

09/29/2006

NOTICE OF ERROR
REPLY

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: October 31, 2006

Water right number: 63-198A

DAVID N BAYLESS
3425 W BEACON LIGHT RD
EALGE ID 83616
Telephone Number: (208)938-0302

RECEIVED
OCT 20 2006
WATER RESOURCES
WESTERN REGION

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: 10-18-06 SIGNATURE: David N. Bayless
Please print your name: DAVID N. BAYLESS

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

09/02/2006

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

RIGHT NUMBER: 63-198A

NAME AND ADDRESS: DAVID N BAYLESS
3425 W BEACON LIGHT RD
EALGE ID 83616

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 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: 06/01/1877

POINT OF DIVERSION:

T03N R02E S9 SWNE Lot 7 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.200 CFS

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

PLACE OF USE: IRRIGATION Within ADA County

T04N R01E S31	NESW	20.00	T04N R01E S31	SESW	14.00
---------------	------	-------	---------------	------	-------

34 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is also designated as Right No. 65 in the Boise River Stewart Decree and Boise River Water Distribution Report.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered via Settlers Irrigation District Canal.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-198A V1

WATER RIGHT NUMBER: 63-198A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID N BAYLESS 3425 W BEACON LIGHT RD EALGE, ID 83616 (208)938-0302
Original Owner	NELLIE B WHITAKER

	, ZZ
Original Owner	MIDDLETON WATER CO
	, ZZ

Priority Date: 06/01/1877

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	0.200 CFS	
	<u>Total Diversion:</u>		0.200 CFS	

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	31									20.0				14.0				34.0

Total Acres: 34

Conditions of Approval:

1. This right is also designated as Right No. 65 in the Boise River Stewart Decree and Boise River Water Distribution Report.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-198A 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. 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.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

Comments:

1. jshurte 9/2/2006 Delivery

Comment: Per agreement water is delivered via Settlers Irrigation District Canal.

Water Supply Bank:

IDAHO DEPT OF WATER RESOURCES

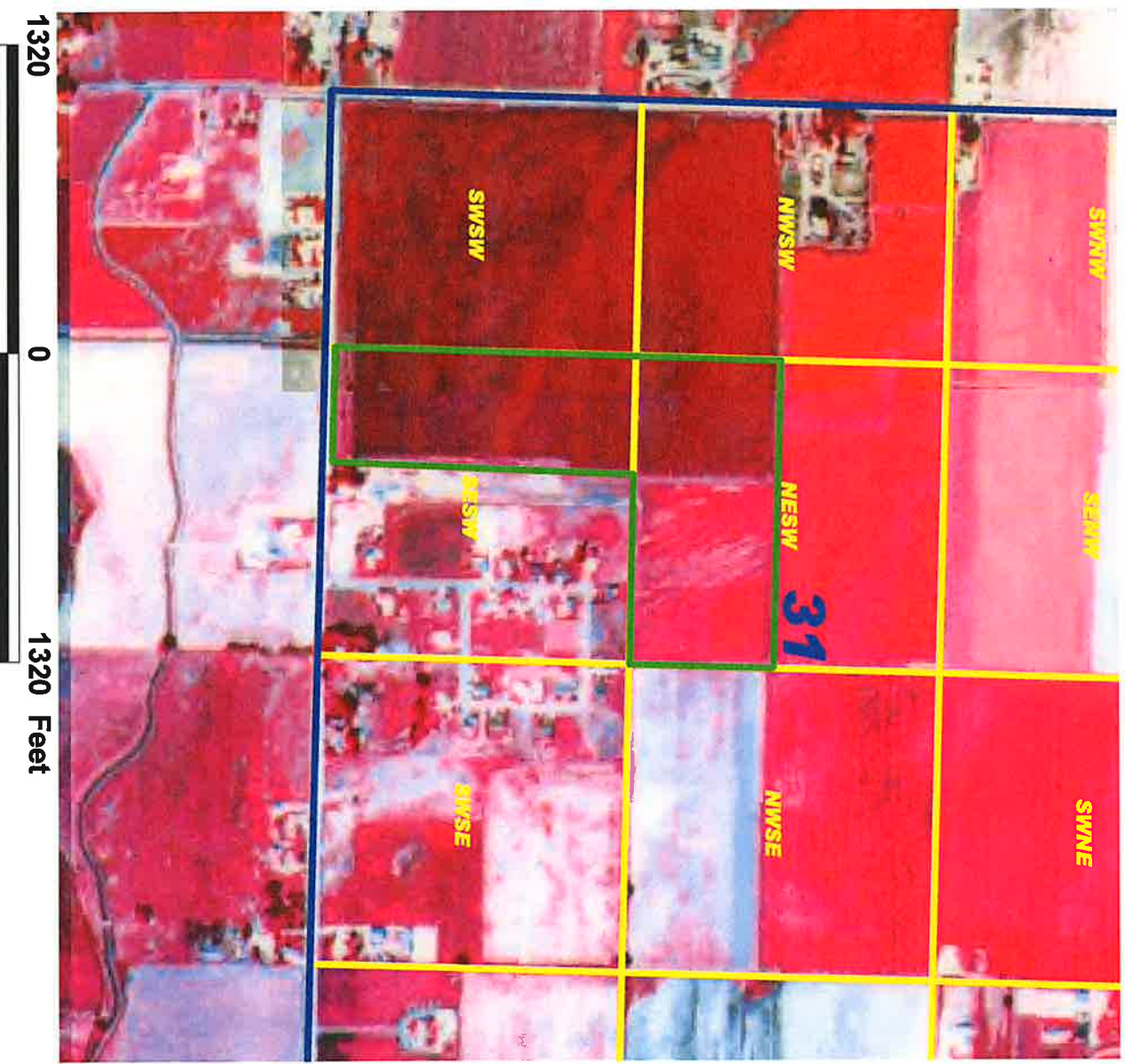
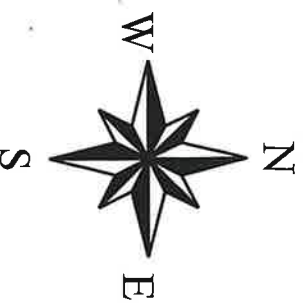
Water Right(s)

