Feb. 26, 1990
Date

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of February 19 90

[Signature]
Notary Public

Seal

Residing at Caldwell, Idaho

My Commission Expires May 15, 1993



T. 2N
R. 4W
Sec. 23

Quinn
After

AB3-00161AT

POOR ORIGINAL

P/D
T. 2N
R. 3E
Sec. 3

Water
canal
in flow
yesterday

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NAMPA (U.S. 30) 15 MI.

7.5 MI. TO U.S. 30
NAMPA 10 MI.

710 000
FEET

CALDWELL

4829

4828

4827

4826

4825

4824

4823

4822

4821



SYMMS FRUIT RANCH, INC.

*Growers and Shippers of Apples,
Peaches, Cherries, Plums, Pears, Nectarines,
Grapes, Onions and Potatoes.*

14068 Sunny Slope Road, Caldwell, Idaho 83605
Telephone (208) 459-4821 / L.D. 459-8064
Fax: (208) 459-6932

CORPORATION OFFICERS AND PARTNERS LISTED BELOW
ADDRESS FOR ALL: 14068 Sunny Slope Road
Caldwell, Idaho 83605
Telephone: 208-459-4821

SYMMS FRUIT RANCH, INC.

R. A. Symms	President
James P. Mertz	Secretary
Myrtle Symms	Treasurer
Irene Symms	Vice-President
Kathryn Symms Mertz	Vice-President
Steven D. Symms	Director
Shirley S. Maggard	Director

SUNNY SLOPE FRUIT COMPANY

James P. Mertz	President
Shirley Symms Maggard	Secretary/Treasurer
James P. Mertz	Director
Shirley Symms Maggard	Director
R. A. Symms	Director

STE. CHAPELLE, INC.

R. A. Symms	President
James P. Mertz	Secretary/Treasurer
Kathryn S. Mertz	Director

SYMMS CANYON LTD. PARTNERSHIP

Myrtle Symms	General Partner
Irene Symms	General Partner
R. A. Symms	Administrator
James P. Mertz	Administrator

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JUL 22 1994



09/04/2006

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

RIGHT NUMBER: 63-161AT

NAME AND ADDRESS: SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID 83607

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.540 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 proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 05/01/1866

POINT OF DIVERSION:

T02N R03E S3 NWSW Lot 9 Within ADA County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.540 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within ADA County

T03N R04W S23 SWSW 27.00

27 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

09/04/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Water is delivered via the New York Irrigation District Canal.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-161AT V1

WATER RIGHT NUMBER: 63-161AT V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RICHARD Z JOHNSON
	BOISE, ID
Current Owner	SYMMS FRUIT RANCH INC 14068 SUNNY SLOPE RD CALDWELL, ID 83607 (208)459-4821
Original Owner	JOSEPH PERRAULT
	BOISE, ID
Original Owner	CONSUMERS WATER CORP
	BOISE, ID

Priority Date: 05/01/1866

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.540 CFS	
	<u>Total Diversion:</u>	0.540 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L9 (NW1/4SW1/4)	Sec. 3, Twp 02N, Rge 03E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	04W	23											27.0						27.0

Total Acres: 27

Conditions of Approval:

1. This right is also designated as Right No. 30 in the Boise River Stewart Decree and Boise River Water Distribution Report.
2. Water is delivered via the New York Irrigation District Canal.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-161AT V1

3. 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 proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
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.
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 Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

Remarks:

Comments:

Water Supply Bank:

Water Right(s) 63-161AT

IDAHO DEPT OF WATER RESOURCES

1987/1988 NAPP Photo
Prepared by: J. Shurte
Date: September, 2006

● **Point of Diversion**



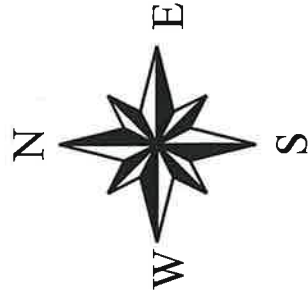
View1



1/4 1/4 Lines



Section Lines



600 0 600 Feet

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 976

THIS IS TO CERTIFY, That Consumers Water Corporation, through G. S. Taylor, President, 414 First National Bank Building, Boise, Idaho, is the owner of and using a certain water right for 2500 inches, or 50 cubic feet per second, of the waters of the Boise River, with priority of May 1, 1866, decreed to Joseph Perrault and Richard Johnson, by Judge George H. Stewart of the District Court of the Seventh Judicial District of the State of Idaho, in and for the Counties of Ada and Canyon, in the case of