63-198A

***Twp. 4N, Rge. 1E
Sec. 31***

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

-  **Point of Diversion**
-  **Place of Use**
-  **114114 Lines**
-  **Section Lines**



Water Right Report 63-198A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MIDDLETON WATER CO

Current Owner , ZZ
NELLIE B WHITAKER

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 /	0.200 CFS	
DOMESTIC	/ to /		

Total Diversion: 0.200 CFS

BOISE RIVER	SW1/4SE1/4	Sec. 12, Twp 04N, Rge 01W, B.M.
ADA County		

IRRIGATION

Twp	Rge	Sec	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
04N	01E	31									X							X	

DOMESTIC same as IRRIGATION

Conditions of Approval:

1. General TRANS. 357.
P/U BY METES & BOUNDS.

Comments:

Dates and Other Information:

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-198A**

02/23/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
124F	Claim	04N	01E	31	NE	SW		IRRIGATION	20/20	DAVID N BAYLESS
198A	Claim	04N	01E	31	NE	SW		IRRIGATION	20/34	DAVID N BAYLESS
4983	Claim	04N	01E	31	NE	SW		IRRIGATION	5/70	SUNDANCE LIMITED CO LLC
8513	Claim	04N	01E	31	NE	SW		IRRIGATION	22/92	DAVID N BAYLESS
198A	Water Right	04N	01E	31	NE	SW		IRRIGATION		NELLIE B WHITAKER
2040	Water Right	04N	01E	31	NE	SW		IRRIGATION		L K DECK
2101	Water Right	04N	01E	31	NE	SW		IRRIGATION	4/72	FLOYD TOLLETH
4983	Water Right	04N	01E	31	NE	SW		IRRIGATION	5/70	ROBERT MC BIRNEY
8513	Water Right	04N	01E	31	NE	SW		IRRIGATION	22/92	EUNICE BAYLESS
3614B	Claim	04N	01E	31	NE	SW		IRRIGATION FROM STORAGE	20/10964.2	SETTLERS IRRIGATION DISTRICT
3618B	Claim	04N	01E	31	NE	SW		IRRIGATION FROM STORAGE	20/10964.2	SETTLERS IRRIGATION DISTRICT
3262B	Claim	04N	01E	31	NE	SW		IRRIGATION FROM STORAGE	20/10964.2	SETTLERS IRRIGATION DISTRICT
198A	Claim	04N	01E	31	SE	SW		IRRIGATION	14/34	DAVID N BAYLESS
4983	Claim	04N	01E	31	SE	SW		IRRIGATION	15/70	SUNDANCE LIMITED CO LLC
18314	Claim	04N	01E	31	SE	SW		IRRIGATION	1/2	WILLIAM F SNIDER
198A	Water Right	04N	01E	31	SE	SW		IRRIGATION		NELLIE B WHITAKER
2101	Water Right	04N	01E	31	SE	SW		IRRIGATION	10/72	FLOYD TOLLETH
4983	Water Right	04N	01E	31	SE	SW		IRRIGATION	15/70	ROBERT MC BIRNEY

N 1/2 NE SW
5 1/2 NE SW
GW
GW
OVERLAPS
W/ 63-124F
NOT 198A

That said defendant THOMAS H. ATKINS is also, and he is hereby awarded the use of the waters of said river, diverted at a point near the center of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

33 619540 inches, from June 1, 1891; and hereby designated as Right No. 125. And be adjudged to pay \$21.00 costs in addition to the costs incurred by him

LV.

That the defendant W. H. CONWAY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B.M., for use upon lots 5 and 6 and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B.M., in the following amounts and from the following dates;

33 019645 inches, from June 1, 1877; and hereby designated as Right No. 64.
33 0197110 inches, from June 1, 1891; and hereby designated as Right No. 118. And be adjudged to pay \$10.85 costs in addition to the costs incurred by him.

LVI.

That the defendant the MIDDLETON WATER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12, T. 4 N. R. 1 W. B.M., for use on the lands lying under its canal system, in the following amount and from the following date;

33 0198430 inches, from June 1, 1877; and hereby designated as Right No. 65.
34 4681864 And be adjudged to pay \$399.23 costs in addition to the costs incurred by it.
35 P.D. 57
36 P.D. 84
37
38
39

LVII

That the defendant the WATPA & MERIDIAN IRRIGATION DISTRICT, (substituted for defendant the Boise City Irrigation & Land Company) a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river in Lot 6, Sec. 29, T. 3 N. R. 3 E. B.M., for use upon the lands lying under its canal system, in the following amounts, from the following dates;

^{T-17911} 83 0199 3500 inches, from May 1, 1873; and hereby designated as Right No. 37.
^{T-466} 83 0200 18542 inches, from August 20, 1883; and hereby designated as Right No 10
 And be adjudged to pay \$1092.84 costs in addition to the costs incurred by it.

LVIII.

That the defendant JULIA MANNION be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point in NW corner of Sec. 36, T. 5 N. R. 3 W. B.M., for use upon the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, and S. $\frac{1}{2}$ of SE $\frac{1}{4}$, and lot 7 in Sec. 26, T. 3 N. R. 3 W. B.M., in the following amount from the following date;

^{T-111} 83 0201 133 inches, from June 1, 1873; and hereby designated as Right No. 68.
 And be adjudged to pay \$11.73 costs in addition to the costs incurred by her.

MEMORANDUM

June 22, 1995

TO: SRBA Claims Submitted by Settler's Irrigation District

FROM: KAY WALKER *Kay*

RE: Correspondence prior to June 22, 1995

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

MICROFILMED
OCT 02 1996

Water Right Number - 63-00198A Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - + + - First Name - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WHITAKER

NELLIE B.

1 -
2 -
3 -

City- State- Zip-
Phone -

*** O - ORIGINAL OWNER ***
MIDDLETON WATER CO.

1 -
2 -
3 -

City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1877 14 D - DECREED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BOISE RIVER SNAKE RIVER

+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot Rflg County

04N 01W 12 SW SE (1) ADA

+ - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
Code Description Period From Period To

01 - IRRIGATION
43 - DOMESTIC

0.200

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.200

+ - - - - - - - - - - - Place of Use - - - - - Description County - - - - - +
Twn Rng Sec Tract Lot Acres Code

04N 01E 31 NE SW 01 IRRIGATION (1) ADA
04N 01E 31 SE SW 01 IRRIGATION (1) ADA

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

TRANS. 357. - - - - - Remarks - - - - - +
P/U BY METES & BOUNDS.