FARMERS CO-OPERATIVE DITCH COMPANY
a Corporation,

Plaintiff

vs.

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

Defendants

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

Town lots and agricultural lands
lying under what is known as the Walling
Ditch or Boise Valley Water Ditch, or Consumers Canal, in Sections 11, 12, 13, and 14, Township 3 North, Range 2 East, B.M., and Sections 28, 29, 32, 33 and 34, Township 4 North, Range 2 East, B. M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, beginning at Page 410 thereof;

That the said Consumers Water Corporation has become the owner of said water right through mesne conveyances;

And that now, upon the application of the Consumers Water Corporation, through G. S. Taylor, President, for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of 1.5 cubic feet per second of the waters of Boise River upon the above described lands is hereby abandoned, and the lands to be irrigated under such right, and to which the water right HEREBY ABANDONED shall become appurtenant by this certificate for irrigation and domestic purposes, are described as follows, to-wit:

The S $\frac{1}{2}$, SW $\frac{1}{4}$, Section 23, Township 3
North, Range 4 W. B. M., Canyon
County, Idaho, and known as the Symms
Fruit Ranch, Inc.,

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

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1.5 cubic feet per second
with priority of May 1, 1866.

That the water right hereby transferred has heretofore been conducted to the first above described lands through the Consumers Canal, with point of diversion in Section 24, Township 3 North, Range 2 E. B. M.,

That the water right hereby transferred will hereafter be conducted to the last above described lands through the New York Canal, with point of diversion in Section 3, Township 2 North, Range 3 E. B. M.,

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 17th day of January, 1962.

Ralph W. Thomas

RALPH W. THOMAS
Deputy State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of
Consumers Water Corporation, through
G. S. Taylor, President, of Boise,
Idaho;

ORDER GRANTING TRANSFER

NO. 976

For a Transfer of Water Right in
Water District No. 12-A, County of
Ada

WHEREAS, On the 5th day of January, 1962, at the Department
of Reclamation of the State of Idaho, at Boise, Idaho, this matter of
an application of Consumers Water Corporation, through G. S. Taylor,
President, of Boise, Idaho, for a transfer of water right, came on
regularly for hearing, pursuant to the published notice, in due and
statutory form; and,

WHEREAS, No protest has been filed against the application,
and the evidence filed by the applicant, with the application, shows
that the water will be put to a higher and more beneficial use, and
that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said appli-
cation be, and the same is HEREBY GRANTED, and that a Certificate of
Transfer be issued to the applicant herein, as provided by the laws
of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused
the official seal of the Department of Reclamation of the State of
Idaho to be hereunto affixed, at Boise, Idaho, this 17th day of
January, 1962.

Ralph W. Thomas
RALPH W. THOMAS
Deputy State Reclamation Engineer

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-161AT

WATER RIGHT NUMBER: 63-161AT

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RICHARD Z JOHNSON
	, ZZ
Original Owner	JOSEPH PERRAULT
	, ZZ
Current Owner	CONSUMERS WATER CORP
	, ZZ

Priority Date: 05/01/1866

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.500 CFS	
	<u>Total Diversion:</u>	1.500 CFS	

Location of Point(s) of Diversion

BOISE RIVER

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
03N	04W	23																		

Conditions of Approval:Remarks:

- General P/D S3, T2N, R3E.
TRANS. 976.
THIS WATER CARRIED IN NEW YORK CANAL.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-161AT

Dates and Other Information:

Licensed Date:
Decreed Date: 1/18/1906
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False