MICROFILMED

AUG 17 1992

| | |
|------------------------------------|---|
| Water right number - 63-00198A | Adj. flag translation: Standard Water Right Number |
| + - - - - | - - - - - Old Water Right Numbers - - - - - |
| + - - - - | - - - - - Old Water Right Numbers - - - - - |
| + - - - - | - - - - - No Old Water Right Numbers found. |
| + - - - - | - - - - - No Conditions of Approval - - - - - |
| + - - - - | - - - - - No Conditions of Approval found. |
| + - - - - Decree Plaintiff - - - + | + - - - - Decree Defendant - - - + |
| FARMERS CO-OP DITCH CO. | RIVERSIDE IRR. DIST. |
| + - - - - Audit Fields - 06/18/85 | 05/01/88 CONVERT |
| + - - - - | - - - - - Water Rights Dates and Flags Area - - - - - |
| Proof Due Date - 00/00/0000 | Field Exam Made - 00/00/0000 |
| Approved/Denied - 00/00/0000 | Protested Date - 00/00/0000 |
| Proof Made Date - 00/00/0000 | Hearing Date - 00/00/0000 |
| Start Work Date - 00/00/0000 | Verified Date - 06/18/1985 |
| Order Show Cause - 00/00/0000 | Receipt Number - |
| Licensed Date - 00/00/0000 | Appl Received - 00/00/0000 |
| Decree Date - 01/18/1906 | Presumption Flag - |
| | Field Exam Fee - |
| | Swan Falls - |
| | Temporary Right - P |
| | DLE/Carey Act - |
| | Water District - 63 |
| | Transfer/Amended - P |
| | Microfilm Roll Number - |

MICROFILMED
AUG 17 1992

Receipt Details for ID C011305

| Status | Adjustment Type | Version |
|--------|---------------------|---------|
| | Water Right Receipt | 1 |

General Information:

| Date Received | Date Deposited | Region | Total Amount | Payment Type |
|----------------------|----------------|---------------------------|--------------|--------------|
| 9/8/1989 10:08:08 AM | 9/8/1989 | State | \$12,715.00 | Check |
| Payer | | SETTLERS' IRRIGATION DIST | | |

Account Information:

| Check # | Account # | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 8265 | | | |
| Card Expiration Date | Credit Card Transaction # | | |
| | | | |

Comment ADJUDICATION FEE

Fee Detail:

| Amount | Description | PCA | Fund | Fund Detail | Subsidiary | Object |
|-------------|------------------|--------|------|-------------|------------|--------|
| \$12,715.00 | ADJUDICATION FEE | 410162 | 9337 | 0 | 0 | 6490 |

Refund(s):

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

Water Right Information:

| Basin Number | Sequence Number | Split Suffix | Amount | Type |
|--------------|-----------------|--------------|-------------|-------|
| 63 | 230 | F | \$10,675.00 | Claim |
| 63 | 161 | G | \$50.00 | Claim |
| 63 | 161 | N | \$50.00 | Claim |
| 63 | 22227 | | \$50.00 | Claim |
| 63 | 22226 | | \$70.00 | Claim |
| 63 | 22225 | | \$50.00 | Claim |
| 63 | 161 | BG | \$50.00 | Claim |
| 63 | 161 | V | \$100.00 | Claim |
| 63 | 161 | AX | \$50.00 | Claim |

| | | | | |
|----|-----|----|----------|-------|
| 63 | 161 | AV | \$50.00 | Claim |
| 63 | 161 | Z | \$50.00 | Claim |
| 63 | 161 | AJ | \$50.00 | Claim |
| 63 | 161 | AL | \$70.00 | Claim |
| 63 | 161 | AN | \$50.00 | Claim |
| 63 | 161 | BA | \$50.00 | Claim |
| 63 | 161 | A | \$50.00 | Claim |
| 63 | 161 | T | \$50.00 | Claim |
| 63 | 231 | | \$50.00 | Claim |
| 63 | 230 | C | \$50.00 | Claim |
| 63 | 124 | F | \$50.00 | Claim |
| 63 | 124 | H | \$50.00 | Claim |
| 63 | 214 | A | \$50.00 | Claim |
| 63 | 199 | A | \$130.00 | Claim |
| 63 | 124 | K | \$50.00 | Claim |
| 63 | 198 | A | \$64.00 | Claim |
| 63 | 257 | | \$90.00 | Claim |
| 63 | 161 | AC | \$50.00 | Claim |
| 63 | 230 | B | \$50.00 | Claim |
| 63 | 120 | H | \$130.00 | Claim |
| 63 | 198 | Y | \$70.00 | Claim |
| 63 | 170 | A | \$50.00 | Claim |
| 63 | 169 | A | \$50.00 | Claim |
| 63 | 161 | J | \$50.00 | Claim |
| 63 | 161 | Q | \$50.00 | Claim |
| 63 | 161 | BW | \$50.00 | Claim |

[Print Report](#)

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: A63-00198A
Date Received: 9/08/1989
Receipt No: C011305
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID BAYLESS
Address: 3860 N. MERIDIAN ROAD
MERIDIAN, ID 83642 208-888-2053

2. Date of Priority: JUN 01, 1877

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 | | | ADA |

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

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.200 | | |

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

8. Total consumptive use is 119.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|---------------|-------|---------|--------|--------|-----|-----|-------|
| 04N | 01E | 31 | NE | SW | | IRR | 20.0 |
| | | | SE | SW | | IRR | 14.0 |
| Section Acres | | | | | | | 34.0 |

A63-00198A

Page 1

Date: 05/09/90

MICROFILMED

AUG 17 1992

10. Place of Use: Continued

Total Acres 34.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

63-230, 63-231, 63-5262, 63-3618, 63-3614

14. Remarks:

TRANS. 357.

P/U BY METES & BOUNDS.

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 _____ 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 FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

9-08-89

CO/1305

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) David Bayless Phone (208) 888-2053Mailing Address 3860 N. Meridian Rd., Meridian, ID Zip 836422. Date of Priority (Only one (1) per claim) June 1, 18773. Source of water supply (a) Boise, Riverwhich is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 3N Range 2E Section 9,
1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of Ada

Additional points of diversion if any: _____

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

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

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

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

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

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

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount .2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 119 acre feet per annum.

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

10. Description of place of use:

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

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

| TWP | RNG | SEC | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|-----|-----|-----|--------|---------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
| | | | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | |
| 4N | 1E | 31 | See | Exhibit | C | | | | | | | | | | | | | | 20 |
| 4N | 1E | 31 | See | Exhibit | C | | | | | | | | | | | | | | 14 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 34

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

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

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

14. Remarks: A power of attorney (Exhibit A) provides written authorization for the Chairman of Settlers Irrigation District to file this claim.
This water right is evidenced by transfer no. 357 (Exhibit C).

Last Name Bayless Ident No. _____

Copies: White - State, Yellow - Claimant

AUG 17 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree x
If applicable provide IDWR Water Right Number 63-0198
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 3

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

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

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

Signature of Authorized Agent Don Smithger

Title and Organization Chairman / President

Date 8/15/89

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

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

SEAL

Notary Public Zoeann M. Bicardi

Residing at Meridian, Idaho

My Commission Expires 8-1-93

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

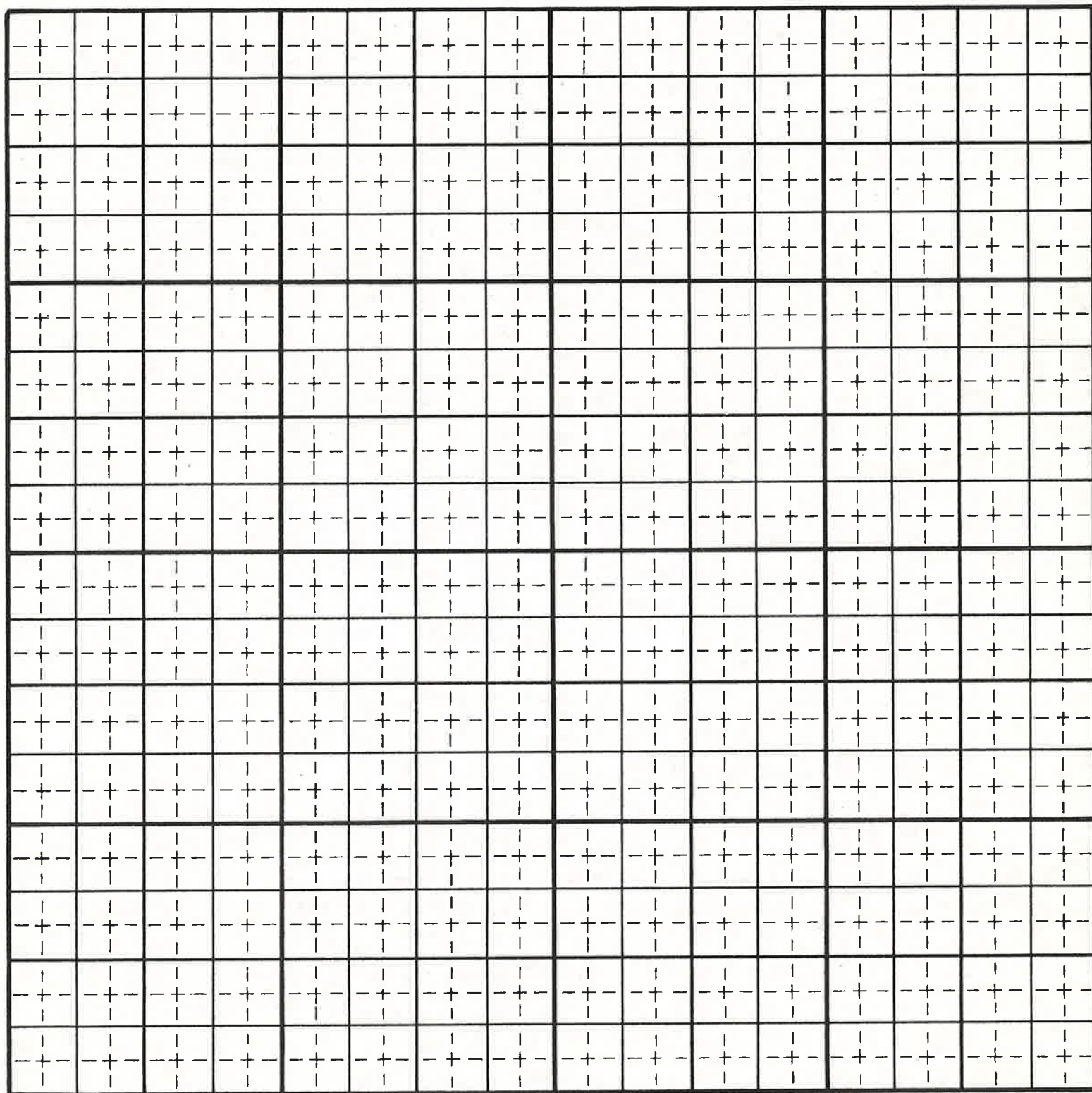
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Last Name Bayless Ident. Number _____

Copies White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile see Exhibit B



Last Name Bayless Ident No. _____

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Copies: White-State, Yellow-Claimant
AUG 17 1992

LIMITED POWER OF ATTORNEY

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

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

August 4th 1989
Date

David N. Bayless
Signature
DAVID N. BAYLESS
(Please print full name)

August 4th 1989
Date

Eunice J. Bayless
Signature
EUNICE J. BAYLESS
(Please print full name)

EXHIBIT A
AUG 17 1992

IRRIGATION WATER SOURCES

Data based on 1975 agricultural season



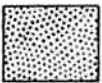
Private groundwater diversions



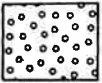
Combined small district and private Boise River diversions



Boise - Kuna Irrigation District (Boise River diversion)



Eagle Island Water Users (Boise River diversion)



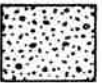
Farmers Union Ditch Co. (Boise River diversion)



Little Pioneer Ditch Co. (Boise River diversion)



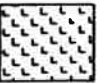
Nampa - Meridian Irrigation District (Boise River diversion)



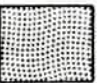
New York Irrigation District (Boise River diversion)



Pioneer Irrigation District (Boise River diversion)



Settlers Irrigation District (Boise River diversion)



Private Boise River tributary diversions



District surface water and supplemental private groundwater diversion

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EXHIBIT

B

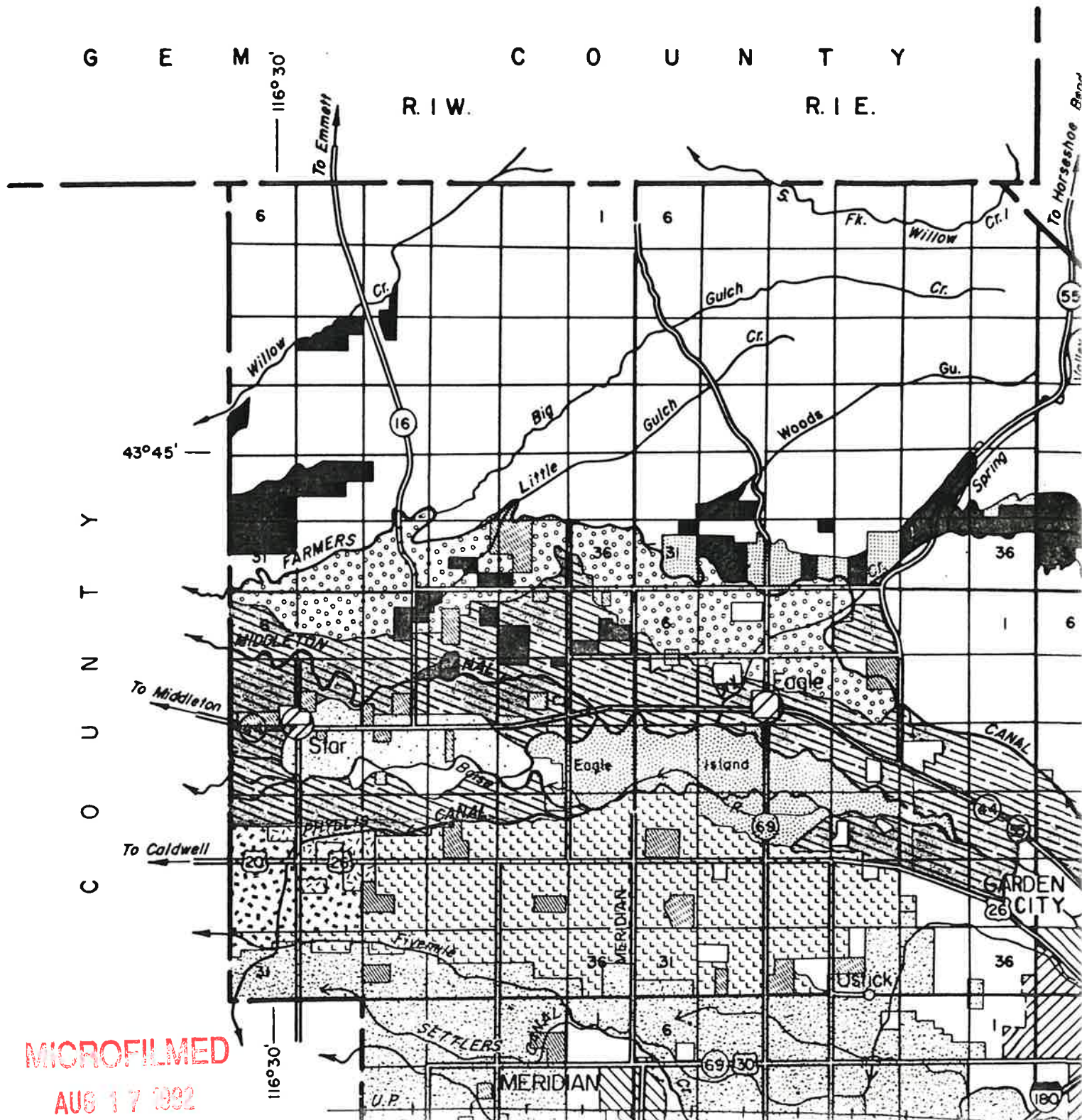
Blumberg No. 5116



G E M M C O U N T Y

R. I. W.

R. I. E.



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63-0198

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 357.

This is to certify that Nellie B. Whitaker, of Boise, County of Ada, State of Idaho, has a right to the use of the waters of Boise River, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Seventh Judicial District of the State of Idaho, In and for the County of Canyon, in the case of Farmers' Co-operative Ditch Company, plaintiff, vs. Riverside Irrigation District, Ltd., et al, defendants, wherein certain water was decreed to the Middleton Water Company's ditch, for use upon lands under said ditch, said right bearing date of priority of June 1, 1877; that said decree is now on file in the Department of Reclamation of the State of Idaho, at Boise; that, upon the application of the said Nellie B. Whitaker for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 0.8 second feet of the waters of Boise River is hereby abandoned upon the lands above described and used instead upon a tract of land described as follows, to-wit:

"The easterly one-half of the following described property, commencing at quarter on the West side of Section thirty-one (31), Township four (4) North of Range one (1) East of Boise Meridian, running North 89° 58' East 36.61 chains to center of said Section thirty-one (31); thence South 10.92 chains; thence South 89° 58' West 56.61 chains to West line of said Section thirty-one (31); thence North 10.92 chains to place of beginning. Area twenty acres more or less.

WESLW
(N 112)

"Also the tract commencing at the Southwest corner of Section thirty-one (31), Township four (4) North, of Range one (1) East of Boise Meridian, Idaho, and running thence North 89° 58' East 26.60 chains to a point on the south line of said Section thirty-one (31), the place of beginning; thence North 20 chains to a point; thence North 89° 58' East, ten (10) chains to a point; thence North 9.08 chains to a point; thence South 89° 58' West 11.692 chains to a point; thence South 29.08 chains to the South line of Section thirty-one (31); thence North 89° 58' East 1.692 chains to place of beginning containing fourteen acres, more or less, together with all water rights, ditches, laterals, headgates, pertaining to the above described lands."

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

0.2 sec. ft., dated June 1, 1877.

The to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of the State of Idaho.

WESLW, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 5th day of May, 1935.

W. C. SWENDSEN
Commissioner of Reclamation

By

ASSISTANT

EXHIBIT C

Application for Transfer of Water Right

STATE OF IDAHO,

County of Ada,

SS.

Nellie B. Whittaker

, being first duly sworn, deposes and says:

That ^{her} name is Nellie B. Whittaker

; that she is of lawful age, a citizen

of the United States and of the State of Idaho, and that ^{her} postoffice address is

#1208 Franklin St. Boise, Idaho.

June 1. 1877

That she is the owner ~~and using a~~ certain water right, bearing date of priority of 19

for cubic feet per second of the waters of Boise River

County of Ada State of Idaho, decreed to Middleton Water Co.

by decree of Judge, Stewart of the 7th Judicial District of the State of

Idaho, in and for the County of Canyon

, in the case of *James B. B. B.*vs. *Reinold Cling. Dist*, said decree bearing date of Jan. 1906,

(or obtained by virtue of License No. , issued by the State Engineer of the State of Idaho,

dated , 19, bearing date of priority of *Jan. 1897*, 19)

for the purpose of irrigating the following described lands situate, lying and being in Water District

No. 12A in the County of Ada and State of Idaho, to-wit: *Land under**Middleton Water Co. ditch as indicated by said decree*

and is the person (or representative of

the corporation) to whom such right so issued, or has become the owner thereof in the following man-

ner, i. e. by purchase of stock in the corporation

3/26/1990

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

David Bayless

CLAIM IDENT. NO.

AG3-00198A

DATE RECEIVED

9/8/89

CK #

06/305

AMOUNT \$

84

Required

- | | YES | NO | Info? |
|--|-------------------------------------|--------------------------|-------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? (see Item No. 17 for checking other water rights) | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the basis of claim is shown as license, permit or decree is the existing water right number listed? (If yes, compare claim with the existing water right and either attach a proof report or state in comments that existing right was compared to claim) | ☒ | ☐ | |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. on the claim? (If yes, describe these rights in "Comments") NOTE: If the claim is for domestic/stockwater this check is not as necessary unless it is indicated there is an existing right | ☒ | ☐ | |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 20. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 21. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 22. Is the fee enclosed correct? | ☒ | ☐ | * |

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YES NO

23. Should this claim be receipted and data entered?

Claim checked by:

Bruce A. Schmidt

Date:

5/9/90

Claim must be returned to claimant:

☐ (Yes) ☒ (No)

Claimant must be notified of modifications:

☐ (Yes) ☒ (No)

Receipt Prepared by:

Shaff

Date:

8/8/90

Claim data entered by:

Schmidt

Date:

5/9/90

Checked by:

B.A.S.

Date:

5/9/90

Sent to claimant by:

Date:

Comments:

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